Child Care Licensing Division Complaint Policy and Procedures

Purpose

The purpose of the Child Care Licensing Division 's complaint policy and procedures is to balance the needs of children for safe, healthy and appropriate care, the needs of parents for accurate information in order to make informed choices, and the needs of child care facilities for fairness and protection of their reputations and businesses.

The Child Care Licensing Division responds to complaints of a regulatory or statutory nature. Non-regulatory and non-statutory complaints are not assessed and are not shared with individuals seeking compliance information on child care facilities. All complaints regarding child abuse or neglect are immediately reported to the Department of Human Services (DHS) Child Welfare division and if appropriate, law enforcement. The Child Care Licensing Division assists the above agencies in investigating these complaints, if requested.

If an individual wishes to know how the Child Care Licensing Division handles complaints on licensed child care facilities and possible unlawful care, Child Care Licensing Division staff will inform the individual of these complaint procedures.

Definitions

A complaint is a formal statement, written or verbal, alleging a person or facility providing child care violated a state law or administrative rule.

A serious complaint is defined in administrative rule and alleges one or more of the following:

- Children are in imminent danger
- There are more children in care than allowed by law
- Corporal punishment is being used
- Children are not being supervised
- Multiple or serious fire, health, or safety hazards exist in the facility
- There are extreme unsanitary conditions in the facility
- Adults are in the facility who are not enrolled in the Child Care Licensing Division 's Central Background Registry
- Unlicensed Child Care

Receipt of Complaints

Complaint allegations are handled through the Child Care Licensing Division 's Central Office in Salem. An individual wishing to make a complaint may call 503-947-1400 or 1-800-556-6616 to speak to a Child Care Licensing Division staff member. When there is an allegation of unlawful care, the Child Care Licensing Division is authorized to assess only the number of children in care, and not whether there are other statutory or regulatory violations.

Complaints are accepted in writing, by phone, by fax or online from the DELC website here: https://www.oregon.gov/delc/families/Pages/child-care-safety.aspx#HowToMakeAComplaint. Complaints may come from state and local agencies, and others, including but not limited to DHS, law enforcement, Child Care Resource and Referral (CCR&R) programs, the United States Department of Agriculture Child and Adult Care Food Program (USDA CACFP), other child care facilities, parents, or the general public.

The Child Care Licensing Division's response to complaints received from individuals without first-hand information will be determined by an assessment of the source of the information and the nature of the allegation. When appropriate, such complainants will be asked to encourage the first-hand source to contact the Child Care Licensing Division directly.

An individual may make a complaint anonymously. However, the Child Care Licensing Division encourages individuals to provide their contact information so they can be contacted by CCLD if additional information is needed. CCLD will not disclose complainant information.

Complaint Assessments

An on-site assessment will be conducted by Child Care Licensing Division staff when a complaint is received. On-site visits will be made on an unannounced basis. The visit will include an observation of the facility, staff interviews, and technical assistance to the facility, as appropriate. Parent and other collateral interviews may also be conducted.

As the result of the on-site visit and complaint assessment, allegation(s) will be found:

Valid: When a reasonable person could conclude the noncompliance occurred based on the evidence.

Invalid: When a reasonable person could not conclude the noncompliance occurred based on the evidence.

Unable to Substantiate: When a reasonable person could not decide whether the noncompliance occurred because of conflicting evidence or because information is not available.

If, during the on-site visit Child Care Licensing Division staff observe a noncompliance that is not alleged in the complaint, the noncompliance will be treated as an observed noncompliance.

Following the conclusion of the investigation, Child Care Licensing Division staff will prepare and mail to the child care facility a summary report of the findings, conclusions, and if appropriate, the actions required of the facility to come into compliance. A follow-up visit may occur to confirm compliance.

In some cases a fine, called a civil penalty, may be imposed on a licensed child care facility, or a facility that is providing unlawful care.

Quality Recognition and Improvement System (known as Spark): A facility's Spark rating may be impacted by a valid finding or observed noncompliance.

Compliance Information: Retention and Disclosure

Complaint allegations received by the Child Care Licensing Division are public records and are retained in the child care facility's file. ORS 162.305 prohibits the destruction, removal, or alteration of a public record.

The Child Care Licensing Division 's policy is that "pending" complaints that are in the process of being assessed will not be disclosed. When an assessment is completed, complaint information will be posted to the child care safety portal shared with the public through compliance history inquiries, as described below:

- Complaints found **Invalid** will not be shared with the public.
- Complaints found **Unable to Substantiate** will be shared with the public for two years after the complaint assessment.
- Complaints found **Valid** will be shared with the public for 10 years after the complaint assessment.
- **Observed Noncompliance** will be shared with the public for 10 years after the complaint assessment.

A child care facility has the right to submit a written response to a complaint and observed noncompliance. The response as well as other compliance history will also be posted to the Child Care Safety Portal and disclosed to the public via telephone or a public records request.

The public will be provided with a full explanation of the retention timeframes and the meaning of each type of complaint.

Under the public records law, and upon written request, the public will be provided copies of a child care facility's complete compliance history, not subject to the above retention timeframe limitations for that information.

Right to Request a Finding's Review

If a child care facility does not agree with the findings of a complaint assessment, the provider or director may request a findings review. Child Care Licensing Division staff will provide an additional copy of the procedure for a findings review (CCLD-0125) and Request for Findings Review form (CCLD-0126) upon request.

You are entitled to language assistance services and other accommodations at no cost. If you need help in your language or other accommodations, please contact the Child Care Licensing Division at 503-947-1400.