



STATE OF MICHIGAN
 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
 LANSING

GRETCHEN WHITMER
 GOVERNOR

ORLENE HAWKS
 DIRECTOR

July 6, 2022

Rhonda Fracassi
 Foster Adoptive Family Resource
 415 South 28th Street
 Battle Creek, MI 49015

RE: License #: DC130292463
 Investigation #: 2022D0217014
 Take-A-Break Childcare Center

Dear Mrs. Fracassi:

I conducted a special investigation because the child care licensing division received a complaint against your facility that related to licensing rules or law. The allegations were related to the following:

R 400.8137(6)	Diapering; toileting.
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The details of the allegations are in the attached report. To investigate the allegations, I completed onsite inspections on 5/17/2022 and 5/18/2022. I interviewed the program director/licensee designee, child care staff members, and parents.

As a result of this investigation, I recommend no change to the current license status. I did not find any violations. The special investigation report is attached.

	Yes	No
A rule or law violation was found and a serious injury or death occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A rule or law violation was found and abuse and/or neglect of a child occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This report and any related corrective action plans must be filed in your licensing notebook. This report and any related corrective action plans will be online for parents to review under the Statewide Search for Licensed Child Care Centers and Homes.

Sincerely,

A handwritten signature in black ink that reads "Beth Goding". The signature is written in a cursive style with a long, sweeping tail on the "g".

Beth Goding, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(269) 615-5489

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
 BUREAU OF COMMUNITY AND HEALTH SYSTEMS
 SPECIAL INVESTIGATION REPORT
 THIS REPORT CONTAINS QUOTED PROFANITY**

I. IDENTIFYING INFORMATION

License #:	DC130292463
Investigation #:	2022D0217014
Complaint Receipt Date:	05/17/2022
Investigation Initiation Date:	05/17/2022
Report Due Date:	07/16/2022
Licensee Name:	Foster Adoptive Family Resource
Licensee Address:	415 South 28th Street Battle Creek, MI 49015
Licensee Telephone #:	(269) 660-0448
Administrator:	Rhonda Fracassi, Designee
Licensee Designee:	Rhonda Fracassi, Designee
Name of Facility:	Take-A-Break Childcare Center
Facility Address:	415 South 28th Street Battle Creek, MI 49015
Facility Telephone #:	(269) 660-0448
Original Issuance Date:	10/25/2007
License Status:	REGULAR
Effective Date:	05/18/2022
Expiration Date:	05/17/2024
Capacity:	60
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
Child A was not changed or toileted on a regular or consistent basis.	No

III. METHODOLOGY

05/17/2022	Special Investigation Intake 2022D0217014
05/17/2022	Special Investigation Initiated - On Site from 9:00 AM until 2:30 PM during renewal inspection.
05/17/2022	Contact - Telephone call made Phone contact with program director Rhonda Fracassi.
05/18/2022	Inspection Completed On-site from 12:30 until 1:30 PM. Interviews completed with Ms. Fracassi and child care staff members Sharon Geren, Brittney Snell, and Georgia Bates.
05/18/2022	Contact - Telephone call made Left message for Child A's Mother.
05/19/2022	Contact - Telephone call received Text and email contact with Child A's Mother. Detailed voice mail received.
06/28/2022	Contact - Telephone call made Left message for Child B's Mother.
06/28/2022	Contact - Telephone call made Left message for Child C's Mother.
06/28/2022	Contact - Telephone call made Phone contact with Child D's Mother.
06/30/2022	Contact - Document Sent Sent email to Child B's Mother.
06/30/2022	Contact - Document Sent Email sent to Child C's Mother.

06/30/2022	Contact - Document Received Email received from Child C's Mother.
07/01/2022	Contact - Telephone call made Phone contact with Child B's Mother.
07/01/2022	Exit Conference Left message for Ms. Fracassi.
07/01/2022	Contact- Email contact with Ms. Fracassi.
07/04/2022	Contact – Email contact with Ms. Fracassi to review findings/exit conference

ALLEGATION: Child A was not changed or toileted on a regular or consistent basis.

