IOWA DEPARTMENT OF HUMAN SERVICES

Child Care Complaint

Name of Provider	County	
Mycal Hall	Dubuque	
Care Address	**City**	**Zip Code**
897 Yale CT	Dubuque	52001
Mailing Address	**Mailing City**	**Mailing Zip Code**
897 Yale CT	Dubuque	52001
Phone	**Email**	
563-235-6191		

Date of Complaint:	04/03/2020	Date of Visit:	04/09/2020

Type of Visit

[ ] Scheduled [X] Unannounced [ ] N/A

Compliance Regulation

[X] Non-Compliance with Regulations Found [ ] Compliance with Regulations Found

Recommendation for Registration:

[X] No Changes to registration status recommended

[ ] Revocation of Registration

[ ] Cancellation of Child Care Assistance Provider Agreement

Category of Care:

[X] Category A

[ ] Category B

[ ] Category C (with no co-provider)

[ ] Category C (with co-provider)

[ ] Non-registered Child Care Home with CCA Provider Agreement

Complaint Details:

Did this complaint result in a serious injury?	☐ Yes	☒ No
Did this complaint result in a death to a child?	☐ Yes	☒ No

Summary of Complaint:

4/2/20 DHS received information Mycal allowed 2 children, ages one and two to take off each other's clothes, getting on top of each other and rubbing each other. The caller reported Mycal did not stop the interaction, but did record it. The caller reported one of the two children was only wearing a diaper when picked up. The parent was not informed until the child was picked up.

4/3/20 DHS received additional information regarding the incident on 4/2/20. That caller reported Mycal was laughing while recording the incident instead of stopping the incident.

This caller also reported there was men in the child care who may be selling weed. When the caller was questioned the caller stated the caller did not know what else they could be doing.

The caller also reported the children were taken to Madison, WI without the parent's permission per Mycal's Facebook page 2 weeks ago.

Also reported, one of the children were in a person's lap. The caller stated when one of the parents confronted Mycal about the incident, Mycal accused the parent of doing something to the child.

Additional concerns were identified during the complaint process, there was information children may be sharing beds. There was a clarifications on the complaint Mycal did send the video of the children to the parents not informed at pick up. Mycal had her own mother call the parents about the situation.

Rule Basis and Findings of Complaint(s):

Iowa Code Chapter 237A and 441 Iowa Administrative Code 110:
237A.7 confidential information.
110.7(1)a Gives careful supervision at all times.
110.8 Conditions in the home are shall be safe, sanitary and free from hazards.
110.8(m) Any driver who transports children shall have a valid driver's license for the type of vehicle driven. Child restraint devices shall be utilized.
110.8(5)a Co-sleeping is not allowed.
110.8(6)e Discipline is development to help the child develop self-control, self-esteem, and respect the rights of others.
110.9(1)b(2) documentation from the Department confirming record checks have been completed and authorizing or limiting the person's involvement with childcare.

4/7/20 I staffed the concerns with Mycal and the safety plan and the fact I was not going to be able to go to the child care home today. It was agreed I would let Mycal wake up the she would call me back. Mycal reported she had no childcare children today.

4/7/20 Phone call with Mycal. She agreed to the safety plan. We did discuss the complaint in details.
A verbal safety plan was completed on 4/7/20 and verbally agreed on, then signed 4/9/29. It states:
Safety concerns:
1. Children sharing beds.
2. Children allowed to be without clothes and rubbing each other in a sexual manner.
3. Provider taking videoing instead stopping the behaviors.
4. Persons in the home around children without proper background checks.
5. Child not appropriately dressed.
6. Children taken on an activity out of state without parents' permission.
7. Children not in appropriate car restraints.
8. Mycal violated confidentiality by sending the video of the children to the parents and providing information to her own mother.

Tasks which assure safety and are done be for how long and how often:
1. Mycal will assure that children will not be in the same bed.
2. Mycal will make sure that children are be appropriately dressed and supervised.
3. Mycal will stop any type of inappropriate behavior.
4. Mycal will not take children on activities or out of state without written permission of the parent or caretakers.
5. Mycal will make sure that children are appropriately restrained in car.
6. Mycal will not have any person in the home who is not a caretaker of a childcare child, service person, or who has

not received a letter stating they have been approved to be in childcare home.
7. Mycal will not take any more childcare children until DHS approves. Mycal will contact CCRR to let staff know not to send referrals.
8. Mycal will not discuss any childcare children with anyone except the caretakers/parents and appropriate professional personnel.

How plan is monitored: DHS and/or a DHS representative will provide occasional random unannounced visits to ensure the safety plan is being followed at all time.
Backup plan: Failure to follow the safety plan may result in revocation of registration and cancellation of their provider agreement.

4/8/20 Mycal was not home at about 10:00 am. Her sister was there and stated they came into town to visit. She took my card. I called and left a message for Mycal.

Phone call with Mycal at 11:28 am: She reported she was at the emergency room with her daughter who has an ear infection. She stated when she leaves the ER, she will need to get her daughter's medicine and get supplies at Walmart. She and I scheduled for 4/9/20 at 9:30 am.

4/9/20 I meet with Mycal: Mycal's sister was at the home when I arrived. While Mycal and I were talking, her sister went in the bedroom with the door shut. I went through the list of items we discussed on 4/7/20 and the concerns on the safety plan. We completed a checklist. I am reporting these in the order of the safety plan.

