

BANANAS HANDOUT

Family Child Care Policies and Contracts

Child care is a business which arouses strong feelings in parents and child care providers. We all want the best for children, but often our ideas about what is best differ. In addition, the business aspects of child care, such as payment and hours, often become blurred by the emotional aspects. This can cause misunderstandings and hard feelings. It is in the best interest of children, parents and child care providers to be as clear as possible about expectations *before* a child begins attending a program. Of course, not all conflicts can be avoided, but establishing a clear agreement in writing ahead of time can prevent many of them.

In summary, policies and contracts serve you and your clients by:

- helping you be thorough in your discussion with new parents
- preventing misunderstandings
- showing parents that you are a professional who runs a businesslike program
- giving you a basis for taking legal action if the parent refuses to pay you or if the parent breaks another important part of the contract.

What is the difference between policies and a contract?

A contract spells out the formal agreement between provider and parent. It should include the names of both parties, the name of the child, hours, days and cost of care. Policies state your program's philosophy, specific rules and general information about how you run your program. The contract and policies can be contained in one document or presented as two separate ones. Explain your contract and policies clearly to prospective families and provide a written copy. If parents decide to enroll their child, you should give them a copy to sign and also keep a signed copy for your files. Go over the information orally as well. (Many people need to hear and/or read information several times before it sinks in.) Be clear about your policies, but also be sensitive to parents' needs and to their feelings and concerns about leaving their children in your care. Remember that effective communication between providers and parents is key to successful child care.

How do I make a contract and establish policies?

Contracts and policies state clearly what each party expects of the other, before any problems arise and usually before the parties know each other very well. Your contract and policies show parents that you are not only a loving person who likes children, but also a professional business person. As you write your policies, think about your expectations in terms of payment, hours, vacations, food and supplies, health and safety, etc. Write down your ideas. Talk to other providers about problems they encountered in the past and ways to avoid potential pitfalls. Likewise, ask providers about policies that have served them well. Ask to see their policies and contracts. Use the enclosed samples for ideas. Call BANANAS if you have additional questions.

What makes a contract legally binding?

A contract does not have to be long or use "legalese" to be legally binding. All the law requires is a mutual agreement between you and the parent or legal guardian. This agreement is the basis of your relationship with any parent. It means you have talked about and agreed on the basic rules of your relationship, including the parent agreeing to pay money and the provider agreeing to care for the child.

Why should the contract be in writing?

If parents agreed to pay you to care for their child/ren, you have a verbal contract. These spoken agreements may be legally binding, but they are difficult to enforce. It is hard to remember the details of a verbal agreement even when things are going well; once disagreements arise it becomes almost impossible! A written contract may make the difference between getting your money or not if things go so badly that you

consider going to small claims court. When the contract includes a reference to the policies, the policies themselves become part of the contract and, thus, legally binding. Both parties should have copies of the signed contract and policies.

Do I take on *new* responsibilities when I use a contract?

No, because the responsibilities exist with or without a written contract. However, the written agreement clearly spells out what parents must do and what you must do. It protects you and the parents, and it also gives each of you certain responsibilities. For example, the parents must pay a certain fee, and the provider must be available at specific times. A written contract records these arrangements in detail. By signing it, both parties agree to adhere to these arrangements.

What if a parent wants to make changes to the contract?

Remember that a contract is not written in stone and that both parties have the right to suggest changes. Your contract may state, for example, that payment is due within the first three days of the month, but the parent cannot pay until the 10th of the month. The provider may have to be flexible and agree to the change in order to make the contract work for both sides. Changing the standard contract for one parent does not, however, mean that the contract needs to change for all parents.

What if I change the contract or policies after parents have signed them?

Remember that if your contract or policies are in writing, any changes should be in writing as well. Verbal changes probably won't be legally binding. It is a good idea to sit down with parents at least once a year to review the contract and policies. This will serve to remind both you and the parents of the agreement, and it will be a good time to make sure that both still reflect the way your program is run. If you decide to make changes, put them in writing, sign and date the changes and ask parents to sign and date them as well. Make sure that every family receives a copy of the revised contract to assure that parents are aware of the changes and to make them legally binding.

