



### Administrative Rule Update Effective January 2024

House Bill 2468 required DELC to change registered 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 registered family on December 6, 2023 to address this change. These rule changes will be effective starting January 1, 2024. Child Care Licensing Division Staff can help providers understand this rule change.

## 414-205-0065 Children in Care

### Changed rules:

- (1) A family child care provider may care for a maximum of 10 children. This includes:
  - (a) All child care children, as defined in OAR 414-205-0010(4);
  - (b) The provider's own children, including foster children, age 9 years or younger;
  - (c) Any other children age 12 years or younger for whom the provider is responsible; and
  - (d) Any children 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) Of the 10 children in care, the provider may care for:
  - (a) A maximum of six children preschool age or younger, of which only two children may be under 24 months of age.
  - (b) Four school-age children, in addition to the six children preschool-age or younger.
  - (c) More school-age children if there are fewer than six children preschool-age or younger, as long as there are no more than 10 children in the home at any one time.
  
- (3) Other children, including but not limited to relatives, neighborhood children or friends of the provider's children, are included in the maximum number of 10 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.