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CHAPTER 2

ADMINISTRATIVE RULES FOR CERTIFICATION
OF CHILD CARE FACILITIES

DEFINITIONS

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CHAPTER 2
ADMINISTRATIVE RULES FOR CERTIFICATION
OF CHILD CARE FACILITIES
DEFINITIONS

Section 1. **Definitions.**

- (a) “Adult” means any person who has attained the age of majority.
- (b) “Applicant” means any person who submits an application to the Department of Family Services for a child care license.
- (c) “Application” means the form on which a person indicates, in writing, a request to become licensed, renew a license, or change information on the license. The individual who will be legally responsible for the operation of the facility which includes assuring compliance with the licensing law and rules shall apply for the license, using the form provided by the Department.
- (d) “Authorized fire inspector” means the representative of the Department of Fire Prevention or in localities where self-enforcement of minimum standards exists, the official fire inspector.
- (e) “Authorized health inspector” means the representative of the Department of Agriculture or in localities where self-enforcement of minimum standards exists, the official health inspector.
- (f) “Auxiliary Staff” means any employee, substitute, volunteer, household member in the case of facilities that are operated in the provider/director’s home, or other person who may or may not work directly with children but is not used to meet staff ratios and is not counted as such.
- (g) “Biennial” means once every two (2) years.
- (h) “Biennium” means the two (2) year period, coinciding with the facility licensure dates, in which training hours must be obtained.
- (i) “Certification” refers to the laws governing the issuance of a child care license in accordance with W.S. § 14-4-101 *et seq.*

(j) "Change Request" means the application form on which a provider/director requests a change to the child care license.

(k) "Child" means any person under the age of majority.

(l) "Child abuse or neglect" means the improper treatment of children as defined in W.S. 14-3-202(a) (ii) and 14-3-202(a) (vii), and as defined in Chapter 1 of the Rules and Regulations Governing Child Protective Services.

(m) "Child care" is a service for families provided on behalf of children and their parents, and designed to supplement daily parental care.

(n) "Child Care Center (CCC)" means any business operated by a private person, partnership, association or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where sixteen (16) or more children receive care for part of the day.

(o) "Child Care Certification Board" means the board mandated by W.S. 14-4-103.

(p) "Child caring facility" means any business, for profit or non-profit, which provides care for children at the request of the parents, legal guardians or an agency that is responsible for those children.

(q) "Child with special needs" means a child evaluated as having autism, deaf-blindness, a developmental disability, an emotional disability, a learning disability, a mental disability, hearing impairment, multiple disabilities, orthopedic impairment, speech or language impairment, traumatic brain injury or visual impairment including blindness, or significant chronic illness, who require special health surveillance or specialized programs, interventions, technologies, or facilities.

(r) "Child Safety Restraint System" means any device which is designed to protect, hold or restrain a child in a privately owned, leased or rented noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident or sudden stop and which conforms to the standards prescribed by 49 C.F.R. 571.213 or to applicable federal motor vehicle safety standards in effect at the time of manufacture.

(s) "Complaint" means a report to child care licensing that a child care facility is in or has been in violation of these Rules.

(t) “Cooperative child care” means parents exchanging care on a mutually reciprocal basis, without offering payment or membership benefits for the care provided.

(u) “Critical height” means the maximum height a child may climb, sit or stand.

(v) “Department” means the Department of Family Services including both the central office in Cheyenne and the field offices throughout the State of Wyoming.

(w) “Developmentally appropriate” means suitable to the chronological age range and developmental characteristics of a specific group of children.

(x) “Diarrhea” means three (3) or more loose stools in a 24-hour period.

(y) “Direct supervision” means within sight and sound.

(z) “Director” means any person who applies, qualifies for, and is issued a Child Care Center or Family Child Care Center license.

(aa) “Discipline” means a process by which staff assists children to develop inner control necessary to manage their own behavior in a socially approved manner.

(bb) “Family Child Care Center (FCCC)” means a child care facility in which care is provided for a maximum of fifteen (15) children for part of a day, which may be in a residential or commercial type structure.

(cc) “Family Child Care Home (FCCH)” means a licensed child care facility in which care is provided for no more than ten (10) children in the primary residence of the provider.

(dd) “Group size” means the maximum number of children allowed to occupy an individual classroom or well defined space.

(ee) “Household member” means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.

