

Betsy Cummings
Senate Rehabilitation and Social Services Committee
January 27, 2017

Good morning Mr. Chairman and members of the Committee. My name is Betsy Cummings. I am a veteran of the United States Navy, where I was only able to serve six years on active duty until I took medical retirement. My son, Dylan Cummings, was 7 weeks old when he passed away at his religious exempt child care program. His sudden and tragic death led to a depression that took my life in a different direction than the Navy career I had originally planned.

I want to tell you about my experience in license-exempt care and why Senator Hanger's bill is needed.

My son, Dylan, died in a religious license-exempt program in Norfolk in 2010. As a 22 year old Navy boatswain mate and first time mother, I was a bit anxious when looking for child care. When I toured Little Eagles Day Care, run out of Bethel Temple Church of Deliverance, I was comforted in meeting the caring staff. My ex-husband and I actually toured with them twice just to be sure that we felt comfortable with this facility. I felt safe and comforted by their kindness, their cleanliness, and the fact that the assistant director, who gave us the tour both times, told me about the 4 to 1 ratios for care givers to infants. And yes, a part of me felt safe that this House of God would be a warm and loving place for my son. I was not a child care law expert. So, I didn't know that this program was license-exempt. I was just a parent looking for safe, loving child care.

When the Child Protective Service ladies came to my home the morning following Dylan's death, after watching the medical examiner perform the autopsy on Dylan, they told me and my family that Dylan's day care was religiously exempt. We didn't know that. We didn't even know what that term meant. I thought they were a licensed child care program.

There was an investigation following my son's death on May 25th, 2010. A report was released by the Licensing Division of the Virginia Department of Social Services that found that Dylan was one of 10 babies in the infant room for children one year old and younger. According to the Fire Marshall, they were supposed to have no more than 9 children under the age of two and a half, but on the day of Dylan's death, according to the log in sheet, there were 24 children under the age of two and a half in attendance that day.

The infants were in cribs in a room that that Fire Marshal had labeled as an electrical store room. The room had poor ventilation and Dylan had been placed on his stomach to sleep. This happened even though I asked the staff to place him on his back to sleep as recommended by the National Academy of Pediatrics Back to Sleep Campaign. My pediatrician gave me this information and so did the Navy.

Dylan was just 7 weeks old. He was too young to rollover or to lift his head. The report by the Department of Social Services said that the program had too few staff. In fact, on this day, there were only 2 care givers for the infant room. At the time of Dylan's death, one of those two care givers left the building to go to a doctor's appointment while the other care giver, who was left to watch 10 infants by herself went to the other side of the building, 53 feet away from Dylan and the other sleeping infants to socialize with the other workers and eat her lunch, only checking on the infants every now and then by scanning the dark room from the door way. The one CPR certified care giver that was supposed to be on the premises left to get KFC for lunch. The report cited insufficient training, and unsafe practices – particularly with regard to infant sleep.

It's ironic that I chose a church-based program for Dylan because I thought that's where he would be safest, only to find out after he died, that the program was license-exempt, meaning that it operated without having to comply with even the most basic of safety precautions for children.

My case went to court. A judge dismissed felony charges against the owner and staff. The Judge said, *"while the Court is certainly sympathetic... the remedy for this situation lies in the sound discretion of the General Assembly, not with the Judiciary."* Members of the Committee, in short, no laws or rules had been violated because none applied.

For me, this is not a war on religion. In fact, I feel as though it my calling from God to strengthen child care regulations so all children are safe and parents have peace of mind when they drop their children off every day to go to work. I don't want my son's death to be in vain. It is for him that I am here today.

Senator Hanger's bill, SB1239, will keep license-exemptions, but will make sure that some minimum information for parents and protections for children are in place. I didn't know that the program was license-exempt. I didn't know that there were 14 categories of these places in Virginia. Senator Hanger's bill will require a notice in a public place so parents will know when programs operate under a license-exemption. The bill also requires some minimum protections for children like a staff person certified in CPR and safe sleeping practices for babies.

Children should be safe in child care. That's the number 1 priority for working parents. Senator Hanger's bill will make sure that those programs operating with a license exemption have at least a few safety rules that apply. I don't think that's too much to ask. It is what parents expect.

I am hopeful that this is what the Committee wants as well. Please support Senator Hanger's bill today.