

Department of Early Learning and Care-Chapter 414

CERTIFIED FAMILY CHILD CARE - Division 350



Administrative Rule Update Effective January 2024

House Bill 2468 required DELC to change certified family rule language to not include the provider's own children 10 years of age and older in capacity or staff-to-child ratios, unless the child has a disability or special need that requires a higher level of care.

The Early Learning Council (ELC) adopted rules for certified family on December 6, 2023 to address this change. These rule changes will be effective starting January 1, 2024. Child Care Licensing Staff can help providers understand this rule change.

414-350-0120 Caregiver/Child Ratios and Supervision

Changed rules:

- (1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance. The required caregiver/child ratios shall be met at all times. This includes:
 - (a) All child care children, as defined in OAR 414-350-0010(9);
 - (b) The provider's own child(ren), including foster child(ren), 9 years of age or younger;
 - (c) All other caregivers' own children age 12 years or younger;
 - (d) Any other children age 12 years or younger for whom the provider is responsible; and
 - (e) Any child(ren) age 17 years or younger, including the provider's own children, foster children, child care children, or other children for whom the provider is responsible, with special needs or disabilities who require a level of care that is above normal for the child's age.

- (2) Other children, including but not limited to relatives, neighborhood children or friends of the provider's children, are included in the maximum number of children allowed in care if present in the child care home during operating hours on a regular basis or if present on an occasional basis without being directly supervised by the child's parent or other adult who is not also caring for child care children.