(ff) “Immediate family” means siblings (including step and half siblings) who live together with their parent(s), step parent(s) or legal guardian(s) in the same residence.

(gg) "Imminent danger" includes threatened harm, and means a statement, overt act, condition or status that represents immediate and substantial risk of sexual abuse or physical or mental injury.

(hh) "Infant" means any child in care from birth to twelve (12) months of age.

(ii) "Initial license" means the first license issued when a facility has never been previously licensed.

(jj) "Licensee" means the person or entity that is granted permission by the State of Wyoming to operate a child care facility.

(kk) "Licensor" means the representative of the Department of Family Services who performs inspections and enforces compliance of these rules.

(ll) "Licensing authority" means the Department of Family Services operating as the department which issues licenses, makes inspections, enforces rules and handles all administrative details relating to enforcement of W.S. 14-4-101 through 14-4-116.

(mm) "Multiple Location Facility (MLF/FCCC or MLF/CCC)" means any child care facility that is part of a business operating Family Child Care Centers (FCCC) or Child Care Centers (CCC) at multiple locations.

(nn) "Non-renewal" means the action taken when a request for renewal has been submitted by the provider/director but the content of the request does not demonstrate compliance with these rules and a license cannot be issued.

(oo) "Occasional child care" means the care of a neighbor's or friend's child if the care-taking person does not regularly engage in this activity.

(pp) "Premises" means a tract of land and the structures on it.

(qq) "Preschool age child" means any child in care from three (3) to five (5) years old.

(rr) "Provider" means any person who applies for and is issued a Family Child Care Home license, or a person who is providing child care without a license.

(ss) "Relative" means an individual who is through marriage, blood relationship, or court decree, the parent, grandparent, great-grandparent, sibling, aunt or uncle of a child receiving child care.

(tt) "Request for renewal" means the Child Care Inspection Report, renewal fee and all supporting documents that demonstrate compliance with these rules.

(uu) "Resilient surface" means the surface under and around playground equipment that reduces the risk of serious injury from a fall.

(vv) "Safety belt" means a passenger restraint that was installed when the vehicle was manufactured.

(ww) "School age children" are children who are enrolled in first grade or higher or are six (6) years or older.

(xx) "Staff" means any provider, director, household member, employee, substitute, or volunteer working directly with children and used to meet staff:child ratio requirements. Minimum age of staff must be sixteen (16) years.

(yy) "Staff:child ratio" means the maximum number of children permitted to be directly cared for per staff member.

(zz) "Substantiated report" means any report of child abuse, neglect, and/or child care rules violation made to the Department in which it is determined after an investigation, that a preponderance of evidence of the alleged abuse, neglect, and/or violation exists.

(aaa) "Summer camp" means any program that is operated by a non profit organization during the summer months for less than 30 calendar days (160 hours) per child per year and whose program orientation is primarily recreational or centered around the teaching of one subject matter.

(bbb) "Swimming pool" means any body of water containing more than twelve (12) inches of water, which could be used for the purpose of swimming, wading or any other recreational activity.

(ccc) "Toddler" means any child in care from twelve (12) to thirty-six (36) months of age.

(ddd) "Training hours" means hours for which training has been approved for the purposes of fulfilling the licensing training requirements.

(eee) "Unsubstantiated report" means any report of child abuse, neglect, and/or child care rules violation for which it is determined after an investigation, that a preponderance of evidence of the alleged abuse, neglect, and/or violation does not exist.

(fff) "Use zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.

(ggg) "Visitor" means an individual who is present in a child care facility for no more than sixteen (16) hours in a month and who is present only for the purpose(s) of providing a program, service, conducting an inspection, investigation, observation or evaluation, and who is not counted in staff:child ratios, does not supervise children and is within sight and sound of a staff member at all times.

(hhh) "Volunteer" means any person acting as staff or auxiliary staff without any form of payment or compensation. Minimum age for a volunteer is sixteen (16) years.

(iii) "Wading pool" means a portable, above ground basin filled with twelve (12) or fewer inches of water, and designed for the purpose of wading.

(jjj) "Weapon" means, but is not limited to, a firearm, explosive or incendiary material, or other device, instrument, material or substance, which in the manner it is ordinarily used, or is ordinarily intended to be used, is reasonably capable of producing death or serious bodily injury.

(kkk) "Youth Trainee" means a youth age thirteen (13) to sixteen(16) that is not acting as staff or auxiliary staff and not receiving any form of payment or compensation.