

**Sec. 19a-87b-15. Agency Action and Appeal Rights**

(a) In accordance with the procedures set forth in section 19a-87e of the Connecticut General Statutes, if the Office finds that the provider or staff in the family child care home has failed to substantially comply with sections 19a-87b-1 through 19a-87b-18, inclusive, of the Regulations of Connecticut State Agencies or conducts, operates or maintains a family child care home in a manner which endangers the health, safety and welfare of the children receiving family child care services, the Office may, following a contested case hearing only, take any of the following actions singly or in combination against the license or approval of the provider or staff:

- (1) Revocation of the license or approval;
- (2) Suspension of the license or approval for a specific time period, or until regulatory compliance is secured, or conditions deemed necessary to protect the health, safety and welfare of the children cared for in the family child care home are met;
- (3) The imposition of a civil penalty of up to one hundred dollars per day of violation of sections 19a-87b-1 to 19a-87b-18, inclusive, of the Regulations of Connecticut State Agencies; or
- (4) Place the license or approval on probationary status and impose such conditions or corrective measures which the Office deems necessary to assure the health, safety and welfare of the children cared for in the family child care home, including but not limited to:
  - (A) Reporting regularly to the Office upon the matters which are the basis of probation;
  - (B) Placement of restrictions upon the operation of the family child care home deemed necessary to protect the health, safety and welfare of the children cared for in the family child care home; and
  - (C) Continue or renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis for the probation.

**(b) Denial of Applications and Renewals**

A license or approval may be denied or its renewal refused whenever the commissioner is satisfied that the family child care provider or staff fails to substantially comply with the regulations prescribed by the commissioner or conducts, operates or maintains a family child care home in a manner which endangers the health, safety and welfare of the children receiving family child care services.

**(c) Summary Suspension of a License or Approval**

Summary suspension of a family child care home license or approval, pending proceedings for revocation or other action, including the completion of a Department of Children and Families investigation, may be ordered pursuant to subsection (c) of section 4-182 of the Connecticut General Statutes, whenever the commissioner finds that the health, safety, or welfare of children in care requires emergency action and incorporates a finding to that effect in his order.

**(d) Request for a Hearing**

The provider or staff may, not more than thirty days after receipt of a notice of proposed agency action by the commissioner, send a written request to the commissioner requesting a hearing and setting forth the reasons why the provider or staff claims to be aggrieved. The Office's hearing procedures are governed by applicable provisions of the Uniform

Administrative Procedure Act and applicable Rules of Practice. In the absence of a timely request for a hearing one or more disciplinary actions under subsection (a) of this section shall be imposed by the commissioner.

**(e) Parental Notification**

In all cases where a summary suspension order of a license or approval has been issued in conjunction with a notice of proposed agency action, the provider shall so notify the parents of all children who would be expected to use the family child care home during the period of suspension. Such notification shall also be required when so ordered by the commissioner in any notice of proposed agency action, which does not contain a summary suspension order. The notification described in this section shall be given not later than twenty-four hours after receipt by the provider of the notice of proposed agency action.

Nothing in this section shall prevent the Office from directly notifying parents of children in care.

**(f) Operating a Family Child Care Home Without a License; Civil Penalty**

Any person or officer of an association, organization or corporation who shall establish, conduct, maintain or operate a family child care home without a current and valid license or in violation of sections 19a-87b-1 to 19a-87b-18, inclusive, of the Regulations of Connecticut State Agencies is subject to a civil penalty of not more than one hundred dollars per day for each day that such family child care home is operated without a license or is in violation of sections 19a-87b-1 to 19a-87b-18, inclusive, of the Regulations of Connecticut State Agencies pursuant to sections 19a-79(b) and 19a-87c of the Connecticut General Statutes.

**(g) Operating a Family Child Care Home Without a License; Court Action by Attorney General**

When evidence indicates that the provider is operating a family child care home without a valid license or in violation of sections 19a-87b-1 to 19a-87b-18, inclusive, of the Regulations of Connecticut State Agencies, the commissioner may request the Attorney General to bring an action in the Superior Court for the judicial district in which the family child care home is located, to enjoin the provider from maintaining the family child care home without a license or in violation of sections 19a-87b-1 to 19a-87b-18, inclusive, of the Regulations of Connecticut State Agencies pursuant to section 19a-87d of the Connecticut General Statutes.

(Effective September 1, 1993; Amended August 8, 1995; Transferred January 29, 1996; Amended March 29, 2001; Amended March 19, 2021)