

AMENDED September 14, 2011

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

**Report of a Complaint Investigation
Janus Roth Large Family Child Care Home, Oklahoma City, Oklahoma
OKDHS K820037338**

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Investigation conducted by Sara Vincent**

Introduction

On April 7, 2011, the Office of Juvenile System Oversight (OJSO) received a complaint call regarding the Janus Roth Large Family Child Care Home. According to the complaint, the Oklahoma Child Care Services (OCCS) Division of the Oklahoma Department of Human Services (OKDHS) received numerous complaints that pertained to the non-compliance of the licensing requirements by Ms. Roth.

The purpose of the review of the OCCS child care case was to assess compliance with established responsibilities, the Oklahoma Child Care Facilities Licensing Act, and compliance with the OKDHS Licensing Requirements for Child Care Centers, and various other additional licensing requirements when/where applicable. The information included in this complaint report was taken from the public documentation contained in the OCCS Janus Roth Large Family Child Care Home case file.

The following is a summary of the actions taken by the OKDHS. It should be noted, not all of the OCCS Child Care Center Monitoring Reports are included; however, all non-compliance issues noted on the reports that document safety and health concerns of children are included.

Documents Reviewed

Janus Roth Large Family Child Care Home Child Care Center Case #K820037338

Case History Review

OCCS Child Care Center Monitoring Report (January 18, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home and noted that there were three children in care on the date of the visit. The

monitoring report documented that the large family child care home was of two star status and provided child care seven days a week, twenty-four hours a day. The report also documented that the playpen located in the “provider’s room” was observed not to be “sturdy” and the mesh material was observed to contain a hole. The corresponding Licensing Complaint Report Summary dated April 2, 2008, documented that the complaint alleged that; 1.) the sheets in the baby bed were “filthy”; 2.) the large family child care home did not contain appropriate “sized” sleeping space; 3.) a child’s arm was twisted, a child was pushed, face squeezed, and slammed to the floor; 4.) a child was shoved into a dark room and body slammed; 5.) a child was choked; 6.) a child was unsupervised and cut his hair with a pair of scissors; 7.) the children in care were made to go outside without coats; 8.) a child was slapped; 9.) the large family child care home was “nasty and filthy”; and 10.) the babies “holler” all night, are not “attended to”, and told to “shut-up”. The report summary also documented the finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (February 15, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were thirteen children in care on the date of the visit and that three electrical outlets were not covered. The corresponding Licensing Complaint Report Summary dated April 2, 2008, documented that the complaint alleged that Ms. Roth allowed a child to leave with a parent that was intoxicated and smelled like marijuana. The report summary also documented the finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (March 7, 2008)

The OCCS conducted a follow-up visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were ten children in care on the date of the visit and that the large family child care home was in compliance with the licensing requirements as it pertained to the licensed capacity of the large family child care home.

OCCS Child Care Center Monitoring Report (April 15, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were twelve children in care on the date of the visit. The corresponding Licensing Complaint Report Summary dated June 13, 2008, documented that the complaint alleged that a “staff” of the large family child care home hit a child, told the child to sit-down, and stop crying. The report summary also documented the finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (June 13, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were nine children in care on the date of the visit and that the immunization records of two of the children in care were not current. The report documented that medication was accessible to the children in care. The report also noted that the required monthly fire and tornado drills, and the monthly testing of the smoke detectors and carbon monoxide detectors were not documented. The report did not document the complaint allegations.

OCCS Child Care Center Monitoring Report (July 29, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eight children in care on the date of the visit and that the OCCS requested that Ms. Roth voluntarily cease care; however, Ms. Roth denied the request. The corresponding Licensing Complaint Report Summary dated November 4, 2008, documented that the complaint alleged that; 1.) a child obtained a diaper rash from not being changed properly; 2.) a child was not fed dinner; 3.) the child care provider hit the children in care with her knuckles; and 4.) the provider was “over her ratios”. The report summary also documented the finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (August 22, 2008)

The OCCS conducted a follow-up visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eight children in care on the date of the visit and that the OCCS received additional information that pertained to the complaint investigation regarding the complaint received by the OCCS on July 28, 2008.

OCCS Child Care Center Monitoring Report (September 8, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were six children in care on the date of the visit.

OCCS Child Care Center Monitoring Report (October 21, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eleven children in care on the date of the visit and that the children’s records did not contain up-to-date immunization information. The report also documented that the large family child care home was observed to be maintained in an unclean and unsanitary condition. Reportedly, clothes were observed to be “throughout” the home, small objects were observed to be in the play area and living room. In addition, stains were observed on rugs and the carpet contained in the home. The report further documented that the stairways were accessible to the infants and toddlers in care. The report documented that the outdoor swing set was inoperable. Reportedly, the “poles” were broken and were accessible to the children in care. The report also documented that there was not a thermometer contained in the first aid kit. In addition, the refrigerator did not contain a thermometer. The report further documented that a “rip” the size of a dime was observed on the diaper changing surface and that soiled diapers were not maintained in a “closed container”. The corresponding Licensing Complaint Report Summary dated October 21, 2008, documented that the complaint alleged that the large family child care home was dirty with trash located on the floor and that infants play on the floor where the trash is located. The report summary also documented a finding of Substantiated.

