

Parents have many options when looking for child care for their children. In Nevada, there are five different types of child care providers. These include state-based care (state preschool programs), family home care (5-6 non-related children), group home care (7-12 non-related children), child care center (13 or more children), and license-exempt providers (1-4 non-related children). When a parent sends their children to a licensed provider – state-based, family home, group home or center based – they have the assurance that every individual in the facility has received a complete personal history, background, and child abuse and neglect checks. These checks ensure that individuals are not allowed to work with children if they have a record of the following:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS;
- (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

License-exempt providers (unless they receive child care subsidy funding) are not subject to these requirements. Thus, leaving the potential for individuals with a history of sexual, physical abuse or neglect of a child, among other crimes, to be left alone with these children – placing them in harm’s way. A 2005 study, *Fatalities and the Organization of Child Care in the United States, 1985–2003*, found that licensed child care may also offer safer care as a result of child care licensing’s many safety requirements such being required to lock up hazardous supplies, cover electrical outlets, and take basic safety courses.<sup>1</sup>

Additionally, Nevada’s Department of Health and Human Services’ Child Care Licensing Program does not have the ability to provide oversight or access fines for providers violating child care regulations and statutes – apart from requesting a law enforcement agency to charge the provider with a misdemeanor. From 2013- 2015, Child Care Licensing responded to 68 complaints for providers serving too many children while operating a license-exempt child care.<sup>2</sup> Of these 68 complaints, 18 of these complaints were substantiated – the providers

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<sup>1</sup> *Fatalities and the Organization of Child Care in the United States, 1985 - 2003*,  
<http://www.asanet.org/sites/default/files/savvy/images/members/docs/pdf/featured/Oct05ASRWrigleyDreby.pdf>

<sup>2</sup> In total, Child Care Licensing responded to 100 complaints regarding unlicensed child care facilities serving too many children. 32 of these complaints found that the individual was not providing child care in their home.

were serving more than their allotted 4 children – with 5 being repeat offenders.<sup>3</sup> Apart from notifying the providers that they are breaking the law, there is nothing else Child Care Licensing can do. This gives license-exempt providers' little incentive to come into compliance with current law and places the children at a higher risk of injury or death.

## **Recommendations:**

The Children's Advocacy Alliance recommends that Nevada:

1. Require all child care providers that receive monetary compensation for their services to receive a background check through the State of Nevada's Child Care Licensing Program (in the Division of Public & Behavioral Health, Department of Health & Human Services) if they regularly provide care for fewer than five non-relative children, without the presence of parents, outside the child's home.
  - "Regularly" is defined differently by different states. We do not want to be overly burdensome for people helping friends temporarily. For example, one state defines "regularly" as more than 6 hours a day 4 days a week for more than 3 consecutive weeks
  - Background checks should also be required for all employees and volunteers that provide direct care, as well as every resident age 18 or older living in the provider's place of business.
  - Background checks must be updated at least once every five years.
  - A person may not provide child care for compensation to non-related children in Nevada if they do not pass a complete personal history and background check and a Child Abuse and Neglect check.
2. Authorize the Child Care Licensing Program (DPBH, DHHS) to impose an administrative fine upon license-exempt providers caring for more than the allowed number of children (this enforces the current law). They should be able to impose a fine for any violation, including for providers who lack a current background check and those caring for more than the allowed number of children in the license-exempt category.

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<sup>3</sup> Numbers compiled by the Children's Advocacy Alliance via Child Care Licensing complaint reports.