If I am already operating a child care program without a contract, can I begin using one?

Yes. If you decide to start using a contract, it is important that all parents – both old and new ones – be asked to sign the contract and policies. Explain to parents why you have decided to start using a contract and how it will protect both you and the parents. Be sure to give parents a chance to ask questions about the contract and rules. Parents will probably not mind being asked to sign a contract and policies if the documents accurately reflect their relationship to you and your child care business.

Can I use contracts if my child care program is not licensed?

Yes. A contract clarifies how you run your program and what you expect of parents. However, if your program should be licensed but is not (only providers caring for the children of just one family are exempt), the contract might not protect you legally. If, for example, a parent refuses to pay and you take the case to court, the judge would probably not force the parent to pay because you do not have the required license.

Program Policies

Your written policies should lay out your philosophy of care and the rules specific to your program. The policies become legally binding when they are attached to a contract which contains a sentence referring to them and specifying that the parent has read and understood them and agrees to abide by them.

Below are examples of categories of policies and a sample of each. Of course, your policies may differ to a greater or lesser extent. Some providers have very brief policies, and some have many rules. Think about how you want to run your program and create your policies accordingly.

Remember that your policies cannot contain anything that is contrary to law or licensing regulations. For example, you cannot have a discipline policy that says you use corporal punishment, which is prohibited by law. You cannot have a policy that is discriminatory based on race, religion, gender, disability, etc. Read

your policies carefully and make sure there is nothing that is indirectly discriminatory, such as “Children must be walking in order to be in my program.” Such a policy would need to add “unless they are unable to walk due to a disability.” (For more information or for a free review of your policies, call BANANAS at 658-7353.)

Philosophy

The program’s philosophy should provide a good idea of the principles upon which your program is based, for example:

At Playtime Child Care, we offer a secure place for your children to play, work and learn with other children and adults. We value diversity, and we welcome children between the ages of two and five, regardless of race, gender, religion or disability. We believe that children learn through active exploration and play and that self-esteem is built on mutual respect between us all – adults and children. We structure our program to be responsive to the needs of each child. We therefore offer opportunity for group activities and privacy to play or work individually.

Specific Rules

Enrollment

Enrollment policies cover rules about forms, trial periods, termination, deposits, for example:

- Before your child enters my care, the following forms must be returned to me:
 - signed contract and policies
 - health forms and immunization records
 - authorization to leave care
 - medical treatment authorization
 - field trip authorization
 - emergency information
- I require a two-week initial deposit which is applicable to the last two weeks of care when I am given appropriate notice.
- All children enter care for a three-week trial period. After the trial period, two weeks’ notice must be given, by parent or provider, if either party wishes to terminate care.

Hours and Fees

These policies should spell out your payment schedule, late pick-up policies, etc.

- The operating hours are from 7:00 am to 6:00 pm. Please make sure your child arrives by 9:00 am every day. If your child will be late or is not coming to care, please phone me before 9:00 am. Please pick up your child by 6 pm promptly. I charge \$10 for every ten minutes a child is picked up late.
- Payment is due on Friday for the coming week. If you have not paid for care, I will not accept your child. If a check bounces, payment thereafter must be in cash. Child care fees are subject to change, with one month’s notice given to parents.

Vacation and Holidays

- I take two weeks of paid vacation annually, and we observe the major paid holidays. A calendar of holidays and vacation dates for the coming year will be provided for all parents by Dec. 15 of the prior year.
- If you take a holiday or vacation, you must still pay for care, since I will be reserving your child’s space. Please give at least two weeks’ notice of any planned absences.

Snacks and Meals

- I serve a morning and afternoon snack as well as lunch. I emphasize nutritious foods, such as whole grains, fresh fruit and vegetables. If your child has special dietary needs, please let me know so we can accommodate them.
- Please do not send junk food, such as candy, cookies, potato chips, etc. with your child. If you are bringing treats for a special occasion such as a birthday, please check with me first and be sure to bring enough for everyone.

Clothing and Supplies

- Please label all clothing and provide a full change of clothing in case of accidents.
- Parents are responsible for providing diapers for younger children. If you do not provide diapers, I will charge \$1 per diaper used out of my supply.