1. Mycal stated she does not use the same bed for children. She did say she sometime will put a child in a bed if she has to leave the room. This matches our conversation on 4/7/20.
2. Mycal reported when the two children were found without clothing, she panicked and called her mother by video chat. Her mother told her to get the children dressed. We discussed that was a violation of confidentiality. She reported she did tell the children's parents what happen when they arrived. This matches our conversation on 4/7/20. She reported she was in the bathroom when this happened.
3. Mycal denied she videoed the children or sent that video to the parents. This matches our conversation on 4/7/20.
4. Her sister was in the home. We discussed not having someone at the childcare who is not approved by DHS to be in the childcare. Mycal reported her boyfriend is not there when she is providing care. 4/7/20 Mycal denied anyone was there when she provided care. I reminded Mycal of the COVID 19 recommendations regarding she should be limiting persons in the home. Mycal agreed to ask her sister to stay with her mom. I reminded Mycal she needs to clean and disinfect as someone different was in the home.
5. Mycal reported the incident happened just before the parents were there to pick up the children so they were not dressed by the time the parents picked up.
6. Mycal reported she has never taken childcare children on a childcare trip out of state. She state some time ago she and the parent went to Madison, WI together with the child. That was two friends going to Madison, not a childcare trip. She stated she has not taken childcare children for rides in her car. The friend trip was not discussed on 4/7/20.
7. Mycal denied she does not use car restrains for children. She denies transporting childcare children. This matches our conversation on 4/7/20.
8. Mycal did state on both 4/7/20 and 4/9/20 she panicked and called her mother. She denied a video was taken or sent to the parents. Mycal acknowledged calling her mother was wrong. Mycal stated she knows her mother did talk to the mothers.

I did ask her if there was anything she felt I should know. She stated both mothers of the children have been good friends for a long time. She reported the one parent is going through a break up with the child's father. She played an audio recording from the father's sister threatening to turn this over to DHS. Mycal did say after the father called her and was accusing her of doing something, she did state to him that is him. Mycal stated she knows that wrong to say because she did not know why the children were behaving in that matter. I stated children do tend to touch and feel as part of learning plus children do like taking off their own clothes at that age. I reminded Mycal that supervision was important for those reasons.

4/15/20 attempted a phone call to parent 1: there was no voice mail or answer. I texted this parent asking her to call.

4/15/20 I called parent 2: I left a message and she texted me back. I explained by text who I was. Parent called me back. Parent 2 reported Mycal's mother told her about the incident, not Mycal. Parent stated the child has been there for 2-3 months. Parent reported there were no concerns up to this time in the childcare. The parent reported no video was shown to the parent and does not know if one exists. The parent reported Mycal denied a video. Parent stated when she picks the child up, child is dressed and ready to go because it is late at night so the parent is not sure about the sleeping arrangements. The only people the parent have seen in the home are females, normally Mycal's cousins. The parent reported Mycal has never taken the childcare children on an outing of any kind, in or out of state.

4/15/20 attempted a safety visit: I completed the COVID 19 call. She had no symptoms, but she was not home.

4/16/20 attempted phone call to parent 3: I left a message asking the parent to call.

4/16/20 safety visit: I went to the home and she had no children in care. I reviewed some paperwork she got back from some parents. I showed her areas that needed completed. We discussed where she could get copies. There are no childcare children present. I told Mycal that I was calling parents involved and if there was anyone who wanted to talk to me, they could call or email. Mycal said she would talk to her parents.

4/21/20 I connected CCRR regarding courses Mycal could take about child development and confidentiality.

4/29/20 I email with another DHS worker who may have seen a video related to this complaint.

4/30/20 I called and left a message for Mycal.

5/1/20 scheduled visit: We discussed what was known up to now. I told her I was recommending she take a course on confidentiality and child development. I gave her 3 courses she could take. She took the information.
The courses are as follows: How about sharing the NAEYC Code of Ethical Conduct as well:
https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/resources/position-statements/Ethics%20Position%20Statement2011_09202013update.pdf
https://ccmis.dhs.state.ia.us/TrainingRegistry/TrainingRegistry/CourseDetail?id=1CquRZZ4emc%3d
Nurturing Healthy Sexual Development being presented virtually on May 5 from 6:30-8:30. This can be done on a computer, smart phone or tablet via zoom.

5/7/20 I called and left a message for Mycal: One of the trainings was on Monday 5/5/20. I wanted to see if she completed that training.

5/8/20 I received an email today from Mycal: She reported she was unable to complete the training on 5/5/20, because her lap top is broken.

Resolution and Action Required:

There is a preponderance of evidence Mycal did breach confidentiality.

There is a preponderance of evidence Mycal has allowed persons in to the home who have not been record check and approved by DHS.

There is a preponderance of evidence Mycal did not provide proper supervision.

There has been no preponderance of evidence a video was taken or shared with others.

There is no preponderance of evidence Mycal took childcare children out of state.

Worker will keep checking with Mycal about taking the training she needs to take to remain open. Mycal will remain under the safety plan.

Consultant's Signature:	Glenda Currier	**Date of Visit:**	04/09/2020
Supervisor Signature:	Machelle Pezley	**Date of Visit:**	05/14/2020