



# The Commonwealth of Massachusetts

## Department of Early Education and Care

Policy	
<b>Inactive Status Policy</b>	<b>Applicability: Family Child Care</b>
<b>Effective Date: September 3, 2020</b> <b>Updated: July 29, 2022</b>	

Inactive Status allows a Family Child Care (FCC) Provider to remain licensed but to discontinue the provision of child care services. A Provider may choose to go inactive or EEC may request that the Provider go inactive pending the outcome of an investigation. While an FCC Provider is inactive, they will not appear on the EEC Child Care Search website. When the license is reactivated, the FCC Provider will then be listed on the EEC Child Care Search website.

Programs that are in Inactive Status are ceasing the operation of the child care program and are not permitted to care for children during such time as their regulatory status remains Inactive. If a program is found to be providing child care while in Inactive Status, the care shall be deemed unlicensed, the Inactive Status shall be immediately revoked, and a cease and desist order will be sent to the provider. Any associated violations shall become part of the program's permanent record and the program shall be subject to further enforcement actions.

The status of Inactive shall not change the dates of the license renewal or any other regulatory obligations, including but not limited to those related to renewal, fees, or annual professional development.

**Please note that programs in Inactive Status are not able to apply for or recertify their stabilization grant while they are in Inactive Status, as only programs that are open to serve children are eligible for stabilization grants. Additionally, EEC will not provide subsidy payments for an FCC program that is in inactive status, including those in inactive status pending an investigation.**

To support the Provider community in understanding the different types of Inactive Status and their associated processes, EEC sets forth this policy.

### **A. VOLUNTARY INACTIVE STATUS**

Programs may request an Inactive Status for a duration not to exceed six months in any 12-month period. EEC may approve an extension to an Inactive Status beyond six months, on a case-by-case basis and with Regional Director approval due to extenuating circumstances. EEC reserves the right to deny requests for Inactive Status. A licensee may not request Inactive Status during their first six months of licensure, unless for an emergency. Any approvals beyond 12 months must be approved by the Deputy Commissioner for Field Operations.

A Family Child Care Provider may temporarily close their child care operations and move their license into Inactive Status for a variety of reasons, including, but not limited to:

- Health issue

- Long vacation
- Move
- Financial issues
- Pregnancy or pregnancy related issues, including the birth of a child
- Renovations
- Education and/or job pursuits
- Other personal or professional issues

### **NOTIFICATIONS REGARDING VOLUNTARY INACTIVE STATUS**

**Notification to the Department:** When a Family Child Care Provider plans to go into voluntary Inactive Status, the Provider must notify the Department by emailing their licensor at least two (2) weeks prior to the anticipated closure, when possible. In order to formally request Inactive Status, the provider must then notify the Licensor by submitting an “Inactive License / Certificate” transaction in LEAD.

**Notification to Families:** The FCC Provider must inform parents of all children enrolled in writing at least two weeks prior to the anticipated closure, when possible. Such notification must include the anticipated duration of the temporary closure, if known, and instructions for who to contact from the Department regarding their children’s placement, if applicable. If requested, the parent can terminate care at one Child Care Provider and transfer his/her child to another program. If the parent receives child care subsidy, the parent must give the existing Child Care Provider at least two weeks' notice of the change, when possible, and must have a plan to pay all outstanding Parent Fees (in accordance with Subsidy Policy Guide Chapter 11.6).

**Notification to Subsidy Administrator:** If the Provider serves children receiving subsidy, notification to the Child Care Resource and Referral Agency (CCRR) or Family Child Care System must be made at least two (2) weeks prior to the anticipated date of going Inactive, when possible. There will be no referrals made from the Child Care Resource and Referral Agencies while the regulatory status of the program’s license is Inactive.

### **REOPENING FOLLOWING VOLUNTARY INACTIVE STATUS**

When an FCC Provider is ready to reopen after a temporary closure, the licensee must notify the Department by submitting a “Reactivate License / Certificate Transaction” in LEAD at least 15 business days in advance of the anticipated opening date. Within 15 business days of notification, the program’s licensor will conduct a health and safety visit to the Family Child Care home. If the Provider has moved during the time they were in Inactive Status, the Provider shall submit a Change of Address transaction in LEAD and this visit may apply to both transactions. Upon determination that the Family Child Care home is following all regulations and requirements, the licensor shall re-activate the license and inform the Provider that the license is active in writing. If the program’s license expired during the period of inactivity, renewal must be initiated prior to approval to resume active operations.

## **B. INACTIVE STATUS PENDING AN INVESTIGATION**

When an allegation, incident, injury, or criminal charge involving an EEC licensed FCC Provider requires an investigation<sup>1</sup> by EEC and/or other state agencies, EEC may request that the FCC Provider put the license into Inactive Status, pending the outcome of any associated investigation(s).

EEC will contact the FCC Provider to discuss the seriousness of the allegations and inform the FCC Provider that EEC is required to investigate the allegations. EEC will then request the FCC Provider to place the program into Inactive Status, pending the outcome of the investigation.

If the FCC Provider involved is affiliated with an FCC System and/or a CCRR, EEC staff will notify the FCC System and/or CCRR that the program has been placed in voluntary inactive status pending the outcome of an investigation and that reimbursement for subsidized child care shall not continue during investigation activities.

If the FCC Provider does not agree to voluntarily place the program into Inactive Status pending the outcome of EEC's investigation, EEC may issue an emergency suspension.

***Note for Family Child Care System personnel: Pursuant to this EEC policy, systems should not terminate FCC providers based on a pending investigation. Family Child Care System administrators with questions about this policy should be directed to contact the respective Regional Director.***

## **REOPENING FOLLOWING INACTIVE STATUS PENDING INVESTIGATION**

Once an investigation is completed, any regulatory non-compliances are issued, and any corrective action plans are accepted by EEC or when authorized by the Deputy Commissioner for Field Operations or designee, EEC will contact the FCC Provider to approve activation of the license and ability to care for children. When the FCC Provider has received written approval from EEC to resume care following an Inactive Status pending investigation, they must submit a "Reactivate License / Certificate" transaction in LEAD. EEC will then reactivate the license and inform the FCC Provider and the FCC System and/or CCRR that the license is active.

If the Provider has moved during the time they were in Inactive Status, the Provider shall submit a Change of Address transaction in LEAD.

If the program's license has expired during the period of inactivity, renewal must have been initiated prior to approval to resume active operations.

If the license has been modified as a result of the investigation, an updated license will be issued with the same expiration date and the original license must be returned to EEC.

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<sup>1</sup> Investigation in this procedure is defined as a case (e.g., complaint, incident, or 51A Report from DCF) received by EEC that has been escalated to an investigation by either an EEC Licensor or EEC Investigator.