INVESTIGATION: On 5/17/2022 prior to receiving this complaint, I was at the child care facility for an unannounced onsite renewal inspection. During this renewal inspection, I observed the child care staff members in all classrooms toileting children on a regular basis and changing diaper when wet or soiled.

While at the renewal inspection, Ms. Fracassi mentioned that recently she received a complaint from Child A's Mother regarding diaper changes and toileting concerns. Ms. Fracassi indicated that Child A's Mother did not seem to have any issues with toileting or the child care center at all until after Child A stopped attending care and was sent a balance for unpaid bills. Ms. Fracassi was frustrated that Child A's Mother is now complaining and trying to get out of paying her bill.

After leaving the child care facility, I received the reported allegations. I contacted Ms. Fracassi via telephone and requested that she send me all emails she had with Child A's Mother that related to diapering, toileting, and any other concerns. Ms. Fracassi forwarded me several emails exchanged between her and Child A's Mother regarding this allegation.

On 3/23/2022 Child A's Mother sent Ms. Fracassi the following email: "Hey Rhonda, I just wanted to reach out. I know Child A has been trying his very best with using the bathroom. However, dad is starting to just get frustrated that he is having more accidents at school then what we are running into in the evenings and weekends. I know these ladies are very busy and they do a great job. I was wondering for tomorrow if we could start just pulling Child A out a couple times extra to use the bathroom.? I know this morning he wanted to use the school potty and not the house potty, so I know he can be trying. Please let me know what you think and how everything goes and anything that I can do."

Child A's Mother also stated "I only ask because last week we had three total accidents and he has peed in pants both days now."

Ms. Fracassi indicated that after receiving this email, she responded with the following email: "Hello, This week Child A has been resisting going to the bathroom willingly to potty. I have seen the teachers taking him out of the room and he is saying No & hitting & scratching them. They are still insisting and getting him there to sit & then be changed. As we talked about previously it can be frustrating to parents, as the pattern at home is usually different than the pattern at daycare. Two steps forward, three steps back until he is fully ready! I can assure you it has nothing to do with the efforts from the teachers, and he is being taken regularly as usual."

Ms. Fracassi also contacted Child A's Mother the following day to further discuss the behavioral obstacles they had been having with Child A's toilet learning. Specifically, Child A will periodically refuse to use the rest room or allow child care staff to take him. She and Child A's Mother reviewed his toileting schedule, and Ms. Fracassi stated that they would try to take Child A to the bathroom more frequently to see if this helps. Ms. Fracassi stated that this is the last time she heard anything about

concerns with diapering or toileting until after Child A left the child care and Child A's Mother was given a bill for unpaid charges.

On 4/20/2022 Child A's Mother emailed Ms. Fracassi the following: "Good evening Rhonda, I wanted to tell you thank you for all the support and care over the past years with Child A. It is time however for him to have a change. This is our notice that April 29th will be Child A's last day and Take a Break. We are thankful for our time with Take a break. Thank you again for everything."

On 4/20/2022 Ms. Fracassi replied to Child A's Mother with the following email response: "Hello, I am sorry to hear that Child A will no longer be attending Take A Break. We have worked to the best of our abilities in the classroom to help Child A through behavioral issues and frustration's wish your family all of the best, and a wonderful summer."

On 4/27/2022 Child A attended child care as planned. He was supposed to attend on 4/28/2022 and 4/29/2022 as well. On the evening on 4/27/2022, Child A's Mother emailed Ms. Fracassi the following message and several photographs: "Good evening Rhonda, Child A will not remain in take a breaks care. Upon drop off today Child A was in a pull-up, however we are potty training which implies using the bathroom. Child A was left to sit in the same pull up from 8am drop off until 5pm when he was returned to my care. I am including the photos. Something in my mom gut told me today to mark his pull-up before putting in on just in case, This is beyond unacceptable and I cannot leave my son in your care. I did not want to believe that this would/has or has been the situation. Furthermore I believe that all of this is related and directly affects my sons ability to trust a facility with his childcare and in turn those in the position of providing the care day to day. I do plan on receiving a final statement for Child A's care, but I will be only paying for the three days he attended this week due to the neglect he received today."

