



North Carolina Department of Health and Human Services

DIVISION OF CHILD DEVELOPMENT

Phone: 919.662.4499 Fax: 919.661.4845 Courier Number: 56-20-17



Physical Address:
319 Chapanoke Road
Raleigh, NC 27603

Mailing Address:
2201 Mail Service Center
Raleigh, NC 27699-2201

Beverly Eaves Perdue, Governor

Lanier M. Cansler, Secretary

Deborah J. Cassidy, Director

October 27, 2009

Judy R. Lucas
Judy's Home Care
1300 Laura Duncan Road
Apex, NC 27502

HAND DELIVERY

Case# 1009-105

Dear Ms. Lucas:

Enclosed please find a **Notice of Administrative Action**. This action is taken by the Division of Child Development against you, as the operator of **Judy's Home Care, ID# 92000616**. Please read the Notice carefully so that you understand all aspects of the administrative action. Instructions to appeal this administrative action are attached to this Notice.

This agency remains available to assist you upon request. If you have questions about this matter or need further assistance, you may contact Stephanie Pearson, Northeastern Child Abuse/Neglect Team Supervisor, at (919) 217-9092.

Sincerely,

June Docklear, Chief
Regulatory Services Section

JL/SP/mn

Enclosure

cc: Holli Britt, Child Abuse/Neglect Consultant
Kimberly Wimberly, Child Care Consultant
Jeff Gaster, Licensing Supervisor
Penny Dickens, Subsidy Services Consultant
Child Care Coordinator, Wake County Human Services
Arnette Cowan, Special Nutrition Programs
Alexandra Gruber, Assistant Attorney General
Kellie McCarthy, Subsidy Services Unit
Sue Russell, Child Care Services Association
Linda Chapel, Child Care Services Association



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NOTICE OF ADMINISTRATIVE ACTION

**TYPE OF ACTION: ORDER REQUIRING SUMMARY
SUSPENSION OF LICENSE**

ISSUED TO: Judy R. Lucas

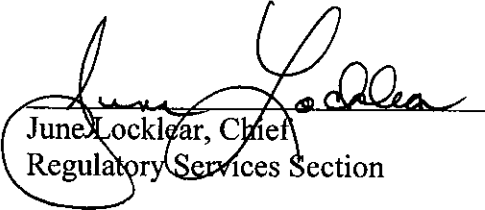
**FACILITY: Judy's Home Care
1300 Laura Duncan Road
Apex, NC 27502
ID# 92000616
Case# 1009-105**

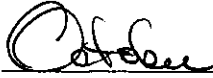
The Division of Child Development in the Department of Health and Human Services hereby **SUMMARILY SUSPENDS** the One Star License issued to **Judy R. Lucas** to operate the above named Family Child Care Home, effective upon receipt of this Order. This action is based on the agency's findings that conditions at the home represent immediate danger to the health, safety, and welfare of children receiving care at the home. Therefore, emergency action must be taken. Authority to take this action is provided by North Carolina General Statutes 110-90(9), 110-98, 110-102.2(4), and 150B-3(c) and Child Care Rule 10A NCAC 09 .2207. **The center shall close at the end of the business day on which this Order is delivered.**

BASIS FOR ACTION

On October 26, 2009, the Division of Child Development received a report regarding the death of a three-month-old infant. The child fatality occurred while the infant was in care at Judy's Home Care, a one star family child care home operated by Judy R. Lucas. On October 26, 2009, a Child Abuse/Neglect Consultant from the Division of Child Development visited the home to investigate the report.

Based on preliminary information from the investigation, the Division of Child Development has determined that Judy's Home Care is not a safe and healthy environment for children and that conditions in the home represent imminent danger to children, a violation of Child Care Rule 10A NCAC 09 .1719 regarding safe environment.


June Locklear, Chief
Regulatory Services Section

 27, 2009
Date

PROCEDURE FOR APPEAL

To appeal an Administrative Action, a request for a contested case hearing may be made in accordance with Chapter 150B, Article 3, and Chapter 110, Article 7 of the North Carolina General Statutes. A Petition for a contested case hearing must be filed with the Office of Administrative Hearings, in accordance with North Carolina General Statute 150B-23(a). In addition, a copy of the Petition and certificate of service must be mailed, delivered or faxed to Emery Edwards Milliken, the registered agent for the State agency named on the Petition as Respondent. To file a Petition with the Office of Administrative Hearings, please follow the directions below:

STEP 1 – REQUESTING THE FORM: **Contact the Office of Administrative Hearings (OAH) at 919-431-3000.** You may request that the Petition form be mailed or faxed to you or you can obtain the form on line at www.ncpah.com/. The certificate of service is included on the bottom of the Petition form. OAH will also include a page titled, *Instructions for Form H-06 "Petition for a Contested Case" and "Certificate of Service."*

STEP 2 – FILLING OUT THE FORM:

Once you receive the Petition and instruction sheet, read the instructions carefully and complete the top and bottom portions of the form.

- NOTES:** (1) Item (3) on the Petition (Respondent) is the Division of Child Development/Department of Health and Human Services (the agency about which you are complaining).
- (2) Item (10) under CERTIFICATE OF SERVICE
Name of person served (10) is: Emery Edwards Milliken, General Counsel for the Division of Child Development.

STEP 3 – SUBMITTING THE COPIES:

- (1) The **ORIGINAL PLUS ONE COPY** of the Petition and certificate of service must be received by the **Office of Administrative Hearings within thirty (30) days after this Notice is received.** (REFER TO OAH INSTRUCTION SHEET FOR MAILING AND PHYSICAL ADDRESSES) **If a petition is not filed within this timeframe, the right to appeal may be lost and the administrative action explained in this Notice will become effective.**
- (2) A copy of the completed Petition and certificate of service must also be mailed, delivered, or faxed to the registered agent of the State agency, Emery Edwards Milliken. **FAILURE TO DO SO MAY RESULT IN THE DISMISSAL OF THE APPEAL.**

Ms. Emery Edwards Milliken
Department of Health and Human Services
Office of Legal Affairs

Mailing Address: 2005 Mail Service Center
Raleigh, NC 27699-2005

Physical Address: Adams Building
101 Blair Drive
Raleigh, NC 27699

Fax No. 919-715-4645

STEP 4 – FILING FEE:

A \$20.00 filing fee shall be assessed by the Office of Administrative Hearings for each petition.

INFORMAL PROCEDURES

In accordance with North Carolina General Statute 150B-22, it is the policy of this agency to try to settle any disputes between the agency and any other person through informal procedures. The Division of Child Development is available at the operator's request for discussion or consultation that might resolve this matter. To arrange for an informal meeting, you must contact the Division of Child Development at (919) 662-4547 or 1-800-859-0829. **Please note that the use of informal procedures does not extend the thirty (30) days allowed to file for a contested case hearing as explained above.**