Health and Safety

Spell out conditions that would prevent a child from attending care and which steps will be taken in case a child becomes ill or is hurt during care. Include policies regarding giving medications, as well as steps you take to ensure children's safety:

- Children will be excluded from care if they have any of the following conditions:
fever over 101°F, uncontrolled diarrhea, vomiting, mouth sores with drooling, rash with fever, conjunctivitis (pinkeye), scabies, head lice, tuberculosis, impetigo, strep throat (until 24 hours after antibiotic treatment), chicken pox, pertussis, mumps, hepatitis A, measles, rubella, shingles, herpes simplex, thick yellow or green nasal discharge or other severe illness. Prepare a backup plan for care when your child is sick.
- If you are notified that your child is ill, please pick him/her up as soon as possible. Please designate an alternate person to pick up your child in case you are unable to do so.
- A signed authorization and doctor's prescription is required for administering all medications.
- Should a child get seriously injured during care and require medical treatment, I will notify the parent as soon as possible. In life-threatening situations, I will first call 911 and then notify the parent as soon as possible. If the parent cannot be reached, I will provide the signed Medical Authorization Form to medical personnel.
- Infants up to 12 months of age are placed on their backs for sleep to avoid Sudden Infant Death Syndrome. (Include this policy only if applicable.)

Discipline

- I try to create a respectful, safe environment for children. If discipline is required, I will attempt redirection and/or a time-out. If difficult behavior continues, I will work with parents to develop a plan to meet the child's needs.
- Biting is a common and expected behavior among young children. I will do my best to prevent biting, and will work with families to help a biter get through this difficult stage.

Confidentiality

- Personal information about children in my care and their families is strictly confidential. Please do not ask me to reveal information about children other than your own.
- A health history and other family information will help me provide the best care for your child. However, you do not need to reveal any information you do not wish to, except information required by state law.
- As a mandated reporter, I am obligated to report any cases of suspected child abuse.

Sample Forms

See the next pages for the following sample forms:

- contract
- authorization to leave care
- medical treatment authorization
- field trip authorization
- emergency information.



Again, these are only *examples*. Feel free to change the sample forms to meet your own needs. Remember that one of the best things about writing policies for your family child care program is that it requires you to take time to think about how to make *your* program work well. There are no hard and fast rules. As always, BANANAS' staff is available to help if you have further questions.

Sample Parent-Provider Contract for Family Child Care Programs

This contract is made between _____ (parent/guardian)
and _____ (child care provider)

for the care of _____ (child). Birthdate _____

The first day of child care will be _____

Care will normally begin at _____ and end at _____, M__ T__ W__ Th__ F__ S__ Su__

Care will include the following meals and snacks _____

The charge for care is \$ _____ per _____, payable on _____ (day of week or month)

Children may be taken from the provider's care only by the person signed below and those named on the Authorization to Leave Care form.

(Optional) Payment is based on the hours you agree to use child care, not on the actual hours of attendance. Payment is due whether or not the child actually attends care.

(Optional) Either party can terminate this contract with _____ week's notice.

I agree to the terms of this contract and have provided the parent(s) with my policies.

Signed _____ Date _____ Tax ID# _____
(child care provider)

I agree to the terms of this contract. I have received, read and agree to the attached child care policies. I have filled out the following forms: authorization to leave care, medical treatment authorization, field trip authorization and the emergency information form. I have provided my child's immunization records.

Signed _____ Date _____ SS# _____
(parent or guardian)

Signed _____ Date _____ SS# _____
(parent or guardian)

Both the parent/guardian and the provider should keep a signed copy of this contract.

Sample Authorization to Leave Care

For your child's safety, I can allow children to leave my home only with **you**, the person enrolling the child, and **persons you have listed below**. Your child can leave my home with a person **not listed below** only when (a) you have told me in person or by phone that s/he is picking up the child **and** (b) I have a signed and dated note from you authorizing me to send the child home with that person.

