

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 associated in a manner described in 7 AAC 10.900(b) with a facility where child care is provided is subject to the applicable requirements of AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 (barrier crimes and conditions; background checks). In addition, an individual may not work, volunteer, or reside in any other part of the facility with direct access to the part of the facility where child care is provided if

(1) under 7 AAC 10.915 (background check) the department determines that a barrier crime or condition described in 7 AAC 10.905 exists with respect to the individual;

(2) the individual is out of compliance with the association requirements described in 7 AAC 10.915(g) and 7 AAC 10.935(m);

(3) a variance for the individual has been denied under 7 AAC 10.930 and 7 AAC 10.935;

(4) a variance for the individual has been revoked under 7 AAC 10.945

(5) the individual has a physical health problem or behavioral health problem that poses a significant risk to the health, safety, or well-being of children in care; or

(6) the individual was the subject of prior adverse licensing action of the kind described in AS 47.32.140(d)(5) - (7).

(d) A facility or the department may require that an individual having regular contact with children in a facility provide an evaluation from a probation officer, health professional, or mental health professional affirming that the individual is free from problems that might pose a significant risk 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) In addition to its review under 7 AAC 10.915, the department will review its child protection records and previous licensing records with respect to the designated administrator and any individual 16 years of age or older, including members of the licensee's household, residing in any part of the facility, if that individual has direct access from the adult's residence to the part of the facility where child care is provided. The provisions of this subsection do not apply to an individual who is

(1) 18 or 19 years of age and is in the custody of the state;

(2) a runaway sheltered in a facility licensed by the department; or

(3) an adult client of a maternity home.

(g) Repealed 2/9/2007.

(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 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.

(l) In this section,

(1) "behavioral health problem" has the meaning given in 7 AAC 10.990;

(2) "regular contact" has the meaning given in 7 AAC 10.990.