

Notice of Findings

Notice To: Misty Robertson - Director
Facility Name: Sweet Peas Child Care
Owner: Heather Jacobs
Site Address: 326 N 11th St
City/State/Zip: Worland, WY 82401

The Department of Family Services has completed the investigation regarding alleged violation(s) of the Wyoming Child Care Rules received on 12/05/2024, and investigated by Amanda Jarrett.

A statement of childcare allegation, CPL-5822, was provided on 12/09/2024.

The finding is listed below for each individual alleged violation of the Wyoming Child Care Licensing Rules:

1. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 10. Records.

(c) Owner, director, staff, substitute and volunteer records shall be current and maintained at all times either on the DFS-205, Facility Staff Record or other similar record, and shall include:

(v) Dates, hours worked and area of responsibility;

Allegation: Licensing received a report on 12/05/2024, that during the months of November and December 2024, of a staff member was being documented as 'clocked in', by the director, to show the facility meeting the licensing ratio standard, when the staff member in question was not on site.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do not support a finding of non-compliance.

Action Required: None.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

2. Finding: Non-Compliant

Regulation: Chapter 7. Child Care Center

Section 2. Capacity/Supervision Requirements.

(f) There shall be at least one (1) adult staff directly supervising children in each area of the facility where children are located at all times.

Allegation: Licensing received a report on 12/05/2024 that during the months of November and December 2024, an infant (under 1 year) and a one (1) year old child are placed in portable cribs, in the staff office during nap time, with the door closed and no staff directly supervising, for periods up to two (2) hours for 'sleep training'.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do support a finding of non-compliance as staff admitted children are placed in the office for nap with the door pulled partially shut. Staff are not present in the office causing the facility to be in non-compliance in maintaining direct supervision and ratio.

Action Required: Submit a Corrective Action Plan documenting and outlining a plan to ensure supervision and ratio are maintained at all times. Ensure all staff understand rule requirements surrounding supervision and ratio by reviewing facility policy and ensuring it aligns with rule.

Corrective Action Plan Due Date: 01/16/2025

Corrective Action Plan Achieved Date:

Compliance Due Date: 12/09/2024

Compliance Achieved Date:

3. Finding: Compliant

Regulation: Chapter 8. Food Safety, Health and Sanitation

Section 4. Food Safety Requirements for Family Child Care Centers (FCCC) and Family Child Care Homes (FCCH).

(i) Food care

(i) Food shall be of a sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption.

Allegation: Licensing received a report on 12/05/2024 that during the months of August and September 2024, children were picking up and eating snacks that were dropped onto the surface of a splash pad, having a surface that was contaminated with dirt and urine from a child in care urinating while playing on the splash pad placed in the outdoor licensed play area at the facility.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do not support a finding of non-compliance.

Action Required: None.

Corrective Action Plan Due Date:

Corrective Action Plan Achieved Date:

Compliance Due Date:

Compliance Achieved Date:

4. Finding: Compliant

Regulation: Chapter 4. General Requirements

Section 6. Discipline and Guidance.

(d) The following behavior shall be prohibited in all child care settings:

(ii) Rough handling of children, including but not limited to hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

Allegation: Licensing received a report on 12/05/2024 that between November 1, 2024, and December 1, 2024, a female infant child was forced onto her back in a portable crib from a standing position by staff M.R. who was to be observed to sweep the child's ankle from under her with her hand, push her down by the neck with her hand and hold her down by the neck with her hand.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do not support a finding of non-compliance.

Action Required: None.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

5. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 6. Discipline and Guidance.

(d) The following behavior shall be prohibited in all child care settings:
(ii) Rough handling of children, including but not limited to hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

Allegation: Licensing received a report on 12/05/2024 that between November 1, 2024, and December 1, 2024, a female infant child, estimated to be three (3) months old, was 'yanked' out of an infant chair by her arm and carried by her arm to the baby swing where she was placed by staff A.D.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do not support a finding of non-compliance.

Action Required: None.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

6. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 6. Discipline and Guidance.

(d) The following behavior shall be prohibited in all child care settings:
(ii) Rough handling of children, including but not limited to hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

Allegation: Licensing received a report on 12/05/2024 that during the month of August 2024 a two (2) year old child who was eating lunch in the food service area was open hand slapped on the left side of his face which resulted in his eye being scratched by staff M.R.'s fingernail.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do not support a finding of non-compliance.

Action Required: None.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:

Compliance Due Date:
Compliance Achieved Date:

7. Finding: Non-Compliant

Regulation: Chapter 4. General Requirements
Section 6. Discipline and Guidance.

(d) The following behavior shall be prohibited in all child care settings:
(ii) Rough handling of children, including but not limited to hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

Allegation: Licensing received a report on 12/05/2024 that during November 1, 2024 and December 1, 2024 a female infant child was observed to be held by one arm and spanked three to four times on the bottom and a form of discipline by staff A.D. Ten to fifteen other children, ages 2-4 years of age, were observed to be spanked by staff A.D. or M.R. at various times between June 1, 2024 and December 1, 2024.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do support a finding of non-compliance. Staff A.D. and M.R. admitted to swatting children ages 1-3 years old, on the bottom, as a form of discipline, between June 1, 2024 and December 1, 2024.

Action Required: Submit a Corrective Action Plan to licensing outlining rule compliant forms of guidance and discipline that will be used by staff at the facility. Include with the CAP a copy of the facility's current Guidance and Discipline policy along with a notice of read and understanding signed by all staff. Work with TA Coach, Penny Cannon or a behavior specialist of your choosing to provide staff education in effective classroom and challenging behavior management tactics. Ensure staff have a plan in place for breaks and lunches that ensures ratio is maintained at all times.

Corrective Action Plan Due Date: 01/16/2025
Corrective Action Plan Achieved Date:
Compliance Due Date: 01/16/2025
Compliance Achieved Date:

8. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 6. Discipline and Guidance.

(d) The following behavior shall be prohibited in all child care settings:
(ii) Rough handling of children, including but not limited to hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

Allegation: Licensing received a report on 12/05/2024 that during November 1, 2024 and December 1, 2024 multiple infant and one year old children were observed to be pushed down by the shoulders or chest in order to force them from a standing position to a laying position to nap in their portable cribs by staff M.R.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do not support a finding of non-compliance.

Action Required: None.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

9. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 2. Capacity/Supervision Requirements.

(b) Staff:child ratios and supervision requirements as described in this chapter shall be maintained at all times.

Allegation: Licensing received a report on 12/05/2024 that children are consistently placed alone in the back room of the facility with no staff present for periods of time to exceed one hour during nap.

Explanation of Findings: Licensing completed interviews with staff on 12/09/2024. Evidence and interviews do not support a finding of non-compliance.

Action Required: None.

Corrective Action Plan Due Date:

Corrective Action Plan Achieved Date:

Compliance Due Date:

Compliance Achieved Date:

The Department requests your cooperation in ensuring compliance is met. In the absence of cooperation, the Department may take whatever steps are necessary to ensure the safety of children.

The Department's information may be shared with the authorized individuals or agencies, which include, but are not limited to, the Attorney General, County Attorney, and law enforcement.

If you disagree with the Department's finding of non-compliance for a violation, you may request an Administrative hearing within (10) days of your receipt of this letter (W.S. 14-4-108). Administrative hearing procedures are included in the Department of Family Services' **Wyoming Child Care Licensing Rules, Chapter 3, Section 5: Contested Case Hearing Rules**, and based upon the above statute. If you have questions, or need a copy of the Rules, you may contact the Department of Family Services Field office in the county where you live.

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Signature: _____
Amanda Jarrett

Date: _____

CC:
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