My child, _____, may leave child care with the following people:

Name:	Phone:	Address:	Relationship to Child:
1. _____			
2. _____			
3. _____			
_____		_____	
(parent or guardian signature)		(date)	

Sample Medical Treatment Authorization

I give _____ and her/his employees permission to obtain emergency medical/
(name of provider)
dental treatment for my child, _____ .
(name of child)

Child's Physician _____ Phone _____

Child's Dentist _____ Phone _____

Insurance _____ Record Number _____

Parent's address _____ City _____ Zip _____

Home Phone _____ Work Phone _____ Cell _____

(parent or guardian signature) (date)

(Some hospitals require a notarized form. Check with the local emergency hospital for any special requirements.)

Sample Field Trip Authorization

I give _____ and her/his employees permission to take my child
(name of provider)
_____ on short field trips as part of the child care program.
(name of child)

(parent or guardian signature) (date)

Sample Emergency Information

Child's Name _____

Birthdate _____

Parent's Name _____

Home Phone _____

Work Phone _____

Cell Phone _____

Parent's Name _____

Home Phone _____

Work Phone _____

Cell Phone _____

Persons to call in an emergency when parents cannot be reached:

Name:

Phone:

Relationship to Child:

1. _____

2. _____

3. _____

Additional BANANAS Resources

Handouts:

- **Exposure Notice** – A check list for providers to use to inform parents about their child's possible exposure to contagious diseases (available in English, Chinese, Spanish and Vietnamese).
- **Family Child Care Income Taxes** – Information to help you prepare your taxes. Updated yearly.
- **Family Child Care Providers as Employers** – Information on how to hire and fire employees and everything in between.
- **Giving Medications in Child Care Programs** – How to properly administer medicine.
- **In Sickness And In Health** – Guidelines for child care programs to use in establishing illness policies (available in English, Chinese or Spanish).
- **Northern Alameda County Family Resource Guide** – Community organizations, government agencies and other resources for child care programs to share with families in need.
- **Promoting Health and Hygiene in a Child Care Setting** – How to minimize the spread of infection in child care.
- **Resources, Resources, Resources** – A listing of local, state and national child care organizations, educational resources and sources for child care supplies and equipment.
- **Safety Factors to Check For In a Family Child Care Home** – A checklist to make your home safe for children.
- **What Children Need In Child Care** – A series of four handouts showing what infants, toddlers, preschoolers and school-aged children need in child care and how to meet these needs.

Handouts are available at our office, by mail or by downloading from our website, www.bananasinc.org. To order Handouts, or for a copy of our publication list, call us at 658-7353, or write BANANAS at 5232 Claremont Avenue, Oakland, CA 94618.

Videos:

BANANAS has a large video lending library with many videos of interest to child care providers. Videos can be reserved by phone, 658-7353, but they need to be checked out at the office. (We do not send videos through the mail.) See our Video Lending Library List for a complete listing of available videos. Ask for this Handout at our office. Alternatively, check our website, www.bananasinc.org, under "Resources" to see what videos are available. Following is just a small sampling of our videos:

- **Building Quality Child Care** – outlines and illustrates essential elements of quality child care.
- **B.U.S.I.N.E.S.S. of Family Child Care** – Basics of family child care business.
- **Business of Family Child Care** – Recordkeeping, taxes, contracts, insurance.
- **Here at Home: Perspectives on Becoming a Family Child Care Provider** – General Information on opening a family child care home.
- **Quality Family Child Care** – Issues and information about the profession of family child care.
- **Small Group Time: Counting with Bears** – Strategies for the start, middle and end of small group time.
- **What is Family Day Care? Let's Plan** – All about starting and maintaining a home child care, setting policies, establishing routines, keeping records, finding resources and support.

Classes and Workshops:

BANANAS also offers many classes and workshops for family child care providers, including:

- Family Child Care Provider Orientation
- Family Child Care Taxes
- Health and Safety in Family Child Care
- Child Development Classes through Merritt Community College and UC Davis.

Please call us at 658-7353, check our newsletter or our website's events calendar for information on class availability, dates and times.

Summary

Providing quality family child care is more than caring for children. It also means running a business. To succeed, you need to have sound business practices in place so your parents follow your rules, pay you on time and have a clear understanding of your program. We hope this Handout will help you in writing documents that work for you.