

Civil Penalty Tip Sheet

A civil penalty is a monetary fine for failure to comply with regulations.

All money paid in civil penalties is used to provide scholarships to child care workers who seek additional training through the Kentucky Higher Education Assistance Authority (KHEAA).

There are two types of violations that may result in a civil penalty, Type A and B.

<u>Type A</u>	<u>Type B</u>
<p><i>Child-care center violates state regulation results in harm, and imminent threat or imminent danger to the health, safety, or welfare of a child in care:</i></p> <ul style="list-style-type: none">• Failure to provide for the health and safety of a child in care resulting in injury, hospitalization, or death.• Failure to complete a criminal record and CAN check and have results on file prior to having staff alone with children.• Failure to remove a person with substantiation of child abuse or neglect from having any contact with a child in care.• Failure to comply with suspension of services.• Falsifying records or altering records.• Operating contrary to approved license services or changing location without approval from the cabinet.	<p><i>Child-care center violates state regulation creating concern or risk to the health, safety, or welfare of a child in care and the violation does not, result in injury or pose and imminent threat or danger to the child in care:</i></p> <ul style="list-style-type: none">• Failure to complete one of the required background checks and have results on file prior to having staff alone with children.• Failure to respond to a child's first aid/medical needs• Failure to have staff currently certified in first aid/CPR and present during hours of operation.• Failure to provide adequate supervision.• Failure to make toxic supplies inaccessible to children.• Failure to maintain records for each child in care.• Failure to assure a child is NOT released a person not designated to pick up the child.• Leaving a child alone with underage care-giver or exceeding staff to child ratios.

Steps once you received a civil penalty

The center has three options after receiving a Notice of Civil Penalty from the Division of Regulated Child Care:

1. APPEAL

- a. A copy of the appeal form, *Licensed-Request for Appeal or Informal Dispute Resolution (OIG-DRCC-02)*, is included with the civil penalty letter. Complete both sides of the form and return.
- b. The Division of Regulated Child Care (DRCC) must receive the appeal request within twenty (20) calendar days from the date of the civil penalty letter. You are required to submit the original (not a copy) appeal form via mail or via personal delivery; however, you may also fax a copy of the appeal request to DRCC (502) 562-9350 to ensure that your appeal is received within the twenty (20) day requirement. Please call DRCC to confirm that your faxed appeal request was received.
- c. Contact DRCC (502) 564-7962 if you have questions about the appeal process.
- d. If the outcome of the appeal requires that you pay all or a part of the civil penalty, contact DRCC (502) 564-7962 for further information on the payment options.

2. WAIVE APPEAL RIGHTS AND PAY THE CIVIL PENALTY IN FULL WITHIN SIXTY (60) DAYS

- a. If you decide to pay the penalty without appealing, you are eligible to pay the reduced amount stated in the civil penalty letter within sixty (60) days of the date on the penalty letter.
- b. Submit a written statement that you are waiving your appeal rights and paying the reduced amount along with your check or money order made payable to Kentucky State Treasurer and mail both to the Claims Management Section address stated in the penalty letter. The full amount of the reduced payment must be received within sixty (60) days.

3. WAIVE APPEAL RIGHTS AND REQUEST A MONTHLY PAYMENT ARRANGEMENT (note that this choice requires that the first payment be made within forty-five (45) days of the date on the civil penalty notice)

- a. If you decide to enter into a written payment arrangement without appealing you are eligible to pay the reduced amount stated in the civil penalty letter however, the first payment must be made within forty-five (45) days of the date on the penalty letter.
- b. Contact DRCC (502) 564-7962 and request a copy of the Civil Penalty Payment Arrangement form.

Please visit <http://lrc.ky.gov/kar/922/002/190.htm> for more information