

CHILD CARE LICENSING ENFORCEMENT PROGRAM

Regulatory Responsibility

The Kansas Department for Children and Families Foster Care Licensing (FCL) Program is responsible for maintaining an effective regulatory program through the promulgation of basic health, safety, and care standards for the operation of child care facilities.

Enforcement Philosophy

The underlying philosophy of the FCL enforcement program is that good beginnings last a lifetime. If child care providers are adequately prepared from the beginning and have a good understanding of the regulations, the majority will voluntarily maintain their facility in substantial compliance.

Responsibility for Compliance

The ultimate responsibility for compliance lies with the licensed child care provider. The Department is responsible for conducting initial and annual inspections and complaint investigations, notifying the provider in writing of the noncompliance found, and giving the provider an opportunity to reach and maintain compliance. Higher level sanctions (enforcement actions) are available to the Department to enforce compliance when the child care provider fails to comply.

Administrative Orders and Sanctions Available to the Secretary Include:

Emergency Suspension of temporary permit, license (K.S.A. 65-524)

The secretary may authorize emergency closure when necessary to protect any child from abuse, neglect, abandonment or other substantial threat to health or safety. The Orders are effective immediately. Once issued, the suspension remains in effect until it is formally lifted or the facility is closed.

***Note:** Applicants and Licensees may continue to operate after issuance of the Administrative Orders listed below. Orders become effective following the completion of due process. If there is no appeal, this takes about 18 days. If there is an appeal, the process may continue for months. For more information, visit the [Office of Administrative Hearings website](#).*

Intent to Deny a License for a Child Care Facility (K.S.A. 65-504)

The secretary may deny an initial application for failure to comply with child care statutes and regulations. If denied, the applicant may immediately reapply.

Intent to Assess a Civil Penalty (K.S.A.65-526)

A civil penalty may be issued for violations of child care statutes or regulations that significantly and adversely affect the health, safety or sanitation of children in care. Civil penalties may be issued alone or in conjunction with another order.

Intent to Suspend a temporary permit or license (K.S.A. 65-523)

The secretary may issue a suspension for violation of child care statutes or regulations. This is an interim sanction used when corrective action has failed.

Intent to Revoke a license (K.S.A. 65-504)

The secretary may revoke a license for failure to maintain a facility with strict regard for the health safety and welfare of the children, for a documented pattern of repeat violations over time that directly affect the health, safety and welfare of children, for prohibited persons living in the facility, or for isolated incidents when the incidents are so egregious that

children have been harmed or are in imminent danger or significant risk. If the license is revoked, the Licensee is not eligible to reapply for a license for one year. Pursuant to K.S.A. 2010 Supp 65-504(e), if the secretary revokes or refuses to renew a license of a licensee who repeatedly fails to comply or contributes to the death or serious bodily harm, the licensee is permanently prohibited from applying for a new license to provide child care or from seeking employment under another licensee.