

## **10A NCAC 09 .2702      DEFINITIONS**

For purposes of this Section:

- (1) a "qualified child care provider" means an individual who is fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110-90.2.
- (2) a "disqualified child care provider" means an individual who is not fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110.90.2.
- (3) a "provisional child care provider" means an individual who:
  - (a) resides outside the State of North Carolina or has resided outside the State of North Carolina at any time during the five years prior to submitting documents for a criminal history record check in accordance with 10A NCAC 09 .2703;
  - (b) has provided a copy of the county criminal history from the county where they reside outside the State of North Carolina or from the county or counties where they have resided outside the state of North Carolina in the past five years; and
  - (c) is fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110-90.2(b), but the Division has not yet received the results of the state sex offender registry check, the state abuse and neglect registry, or the state criminal history check from the state or states in which the individual resides or has resided at any time during the five years prior to submitting documents for a criminal history check in accordance with 10A NCAC 09 .2703.
- (4) a "qualification letter" or "qualifying letter" means the letter issued by the Division notifying an individual that he or she is a qualified child care provider;
- (5) a "conviction" includes when a plea of guilty or no contest is accepted by the trial court or a court enters an order granting a prayer for judgment continued; and
- (6) a "pending criminal charge" includes, but is not limited to, a charge that has been deferred pursuant to G.S. 15A-1341(a1).

*History Note:*      *Authority G.S. 110-85; 110-90.2; 110-90.2(a)(3); 114-19.5; 143B-168.3; S.L. 1995, c. 507, s.23.25;*  
*Temporary Adoption Eff. January 1, 1996;*  
*Eff. April 1, 1997;*  
*Amended Eff. March 1, 2014; November 1, 2007; April 1, 2003;*  
*Readopted Eff. January 1, 2019.*