

DATE: February 10, 1999
TO: Licensed Family Day Home Providers
FROM: Carolynne Stevens, Director
Division of Licensing Programs
SUBJECT: New Law Requirements

Beginning July 1, 1998, two changes were made in the law which affect licensed or regulated child care providers:

1. For any child entering your program, you must -
 - A. Verify the identity and age of the child within seven business days of the first day he attends your program;
 - B. Write in the child's record what you saw to verify his age and identity;
 - C. Obtain from the person enrolling the child, the names of all child care programs and schools the child has attended and the city and state where the child care programs and schools are located;
 - D. List in the child's record the names of all child care programs and schools the child has attended and the city and state where the child care programs and schools are located;
 - E. Notify the local law enforcement agency if the information on the child's age, identity, and previous child day care and schools is not provided within seven business days of the first day the child attends your program.

2. For any child currently enrolled in or entering your program, you must -

In writing, inform the parents or guardians of each child in your program the percentage of time per week that persons other than you, the provider, will care for the child. Maintain a copy of this notification in the child's record.

Since the law was changed, there have been many questions about proving the identity and age of children. Attached is a list of questions and answers that may help you better understand the law.

If you have questions about either law change, contact your licensing specialist.

CHS/kc

Attachment

PROOF OF CHILD IDENTITY AND AGE

A summary of HB 946 (1998) was sent to regulated child day programs this June. Since that time, there have been numerous questions on implementing this new law. These questions and answers are summarized below for your information.

1) What can be accepted as proof of the child's identity?

- A. *Certified birth certificate;*
- B. *Birth registration card;*
- C. *Notification of birth (hospital, physician, or midwife record);*
- D. *Passport;*
- E. *Copy of the placement agreement or other proof of the child's identity from a child placing agency;*
- F. *Record or report card from a public school in Virginia; or*
- G. *Certification by a school principal or his designee from a public school in the US. that a certified copy of the child's birth record was presented to the school.*

NOTE: *Providers do not need to keep proof of identity and it is illegal to photocopy birth certificates. You must write in the child's record what you saw as proof.*

NOTE: *Viewing the child's proof of identity is not required when the child attends a public school in Virginia and the provider assumes responsibility for the child directly from the school (provides after school care) or the provider transfers responsibility of the child directly to the school (provides before school care).*

2) A birth certificate from another country may be in a language I cannot read - what should I do?

With a birth certificate in another language you may want to have someone translate it or if you have concerns about it you may want to contact your local law-enforcement agency.

3) Parents will enroll infants before they are born. How does the law apply in this situation?

Since it is not feasible to present information on an infant's identity and age before birth, the program should notify the person enrolling the infant of the requirements of the law and state that the necessary information is required within seven business days of the infant's first day of attendance.

- 4) Sometimes a grandparent enrolls a child and this grandparent may not have a birth certificate.

There will be situations when the person enrolling the child will not have a certified birth certificate or other reliable proof of the child's identity and age. When this occurs, the program's responsibility is to notify the local law enforcement agency. The inability to present this information does not prohibit the enrollment or attendance of the child. The program needs to document that the local law enforcement agency was contacted.

- 5) Sometimes a parent is moving from another state and their belongings (including the child's birth certificate) are packed and will not arrive for another month. How should we handle this situation?

If the person enrolling the child cannot present the child's certified birth certificate or other reliable proof of the child's identity and age within seven business days of the child's first day of attendance, the program would need to notify the local law enforcement agency. This would not affect the child's attendance at the program.

- 6) Is a Social Security card acceptable as proof of identity?

The law requires proof of identity and age. A Social Security card does not include the child's age so would not be acceptable.

- 7) Is it necessary for programs to require the information stated in the law if the child attends two or fewer consecutive days or when there is no regular attendance?

It is necessary for programs to require this information even if the child attends two or fewer consecutive days or when there is no regular attendance. If the child attends two or fewer consecutive days or there is no pattern of regular attendance then the program would not need to notify the local law enforcement agency if the person enrolling the child does not provide the required information. If there is a "pattern" to attendance this would be considered "regular" attendance.

- 8) How are we going to require programs to document the proof of age and identity on new admissions of children?

This information must be included as a statement in the child's individual record which notes the child's place of birth, birthdate, and birth certificate number and date issued. If another item such as a hospital notification of birth is used as proof of age and identity, the record must include the provider's statement of what she saw as proof. We are in the process of updating the model Information and Agreement form for licensed family day homes. The Health and Safety

Checklist for voluntarily registered homes has been revised to include this information.

- 9) If a public school in Virginia mails or faxes the school physical to the child day program, would this be acceptable proof of age and identity?

This would not be acceptable. A statement from a public school on letterhead that assures a certain child is or was enrolled in the school and the statement is signed by the principal or other designated official would be acceptable.

- 10) Are fingerprint cards acceptable as proof of the child's identity?

Fingerprint cards are not acceptable since there is no need to prove the child's identity to obtain these cards.

- 11) When the law refers to child day programs requiring information from the person enrolling the child regarding previous "child day care" and schools attended, does this include home-based care?

This refers to all regulated and unregulated settings whether center-based or home-based.

- 12) Is a report card considered a "record from a public school in Virginia?"

This would be acceptable as proof of the child's identity as long as it is an original or carbon copy (not a Xerox copy) from a public school in Virginia. The name of the school would need to be on the report card to indicate that it is a school record. The child's date of birth would not need to be on the report card since by law public schools should have already checked this.

- 13) What is the purpose of requiring programs to obtain information on previous day care programs and schools attended since this information needs to be kept confidential? How far back do you have to get a record on these programs - for school age children attending various camps, this could be a lot of programs.

The local law enforcement agency could obtain access to these records under certain circumstances. The law requires family day homes to require from the person enrolling the child information on all previous programs and schools his child attended. The person enrolling the child should provide the names of the programs and schools his child attended and their location (city and state) to assure proper identification of the program(s) or school(s). You might also want to request the dates of attendance at these programs and schools.