

**Rule 4.8. Emergency or Temporary Closure of Child Care Centers and Child Care Homes**

**470 IAC 3-4.8-1 List of conditions**

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7  
Affected: IC 4-21.5-4; IC 12-17.2-4; IC 12-17.2-5

Sec. 1. (a) The following are the list of conditions that pose immediate threat to the life or well-being of a child in the care of a child care provider that may subject a child care center or child care home to emergency or temporary closure order:

- (1) Building damage due to:
    - (A) earthquake;
    - (B) flooding or water damage;
    - (C) tornado;
    - (D) severe wind;
    - (E) ice storm;
    - (F) fire;
    - (G) lead contamination; or
    - (H) asbestos.
  - (2) Sewage problems as follows:
    - (A) Sewage backup.
    - (B) Toilets cannot be flushed or are overflowing.
    - (C) Sewage system is not operating properly.
  - (3) Inadequate or unsafe water supply as follows:
    - (A) Contaminated water supply.
    - (B) Water supply not functioning.
  - (4) No electricity in the building.
  - (5) Heating system problems.
  - (6) Gas, carbon monoxide, or other noxious gases leak.
  - (7) Filthy conditions.
  - (8) Rodent, roach, or vermin infestation.
  - (9) Building renovation occurring in a room or area occupied by children.
  - (10) Lack of supervision, which results in the death or serious injury of a child.
- (b) If an employee or agent of the division determines that a violation in subsection (a) exists, the division shall:
- (1) issue an emergency or another temporary order under IC 4-21.5-4 requiring the licensee to immediately cease operations of the child care center or home; and
  - (2) contact the parent or guardian of each child enrolled in the child care center or child care home to inform the parent or guardian:
    - (A) that the division has issued an order to require the licensee to cease operations of the child care center or child care home; and
    - (B) the reason for the order to cease operation.

*(Division of Family Resources; 470 IAC 3-4.8-1; filed Aug 11, 2004, 11:05 a.m.: 28 IR 196)*

**470 IAC 3-4.8-2 Administrative hearing**

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7  
Affected: IC 12-17.2-4-20; IC 12-17.2-5

Sec. 2. If the division issues an order to cease operation, an administrative hearing concerning the decision shall be held under IC 12-17.2-4-20. *(Division of Family Resources; 470 IAC 3-4.8-2; filed Aug 11, 2004, 11:05 a.m.: 28 IR 197)*