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[Title 7](#). Health and Social Services

[Chapter 50](#). (Reserved)

Section 210. Qualifications and responsibilities of persons having regular contact with children in a facility

7 AAC 50.210. Qualifications and responsibilities of persons having regular contact with children in a facility

- (a) An adult having regular contact with children in a facility and a caregiver of any age must be a responsible individual of reputable character who exercises sound judgment.
- (b) A caregiver in a full time care facility must have the capacity to deal with frustration and conflict and the ability to work with children who, because of the children's background and experience, might express themselves negatively toward the caregiver.
- (c) An individual may not work, volunteer, or reside in the part of the facility where child care is provided or in any other part of the facility with direct access to the part of the facility where child care is provided if the individual
- (1) is the alleged perpetrator of an incident of child abuse or neglect in which the division found the evidence available substantiates the allegation;
 - (2) has a physical, health, mental health, or behavioral problem to an extent that the problem poses a significant risk to the health, safety, or well-being of children in care;
 - (3) has a domestic violence or alcohol or other substance abuse problem to an extent that the problem is likely to be detrimental to the health, safety, or well-being of children in care;
 - (4) was the subject of prior adverse licensing action of the kind described at [AS 47.35.120\(b\)\(5\) - \(7\)](#); or
 - (5) was at any time under indictment, charged by information or complaint, or convicted for the following laws or similar laws of another jurisdiction:
 - (A) offenses against the family and vulnerable adults under AS 11.51;
 - (B) perjury under [AS 11.56.200](#);

(C) offenses included in the definition of "serious offense" under [AS 12.62.900](#).

(d) A facility may and the division will, in its discretion, require that an individual having regular contact with children in a facility provide an evaluation from a probation, health, or mental health professional affirming that the individual is free from problems that are likely detrimental to the health, safety, or well-being of a child in the facility.

(e) A person having regular contact with children in a facility may not abuse a child or engage in any exploitive or sexual act with a child. An adult having regular contact with children in a facility may not have a romantic relationship with a child.

(f) The division will review its child protection records and previous licensing records and criminal justice information with respect to the designated administrator or foster parent, all adult members of the licensee's household, and any adult residing in any part of the facility, if that adult has direct access from the adult's residence to the part of the facility where child care is provided.

(g) Each administrator or foster parent in a full time care facility, all adult members of the licensee's household, and any adult residing in any part of the facility, if that adult has direct access from the adult's residence to the part of the facility where child care is provided shall submit two fingerprint cards to the licensing representative. However, if fingerprint rolling acceptable to the Department of Public Safety is not available in the person's community, the fingerprint cards must be submitted when adequate fingerprint rolling becomes available or when the person next visits a community with adequate fingerprint rolling. The licensing representative will use the fingerprint cards to obtain the results of a criminal justice information search on the individual from the Department of Public Safety. In addition, the licensing representative will review criminal justice information, as defined in [AS 12.62.900](#), including

(1) past conviction information;

(2) current offender information; and

(3) non-conviction information.

(h) Deleted 7/1/2000.

(i) A caregiver in a residential child care facility must have received a high school diploma or obtained a general educational development diploma.

(j) A caregiver must be able to

(1) support behavior of children with positive guidance and set clear and consistent limits to promote the children's ability for self discipline;

(2) provide children with a variety of age-appropriate learning and social experiences;

(3) prevent exposure of children to high risk, including exposure to physical hazards and encounters with persons or animals known to be a danger;

(4) use strategies to prevent aggressive behavior and to deescalate volatile situations; and

(5) act as a positive role model for children.

(k) A facility with one or more employees, contractors, or regular volunteers shall obtain a completed application for employment from each person hired as an employee or contractor, or accepted as a regular volunteer. The completed application for employment or work must provide the information necessary to determine whether the applicant has the qualifications required under this section. In addition, the facility shall obtain at least three positive written references on a prospective employee or contractor, at least two of which are from persons

unrelated to the applicant, and at least one positive reference on a prospective regular volunteer before the employee, contractor, or regular volunteer is allowed to have contact with children. An occasional volunteer and a member of the licensee's household are exempt from the application and reference requirements. A reference must

- (1) be received directly by the facility from the individual making the reference;
- (2) attest to the person's ability to work successfully with children, act as a positive role model for children, and meet the requirements of this section; and
- (3) if taken by telephone, be recorded immediately by written notes, signed by the individual taking the reference, and dated.

(1) In this section,

(1) "adult member of the licensee's household" means a person 18 years or older who remains or intends to remain in the facility for more than 45 days, but does not include

(A) a person 18 or 19 years of age who is in the custody of the state; or

(B) who is a runaway sheltered in a facility or an adult client of a maternity home;

(2) "child abuse or neglect" has the same meaning as in [AS 47.17.290](#);

(3) "indictment" includes presentment or charging by information;

(4) "person having regular contact with children in a facility" means a caregiver, a member of the licensee's household, and a person residing in any part of the facility, if that person has direct access from the person's residence to the part of the facility where child care is provided.

History: Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156

Authority: [AS 44.29.020](#)

[AS 47.35.010](#)

Note to HTML Version:

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