The included photographs were as follows: The first picture is of an apple watch with a 4/27/2022 date and time of 7:24 AM next to a clean, unused diaper with an X on the bottom. The second is a picture of an apple watch with date 4/27/2022 and time of 5:18 PM next to a Child A laying on the ground wearing a pullup with the X on the bottom. The third is a picture of Child A laying on the ground with his knees bent and legs prone displaying him in the X marked diaper. The diaper appears to be soiled. The fourth picture is of a pair of child's sweatpants and underwear that both have wet spots. The fifth and sixth pictures are of an open diaper laying on the ground with feces and urine inside next to a watch displaying the date 4/27/2022 and time of 5:21 PM.

Ms. Fracassi stated that she emailed Child A's Mother back within the hour. The following was her email response: "Hello, I do know that I was told Child A had a better day today and sat on the potty and went at least twice, without an accident in his pants. Which would be why the pull up was not taken off, due to being dry. I also know that he was checked at 4:30 PM and was dry, and refused to sit on the potty at

that time. I can assure you that he did not “sit” in urine and feces all day! I can also assure you that no form of neglect has taken place by the teachers caring for Child A at Take a Break. Child A’s behavioral issues have been ongoing for over a year, with biting and hurting other children, long before he was potty training. I have all of the incident reports on file. His refusal to use the bathroom on most days has also been ongoing. Today was actually a better day with him deciding to sit on the potty and go! The teachers and I have been extra patient with him, with all of his struggles and hurting friends and adults in the classroom, and destroying the room multiple times! Best wishes to Child A as he moves on! Warm regards.”

On May 16 2022 Child A’s Mother sent the following email regarding her final bill: “Hey Rhonda, we did not attend in May so there should not be any charges. Not sure why after our conversation and you saying that in fact that was the same diaper I’m not paying for that. A closet could have done the same thing and it is unacceptable that you think I should pay for days he sat in his own filth. I have evidence of the lack of care received by my son and I will be calling the state. I am floored that this is even how I have to handle this situation. You acknowledged that the staff pulled up and down that same diaper all day. It was marked, I spoke to you twice before, after picking up on the 5th & 19th. This is ridiculous, the charges need to be corrected. Unacceptable.”

Ms. Fracassi responded with the following email: “Hello Child A’s Mother we talked about this, Chile A did not sit in his own filth at Take A Break, he went on the potty and the pull up had nothing in it and was clean while he was at the center. Just like underwear would not be changed if there was nothing in it. I am not sure what charges you are disputing. The charges are valid for time of attendance and those cannot be waived. It will go to collections if the bill is not paid in full. It is already past due and I was kind enough to waive the two reserved days that he did not attend. Warm regards.”

Child A’s Mother responded with the following email response: “That is unacceptable, I would have brought him if your center could have passed the diaper audit because of that negligence in care is why I pulled him. You confirmed it was the same diaper because it was “pulled up repeatedly” despite the fact he was in underwear. The pick up photo is minutes from leaving the building that did not happen in the car, otherwise the shit that was stuck to his leg would have wiped off. It did not, ownership is on the center and should be responsible for those days. That day along with the contributing two days should be credited. Again had your facility passed the diaper audit, I would pay for those days.”

On 5/18/2022 I completed an unannounced onsite inspection and interviews with Ms. Fracassi and child care staff members Sharon Geren, Brittney Snell, and Georgia Bates. Ms. Fracassi reported that there is no way Child A was sent home in a urine filled and feces soiled diaper unless it occurred as they were leaving or on the car ride home. She reported that she was working in the child care facility on 4/27/2022 when Child A was picked up around 5 or 5:10 PM. She observed child

care staff member Georgia Bates taking Child A to the rest room for toileting around 4-4:30 PM. She even heard Ms. Bates tell Child A that he needed to try and use the toilet, and even if he didn't have to potty she needed to check his pull up to see if it is soiled.

