



STATE OF CONNECTICUT



Guidance to Licensed Family Child Care Home Providers Use of an Approved Substitute in a Provider's Absence

Section 19a-87b-5(c) of the Regulations of Connecticut State Agencies specifies that a license shall not be assigned by a provider to any other person under any circumstances. A provider shall not use a substitute for more than one hour per day on a regularly, recurring basis which effectively franchises or transfers the family child care services to the substitute.

In the above underlined sentence, "for more than one hour per day" cannot be read alone, but rather the complete sentence must be read in its entirety. In order to determine whether the use of a substitute, in the absence of the provider for more than one hour a day is permitted, the individual circumstances must be examined to determine whether or not such use is regular, recurring and if so, whether or not the use of the substitute franchises or transfers the family child care services. Please note that there is no limitation for the use of an approved substitute when the licensed provider is also present at the family child care home.

If a provider uses an approved substitute in their absence for more than one hour in a day for purposes that are not regular, recurring such as a doctor's appointment, to take a vacation for a limited time with a known end date or to leave the family child care home for an unplanned emergency, this would be an allowable use of a substitute.

If the use of the approved substitute in the absence of the provider is determined to be regular, recurring, it is also necessary to examine the circumstances surrounding the arrangement to determine if the activity franchises or transfers the family child care services to the substitute. Such circumstances may include whether there is a known end date to the use of the substitute, reason for using the substitute and its connection to the operation of the family child care home, the length of time that exceeds one hour per day, the frequency and length of time of the provider's daily presence in the family child care home during customary business hours, whether the licensed provider continues to maintain control of the day-to-day operation of the family child care home, and who the parents and others perceive as the primary provider in the family child care home. Looking at these and other circumstances relative to the situation collectively will determine whether the use of the substitute is permitted.

Public Act 21-171, effective July 1, 2021, specifically states that a licensed provider who is attending a medical appointment, receiving medical treatment or completing education or training may use an approved substitute in their absence for a duration of time that is greater than one hour provided advanced notice is given to the parents or guardians of children enrolled in the family child care home of the dates and times such substitute will be providing child care services and the provider continues to maintain control of the day-to-day operations of the family child care home.

Licensed providers and approved substitutes shall be prepared to respond to licensing staff concerning the use of substitute staff so that a determination can be made whether the use of the approved substitute staff is allowable under the regulatory requirement.

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