



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
8/23/2021

DVN
000262684

FACILITY NAME

COOK, MARLENIA

FACILITY ADDRESS

605 E 7TH ST

CITY

PORTAGEVILLE

ZIP CODE

63873

PHONE NUMBER

(573) 379-0046

COUNTY

NEW MADRID

ASSIGNED SPECIALIST

GRAHAM, JESSICA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-400.045 (18)

The number and ages of children a family child care home is authorized to have in care at any one time shall be specified on the license and shall not be exceeded except as permitted within these rules.

5 CSR 25-400.105 (2)(A)

A family child care home may be licensed for up to ten (10) children. The following staff/child ratios must be maintained at all times and shall not be exceeded except as permitted under these rules: 1 caregiver present, with up to 4 children, all may be under age two (2); 1 caregiver present, with 5-6 children, 3 children may be under age two (2); 1 caregiver present, with 7-10 children, 2 children may be under age two (2); 2 caregivers present, with up to 8 children, 8 children may be under age two (2); 2 caregivers present, with up to 10 children, 4 children may be under age two (2).

5 CSR 25-400.085 (1)(E)

Children shall have no access to areas not approved for child care.

5 CSR 25-400.210 (2)

An individual file shall be kept to identify each child and to enable the provider to communicate with the parent(s), guardian, or legal custodian of the child in an emergency. Records shall include:

CONCLUSION SUMMARY

On August 26, 2021, Compliance Inspector (CI) Jessica Graham investigated the allegation that Ms. Cook is caring for 8 - 10 infants at a time in her home. This allegation is substantiated based on the following rule violations:

5 CSR 25-400.105 (2)(A) which states: "A family child care home may be licensed for up to ten (10) children. The following staff/child ratios must be maintained at all times and shall not be exceeded except as permitted under these rules: 1 caregiver present, with up to 4 children, all may be under age two (2); 1 caregiver present, with 5-6 children, 3 children may be under age two (2); 1 caregiver present, with 7-10 children, 2 children may be under age two (2); 2 caregivers present, with up to 8 children, 8 children may be under age two (2); 2 caregivers present, with up to 10 children, 4 children may be under age two (2)."

AND

5 CSR 25-400.045 (18) which states: "The number and ages of children a family child care home is authorized to have in care at any one time shall be specified on the license and shall not be exceeded except as permitted within these rules."

AND

5 CSR 25-400.210 (2) which states: "An individual file shall be kept to identify each child and to enable the provider to communicate with the parent(s), guardian, or legal custodian of the child in an emergency."

AND

5 CSR 25-400.085 (1)(E) which states: "Children shall have no access to areas not approved for child care."

On August 26, 2021, provider Marlenia Cook stated that she only provides care for one infant at this time, and that child is 17 months old. Ms. Marlenia keeps the children in the approved childcare space outside of her home. Ms. Marlenia said that no children are ever brought into her home for any reason.

On August 26, 2021, CI Graham observed attendance records for Marlenia Cook for the month of August. Records showed that there were 13 children present during meal times. Ms. Marlenia claims that these children are only present during her approved overlap times from 6:50am-8:00am (morning snack), 11:50am-12:15pm (lunch) and 2:00pm-2:15pm (afternoon snack). Ms.

Marlenia stated that the overlap times are set to cover the children that come to the facility half a day, either before or after their preschool program with the public school.

On October 19, 2021 CI Samina Odle conducted a compliance monitoring inspection and observed provider Marlenia Cook with twenty five children. Marlenia initially stated the ages of the children were as follows: One child is nine months old. Three children are one years old. Three children are two years old. Three children are three years old. Seven children are four years old. One child is six years old. One child is seven years old.

During a recount of the children Marlenia reported that three children are one years old. Three children are two years old. Five children are three years old. Seven children are four years old. Two children are five years old. One child is six years old. One child is seven years old. This would only make a total number of children at twenty-two leaving three children's ages unknown. A search of files for the facility showed the following: three children are one, six children are two, two children are three and one child is four. This only accounts for ten of the children. Marlenia does not have files on her three grandchildren or the children she is keeping today due to the Catholic school being closed.

On October 27, 2021, CI Samina Odle made a return inspection to provider Marlenia Cook and observed Ms. Marlenia assistant Kay Cook with eleven children. Four of the children were under the age of two. Seven of the children are aged 2-5 years old. There were not files for the children under the age of two years because Ms. Marlenia stated that the children are only drop in care.

Mike Cook was present with six preschool aged children in the home (unapproved daycare space), which Marlenia stated were her grandchildren and great grandchildren.

On November 2, 2021, CI Graham observed Marlenia Cook with 12 children including 4 under the age of 2 years. Ms. Marlenia did not have files for two of the children in attendance at the time of the inspection.

CORRECTIVE MEASURES

CORRECTIVE MEASURE		COMPLETED (Y/N)	COMPLETED DATE
Provider, Marlenia Cook shall ensure that the conditions and limitations specified on the license are adhered to at all times. The child care provider must provide the Office of Childhood with a statement, signed by Marlenia Cook and all approved assistants, to indicate they understand and agree to follow the requirements. A copy of the signed statements shall be provided to the Office of Childhood .		Yes	10/20/2022
CORRECTIVE MEASURE		COMPLETED (Y/N)	COMPLETED DATE
Provider, Marlenia Cook shall review all children's files to ensure all department required forms are on file and accurately completed. A written statement to indicate that this task was completed shall be provided to the Office of Childhood .		Yes	10/20/2022
DISPOSITION	DISPOSITION DATE		
SUBSTANTIATED	4/13/2022		
APPROVING SUPERVISOR			
CHRISCO, MARLA L			