Ms. Fracassi expressed that Child A may have been left in the same pull up all day, because he uses the toilet most of the time. Child care staff members would not change his pull up if it was dry and unsoiled. She expressed that it is quite possible that Child A soiled his pull up on the way home or at pick up. She stated that after this incident, Child A did not return to the child care for rest of his last week. Ms. Fracassi feels that Child A's Mother was attempting to set them up by marking the diaper. She indicated that Child A's Mother was already behind on her bill and is now trying to use this to avoid paying anything further.

Ms. Fracassi stated that after Child A's Mother sent her the email with the pictures of the marked diaper, she called her to discuss the next day. She reported that Child A's Mother was apologetic and said she was overreacting. She expressed that she was grateful for the child care and the issue or concern was managed. The child care does not typically log in all toileting for this age group unless a parent requests.

Ms. Fracassi stated that when Child A's Mother received her final bill on May 14, 2022, she brought the concern up again to avoid paying a portion of her bill. Ms. Fracassi expressed that Child A's Mother is still refusing to pay the remainder of her bill, and it will likely go to collections.

Ms. Geren reported that she works in the classroom with Child A periodically. She primarily works in the classroom only during early morning, and then moves to a different classroom by afternoon. She reported that Child A usually arrives around 7-7:15 AM. She stated that sometimes he would arrive at the child care with a very wet and soiled diaper and the staff would have to immediately change him. She stated that at one point he started wearing just underwear but was not ready and would often be wet. He was switched back to pull ups because he was having accidents on a regular basis. Ms. Geren expressed that each morning after Child A was there for about 45 minutes to an hour, they would ask him if he needed to use the bathroom. Child A would often refuse to try and would even get aggressive towards child care staff when they would attempt to take him or check his pull up.

Ms. Geren stated at 9-9:15 AM the whole class is usually present, and the whole class goes for a bathroom break before morning snack. She indicated that Child A would sometimes go willingly, but other times would refuse, or resist being checked. He would hit and spit on the staff when they changed or checked. She reported that even when he was resistant or acting out, they always still changed and checked his pull up.

Ms. Geren denied that Child A's Mother or Father ever talked to her about concerns with Child A not being changed on a regular basis. She reported that the only thing

she knows, is that Child A did have to go home early on a frequent basis due to his behavioral issues.

Brittany Snell reported that she does not normally work in the classroom with Child A, but she was in the room on 4/27/2022 (last day of Child A's care.) She is regularly the lead in the toddler classroom, but it was closed that day, so she worked in the room with Child A until about 2:00 PM.

Ms. Snell expressed that on that date, Child A was taken to the bathroom around 9:00 AM. He did use the potty, and his pull-up was dry. Child A was taken to the bathroom again around 11:00 AM before lunch and was still dry at that time. She believes he also successfully used the potty at that time. After lunch and nap, Child A again was taken to the bathroom around 2:00 PM. She reported that he also went in the toilet at that time, and his pull up remained dry.

Ms. Snell stated that she left the classroom after the 2:00 PM bathroom break. She reported that Child A was still in the same pull up he came in with at that time, because he was dry at each bathroom visit. She had no contact with Child A's Mother or Father on that date.

Georgia Bates has been working in the classroom with Child A on a regular basis. She normally starts at 9:30 AM until 5:30 PM, unless she works a ½ shift. Ms. Bates states that the entire classroom usually takes a bathroom break before she arrives, then again at 11:30 AM, 2:00 PM, and around 3:30-4:30 PM. Ms. Bates was working the classroom on 4/27/2022 with Child A. She reported that Child A successfully used the potty at least two times that day and was never wet or in a soiled pull up. She reported that they do not change a pull up unless is it soiled, so he would not have had a new pull up on when he left for the day.

Ms. Bates stated that Child A was usually one of the last kids taken for a toilet break at the end of the day, because he was difficult. Specifically, he would resist or refuse and could act out in a violent manner. She reported that on 4/27/2022 he was not taken for his last toilet visit until around 4-4:30 PM. He refused to use the potty at that time, but he was checked. She stated that Child A was dry at the last check and was picked up around 5:00 PM.