OCCS Child Care Center Monitoring Report (November 18, 2008)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eight children in care on the date of the visit. The corresponding Licensing Complaint Report Summary dated

November 18, 2008, documented that the complaint alleged that the children in care were observed playing in the front yard of the large family child care home without supervision. The report also documented a finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (March 27, 2009)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eight children in care on the date of the visit. The report also documented that the large family child care home did not document that the parents of the children in care had received notification that the large family child care home did not maintain liability insurance. The report further documented that the bathroom did not contain individual towels that were easily accessible to the children in care.

OCCS Child Care Center Monitoring Report (June 11, 2009)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eleven children in care on the date of the visit and that the children were left alone with an unqualified caregiver. Reportedly, the caregiver did not have a criminal background check, current cardio pulmonary resuscitation (CPR) or first aid certification. In addition, three of the children's records did not contain up-to-date immunization information. The report also documented that the large family child care home was observed to be maintained in an unclean and unsanitary condition. Reportedly, clothes, toys, crayons, and pencils were observed to be "covering" the floor of the play area. The report further documented that the bathroom did not contain individual towels that were easily accessible to the children in care. The OCCS case documentation found by the OJSO noted that the OCCS conducted a follow-up visit at the large family child care home on June 15, 2009, and that all of the non-compliances documented during the June 11, 2009, monitoring visit were corrected.

OCCS Child Care Center Monitoring Report (June 19, 2009)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were nine children in care on the date of the visit. The corresponding Licensing Complaint Report Summary dated October 7, 2009, documented that the complaint alleged that the children in care were "swimming in the provider's home pool". The report summary also documented a finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (August 13, 2009)

The OCCS conducted a follow-up visit to the Janus Roth Large Family Child Care Home as it pertained to the complaint visit on June 19, 2009. The monitoring report documented that there were seven children in care on the date of the visit.

OCCS Child Care Center Monitoring Report (September 11, 2009)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were ten children in care on the date of the visit. The report also documented that the licensing worker and Ms. Roth discussed the complaint allegations and that the licensing worker requested that Ms.

Roth provide a medical statement from a physician that stated that Ms. Roth was physically able to care for children. The corresponding Licensing Complaint Report Summary dated October 6, 2009, documented that the complaint alleged that Ms. Roth was physically unable to care for children and that the large family child care home was “inadequate with lots of debris inside and outside of the home”. The report summary also documented a finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (October 19, 2009)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were six children in care on the date of the visit and no non-compliances were noted.

OCCS Child Care Center Monitoring Report (November 19, 2009)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were twelve children in care on the date of the visit. The corresponding Licensing Complaint Report Summary dated January 8, 2010, documented that the complaint alleged that Ms. Roth did not provide the parents of the children in her care incident reports when their child(ren) were injured. The report summary also documented a finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (February 17, 2010)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were twelve children in care on the date of the visit and that the children were left alone with an unqualified caregiver. The report also documented that facial cleansers were located in a bedroom and were observed to be accessible to the children in care. The monitoring report also documented that a child who was placed in a playpen located in a bedroom during naptime, “got out of the playpen” and locked the bedroom door. The report further documented that during the visit a caregiver climbed through a bedroom window and unlocked the bedroom door.

OCCS Child Care Center Monitoring Report (June 10, 2010)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were four children in care on the date of the visit and that the children were left alone with an unqualified caregiver. Reportedly, the caregiver did not know all the names of the children in care and the ages of the children caused the large family child care home to be non-compliant with the staff to child ratio requirement. Also, the caregiver did not have a criminal background check, current cardio pulmonary resuscitation (CPR) or first aid certification. In addition, none of the children’s records contained enrollment cards or up-to-date immunization information. The report also documented that the large family child care home was observed to be maintained in an unclean and unsanitary condition. Reportedly, “trash” was located in the living room and the playroom and was observed to be accessible to the children in care. The report further documented that an electrical outlet was not covered and “multi surface” cleaner was observed to be located in the living room, and accessible to the children in care. The monitoring report documented that the children in care had access to a swimming pool. Reportedly, the door to the

building that contained the swimming pool was unlocked. The report also documented that a child in care was observed to be asleep in a torn playpen. The corresponding Licensing Complaint Report Summary dated June 23, 2010, documented that the complaint alleged that; 1.) broken items and trash were observed to be outside of the large family child care home; 2.) two “aggressive” animals were located in the fenced play area; and 3.) animal feces were located in the outdoor play area. The report summary also documented a finding of Unsubstantiated regarding allegation #2 and a finding of Substantiated regarding allegations #1 and #3.

