

New Law: Child Care Safety – Cole’s Law

Preventing Access to Guns by Children in Child Care

July 2020



Background:

In Virginia, 35.1% of households have at least one gun.¹ Two-thirds of gun owners say they own more than one gun, including 29% who own five or more guns.²

For those individuals who operate a child care program out of their home, safe gun storage is essential so that children cannot have access to weapons that could be used to unintentionally cause serious injury or death.

In 44 states, firearms in home-based child care programs are either prohibited or access is controlled (e.g. safe storage requirements apply).

Cole’s Law: Protecting Children in Child Care from Access to Guns

The [new Virginia Law](#) to protect children in child care from accessing guns was enacted in April 2020. The new law, named after Cole – a 4-year-old Virginia boy who died of a self-inflicted gun shot wound while in the care of a home-based provider, takes effect July 1, 2020.

Under [the new law](#), during the hours when child care is being provided,

- all firearms in a licensed family day home, registered family day home, or family day home approved by a family day system, shall be stored unloaded in a locked container, compartment, or cabinet, and
- all ammunition shall be stored in a separate locked container, compartment, or cabinet. The key or combination to such locked containers, compartments, or cabinets shall be inaccessible to all children in the home.

It’s not about owning guns. It’s about being responsible for safe gun storage for those who operate a child care program so that children will not have access to potentially dangerous weapons.

Cole’s Story



4 year-old Cole died of a self-inflicted gun shot wound in a child care home.

Cole was a quiet, loving, polite boy who at 4 years-old, was cautious and protective of his younger sisters. When his parents, Kyrin and Josh Falcetti, needed child care, they did what most parents do. They asked friends and family for recommendations. A friend recommended his fiancé as great with kids. Kyrin and Josh felt their children would be safe because the child care provider was recommended through a friend.

On May 15, 2017, Cole died as a result of a self-inflicted gun shot wound in the home of his child care provider. The provider had placed Cole in her personal master bedroom (where a weapon was) for his nap. It is unclear whether the loaded weapon was on the nightstand table or in a drawer, but what is known is that it was loaded and within reach of a young child.

No child in child care should have access to a gun.

¹ [Gun Owners as a Percentage of Each State’s Population](#), Source: USA Carry.com. <https://www.usacarry.com/>

² Pew Research Center, June 2017. <http://www.pewsocialtrends.org/2017/06/22/the-demographics-of-gun-ownership/>