



Family Child Care Homes in Virginia

More than 60 infants have died in unlicensed child care in the past 10 years.

- ✗ VA does not license child care homes until 5 unrelated children are in care.
- ✗ There is no state regulation for small family child care homes in VA, which means no background check, no minimum health & safety training, and no inspections. (Local ordinances in Arlington, Alexandria and Fairfax County license or permit small providers).
- ✗ No requirements for fire extinguishers, working smoking detectors, evacuation plans or lists of children required in unlicensed care.

VA Fast Facts

- 387,037 children under age 6 have working parents
- 496,000 children between age 6 & 12 have working parents



Matthew and Jacquelyn Allen both worked full-time. They selected a home child care provider with more than 20 years of experience who told them that she only cared for 5 children. *(At that time, Virginia did not require a license until 6 unrelated children were cared for in a provider's home).*

On October 21, 2014, a fire broke out in the provider's house. She told emergency responders she had evacuated all 7 of the children in her care. On the fire fighters' second sweep through the house, they found 1 year old Joseph Allen, strapped in a car seat that was not his, upside down, in the provider's upstairs master bedroom where she left him alone and unattended. Joseph was rushed to VCU Medical Center but died on October 22 from acute thermal inhalation.

At a minimum, the provider was caring for 8 children. On some days, she cared for 10. She should have had a license. Licensed providers in Virginia must have a fire extinguisher in the kitchen, working smoke detectors, and a practiced evacuation plan. They must also keep an accurate list of children in their care. On the day that Joseph died, the provider had none of these things.

But, in Virginia a legislative loophole requires only providers with 5 or more children to get a license. This means providers caring for 4 or fewer children do not have the health and safety training they need and no one checks to see if they are prepared for emergencies. It means that some providers can deceive parents, like the Allens were deceived. Joseph was not the first baby to die in this provider's care. But, the Allens didn't know that until after Joseph died.

Child Care Aware of Virginia's Policy Recommendations:

- Require all child care providers paid to care for unrelated children on a regular basis, as a business, to obtain a child care license.
- Review Joseph's law to ensure that providers who circumvent licensing laws are charged with a felony penalty when a child dies.
- Require minimum health and safety training, particularly with regard to safely evacuating children in an emergency.
- Require fingerprint-based background checks for all providers
- Adopt the safety recommendations from the license-exempt task force.

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