Ms. Bates expressed that Child A's Mother or Father never came to her about Child A not being changed regularly or about any concerns with toileting. She always saw Child A's Mother at pick up, and no concern was ever mentioned.

On 5/18/2022 I completed phone contact with Child A's Mother. She expressed that she has numerous emails detailing her concerns with Child A not being toileted or changed on a regular basis. She agreed to forward me all emails. I reviewed all emails, and they were the same emails I had received from Ms. Fracassi that are detailed in the report.

Child A's Mother stated that she previously spoke with Ms. Fracassi about concerns that Child A was not being toileted on a regular basis or changed as needed at least two other times. She felt that Ms. Fracassi was not taking seriously or minimizing. She had a feeling things were not going well, so on 4/27/2022 she marked Child A's pull up in the morning to see if it was changed or not. She dropped him off around 7:00 AM and picked him up around 5:00 PM. She stated that when she got him home, she found him soiled in feces and with a very full pull up. The pull up was the same marked pull up from the morning.

Child A's Mother believes that Child A was left in a soiled pull up all day. She acknowledged that Child A did not have any diaper rash on that date or previously. She did not notice that Child A was soiled when she picked up, but she does not believe that it occurred in the car on the way home. She denied talking to the child care staff in the classroom at pick up on 4/27/2022 or previously about Child A's toileting. She feels that the child care has not been checking his pull up regularly or taking him to toilet frequently.

Child A's Mother stated that she feels that the child care should not be charging her for the dates she feels he was left in a soiled pull up. I explained that we do not have any involvement with the financial aspect of child care, and only examine licensing rules.

On 6/28/2022 I completed phone contact with Child D's Mother. Child D (female, 3 years) has been enrolled at the child care for only a couple of months. Child D's Mother denied any concerns or issues with the child care. She reported that her child is in the process of toilet training and wears a pull up to care. She stated that Child D has always been dry when she picks her up. The child care has been great at checking her and toileting her regularly. She stated that if Child D uses the toilet and her pull up is dry, they will keep her in the same clean pull up. Child D has not had any reactions or diaper rash to indicate that she is not being changed or toileted on a regular basis.

On 6/30/2022 I completed email contact with Child B's Mother. Child B (female, 3 years) has been enrolled at the child care for over a year. She expressed that Child B is in the middle of potty training, and she has had some issues. Specifically, she related that Child B is almost always dry at home and toileting successfully, but has more accidents at the child care. She has asked for a potty log to track while at school. She stated that child care staff would only document two or three visits to the toilet on a couple of dates. Further, she has picked up a couple of times and Child B has a very full/wet pull up on. She denied diaper rash, but stated that it appears that the child care staff are not always wiping her properly when toileting. Prior to Child B toilet training, she did not have any issues or concerns with diapers not being changed regularly.

On 7/1/2022 I completed phone contact with Child C's Mother. Child C (male, 3 years) has been enrolled for approximately eight months. Child C's Mother denied

any issues or concerns. She reported that her child is only in the early stages of toilet training. She expressed that things have been going well. She feels they toilet and change her on a regular basis. She reported at a couple times she has picked up around the last toileting time, and Child C has been wet. She feels that is because it is not long after napping. She would just ask the staff to change her real quick before they leave. She denied any diaper rashes or overly wet pull ups or clothing.

APPLICABLE RULE	
R 400.8137	Diapering; toileting
	(6) Diapers and training pants must be checked frequently and changed when wet or soiled.
ANALYSIS:	There is insufficient information to support that child care staff are failing to check or change diapers/training pants on a regular basis.
CONCLUSION:	VIOLATION NOT ESTABLISHED

IV. RECOMMENDATION

I recommend that the status of the license remain unchanged.

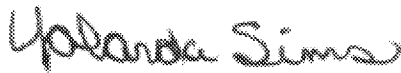


7/6/2022

Beth Gaudin
Licensing Consultant

Date

Approved By:



7/6/2022

Yolanda Sims
Area Manager

Date