OCCS Child Care Center Monitoring Report (June 16, 2010)

The OCCS conducted a follow-up visit to the Janus Roth Large Family Child Care Home as it pertained to the complaint visit on June 10, 2010. The monitoring report documented that there were eleven children in care on the date of the visit. The report documented that personal care items and a litter box “full of animal waste” were located in the bathroom, and were observed to be accessible to the children in care. The report also documented that ant and roach killer and carpet cleaner were located in the laundry room, and were observed to be accessible to the children in care. The report further documented that the children in care had access to a swimming pool. Reportedly, the door to the building that contained the swimming pool was open and did not include a lock. In addition, “broken Tonka trucks” were observed to be in the outdoor play area. The report documented that a child in care was observed to be sleeping in a crib that contained a hole on one side of a “slab of plexi glass”. Reportedly, the hole was large enough for a child’s head to go through and be outside of the crib.

OCCS Child Care Center Monitoring Report (June 17, 2010)

The OCCS conducted a follow-up visit to the Janus Roth Large Family Child Care Home as it pertained to the noted non-compliances during the visit on June 16, 2010. The monitoring report documented that there were ten children in care on the date of the visit. The report documented that a litter box “full of animal waste” was located in the bathroom, and was observed to be accessible to the children in care. The report also documented that uncovered electrical outlets were located in the bedroom and observed to be accessible to the children in care. In addition, “broken Tonka trucks” were observed to be in the outdoor play area.

OCCS Stars Referral (June 29, 2010)

The OCCS licensing worker assigned to the Janus Roth Large Family Child Care Home referred the large family child care home case to the OCCS Stars program for review and possible negative action.

OCCS Office Conference (July 2, 2010)

An office conference was conducted with the OCCS supervisory staff members assigned to the Janus Roth Large Family Child Care Home and Ms. Roth. The purpose of the office conference was to discuss and review the “numerous, repeated, and serious non-compliances observed at Ms. Roth’s facility.”

OCCS Child Care Center Monitoring Report (July 26, 2010)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were ten children in care on the date of the visit. The report also documented that personal care items and a screwdriver were located in the bathroom, and were observed to be accessible to the children in care. The report further documented that bleach was located in the laundry room, and was observed to be accessible to the children in care. The monitoring report documented that the large family child care home did not contain documentation that the monthly fire and tornado drills or that the monthly tests of the smoke and carbon monoxide detectors were conducted in June. The report also documented that a child was observed to be sleeping in a “mudroom” that did not contain a smoke detector.

OCCS Child Care Center Monitoring Report (August 9, 2010)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were ten children in care on the date of the visit. The report noted no non-compliances.

OCCS Child Care Center Monitoring Report (September 22, 2010)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were nine children in care on the date of the visit. The report noted no non-compliances.

OCCS Child Care Center Monitoring Report (October 13, 2010)

The OCCS conducted a complaint visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eight children in care on the date of the visit. The corresponding Licensing Complaint Report Summary dated November 1, 2010, documented that the complaint allegations were that the large family child care home did not have any child information cards or medication forms regarding the children in care. The report summary also documented a finding of Unsubstantiated.

OCCS Child Care Center Monitoring Report (November 10, 2010)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were nine children in care on the date of the visit. The report noted no non-compliances; however, the report did document that Ms. Roth and the OCCS licensing staff member assigned to the large family child care home case discussed the requirements as they pertained to “approved heat sources.”

OCCS Child Care Center Monitoring Report (December 16, 2010)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eight children in care on the date of the visit and that one of the substitute caregivers employed by the large family child care home had only obtained seven of the twenty training hours required annually. The report also documented that two “live” roaches were observed to be on the kitchen floor “near” the refrigerator. The report further documented that one of the pets that resided in the large family child care home did not have a current rabies vaccination.

The monitoring report documented that a space heater was located in the playroom and observed to be accessible to the children in care. The report also documented that Ms. Roth and the OCCS licensing worker assigned to the large family child care home case discussed that the use of a space heater was considered a “serious non-compliance” with the licensing requirements.

OCCS Child Care Center Monitoring Report (January 19, 2011)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home and noted that there were six children in care on the date of the visit. The monitoring report documented that the star status of the large family child care home was reduced from a two star to one star large family child care home. The report also documented that two “dead” roaches were observed in the facility and two “live” roaches were observed to be in the kitchen

OCCS Child Care Center Monitoring Report (February 25, 2011)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were seven children in care on the date of the visit and no non-compliances were noted.

OCCS Child Care Center Monitoring Report (March 30, 2011)

The OCCS conducted a monitoring visit to the Janus Roth Large Family Child Care Home. The monitoring report documented that there were eight children in care on the date of the visit and no non-compliances were noted.

Summary

During the OJSO complaint investigation regarding the Janus Roth Large Family Child Care Home, the OJSO noted the numerous complaint investigations, follow-up monitoring visits, and the reduction of the star level of the large family child care home from a two star to a one star large family child care home. Based on the case documentation reviewed by the OJSO, it is recommended that the OCCS State Office personnel review the Janus Roth Large Family Child Care Home case and determine that the large family child care home has established a **pattern** of compliance.