

# Guide to Becoming a Licensed Family Child Care Provider



DEPARTMENT OF  
HUMAN SERVICES

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## Introduction

This handbook is designed to help you decide if opening a family child care business is the right decision for you, guide you through the process of applying for a license, and help you understand what is required of a licensed family child care program in the state of Minnesota. It is intended for those who want to be licensed to provide care in the home where they live.

If you are interested in being licensed in a setting other than the home where you live, there may be additional requirements for you to consider. You should contact your county for more information about being licensed in a setting other than your own home.

## Do you need to be licensed?

[Minnesota Statutes, section 245A.03 subdivisions 1 and 2](#)<sup>1</sup>

The vast majority of people who provide child care in their home are legally required to have a license. Licensure helps ensure that child care providers meet minimum standards to protect the health and safety of the children in care.

State law allows only a few limited circumstances under which a person can operate a child care program in their own home without a license. These exceptions, which are known as providing legal non-licensed child care, are:

- When you are only caring for children who are related to you. “Related” means a relationship by marriage, blood, or adoption that includes a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, child, or niece. A legally appointed guardian is also considered a relative.
- When you care for children from only one unrelated family.
- When, in addition to caring for related children, you are caring for children from only one unrelated family.

Because there are strict limits on the children for whom legal non-licensed child care providers can provide care, state law prohibits them from advertising their child care program.

<sup>1</sup> <https://www.revisor.mn.gov/statutes/cite/245A.03>

## Deciding if licensed family child care is right for you

Family child care can be a very rewarding career for individuals interested in working with young children and their families. It allows you to be home with your own children while supporting your community by providing a valued service. While there are many benefits, there are a number of things for you to consider, including:

- Your family is willing to share their home with others.
- All adults in your household will have to be fingerprinted for their background studies to be completed.
- Children over the age of 13 living in your home will have a name-based background study completed on them. If they work for your family child care program, they will also be fingerprinted.
- You understand the importance of licensing visits and that unannounced visits will be conducted during hours of operation.
- You respect different parenting styles and are willing to work with parents.
- Your address and licensing record is available to the public on the DHS website.
- You understand that doing child care will increase wear and tear on your home and that items in your home will be damaged from time to time.
- You understand that a child care provider's work week is typically 50 hours or more.
- You can and will write policies to guide your program.
- You understand that you will have to supervise the children at all times during hours of operation.
- You may experience multiple babies and children crying at the same time.
- You will need to take training every year to maintain a license. These trainings may have a cost and will require time outside of business hours, often away from home.

## Financial considerations

It is important to have an understanding of your income and expenses to create a successful business. It can be helpful to work with experts such as tax consultants, financial advisors or mentors in family child care. You may find it beneficial to seek a professional with family child care experience.

## Rules and statutes

To become licensed, you will need to understand and comply with all of the state's regulations for family child care providers. This handbook will help you understand them; however, it does not take the place of or override the actual language of the rules and statutes governing licensed family child care in Minnesota.

Sometimes it is hard to find all the laws around a specific topic because they are written in different places. Sometimes topics are discussed in both rule and statute, so it is important to be familiar with both. Statutes are laws passed by the Legislature. Rules are adopted by the Department of Human Services (DHS). Typically rules are more detailed than statutes and spell out specific procedures or requirements that must be followed. When there are conflicts between a statute and a rule, the statute supersedes or overrides the rule.

There are two main parts of family child care regulations to understand. One is referred to as Minnesota Rules, Chapter 9502, also known as Rule 2, which is specific to family child care. The other is Minnesota Statutes, Chapter 245A which governs all programs licensed by DHS. As such, you will notice that not all sections of Minnesota Statutes, Chapter 245A apply to family child care programs. In addition, licensed family child care providers, like other DHS-licensed programs, also are regulated by Minnesota Statutes, Chapter 245C that governs background studies.

A list of the rules and statutes that you will need to become familiar with can be found in Appendix B.

It is important to remember that laws can change each year with the legislative session. You will need to be aware of those changes and how they will affect you. There are several sources you can use to keep updated. DHS publishes an implementation plan on its website each year to help guide you through the changes. The implementation plan shows the new law and describes what it means for family child care providers and for licensors. Your licensor will also help you understand new regulations.

## **Variances**

Under certain circumstances, a licensed provider or applicant can receive permission to not follow a licensing regulation, called a variance. This is only true of regulations that do not impact a child's health or safety. If you have questions about whether you can receive permission to not follow a specific regulation, please contact your licensor.

## **Understanding Minnesota's licensing system for family child care**

In Minnesota, counties partner with DHS to license family child care providers. This county-delegated system is required by state law. The county, through its county licensors, conducts the licensing monitoring activities and inspections. This is different from the licensing of child care centers, which are monitored by state licensors.

### **Role of counties**

Under this system, Minnesota's counties are responsible for providing information and orientation to individuals interested in applying for a family child care license, accepting and processing licensing applications, monitoring license holders for compliance, and making licensing recommendations to DHS.

County agencies conduct licensing work, including:

- Providing orientation meetings for individuals interested in applying for a family child care license
- Receiving and processing licensing applications
- Initiating background studies, and inspections by the fire marshal and building inspector, when required
- Monitoring licensed programs for compliance with licensing regulations, including annual, unannounced on-site inspections



- When a provider is found in violation of the licensing requirements, providing technical assistance, issuing correction orders and/or fix-it tickets, and recommending licensing actions to DHS, as appropriate
- Conducting investigations of alleged licensing violations
- Enforcing orders from DHS
- Processing requests for an exception to or variance from the rules.

## Role of DHS

DHS trains county licensors and provides them with technical assistance on applying licensing regulations.

DHS also maintains an online database of licensing information called [Licensing Information Lookup](https://licensinglookup.dhs.state.mn.us/)<sup>2</sup> designed to assist the public with information on licensed providers and their programs. It states how long the provider has held a license, when the program was inspected, and whether there were any violations found. If so, there is a plain language summary of what was wrong and when it was corrected. The history of any violations is kept online for four years.

## The DHS licensed family child care webpage

DHS also provides information to licensed family child care providers and has a [webpage](https://mn.gov/dhs/partners-and-providers/licensing/child-care-and-early-education/family/)<sup>3</sup> dedicated to licensed family child care. The page has information for providers on background studies, legislative changes, and other resources. There is also a section on understanding training requirements, required and optional forms, and informational documents. These forms will help you maintain records for your program and keep information organized for each child. The forms that are required must be completed either as part of your application or while you hold your license. The optional forms may help you to stay organized, and include information that you are required to document; however, you are not required to use these specific forms.

From the licensed family child care webpage, you can sign up for DHS's listserv to receive emails with important information from DHS Licensing. You will have the option of setting subscriber preferences where you can choose the topic delivered to you.

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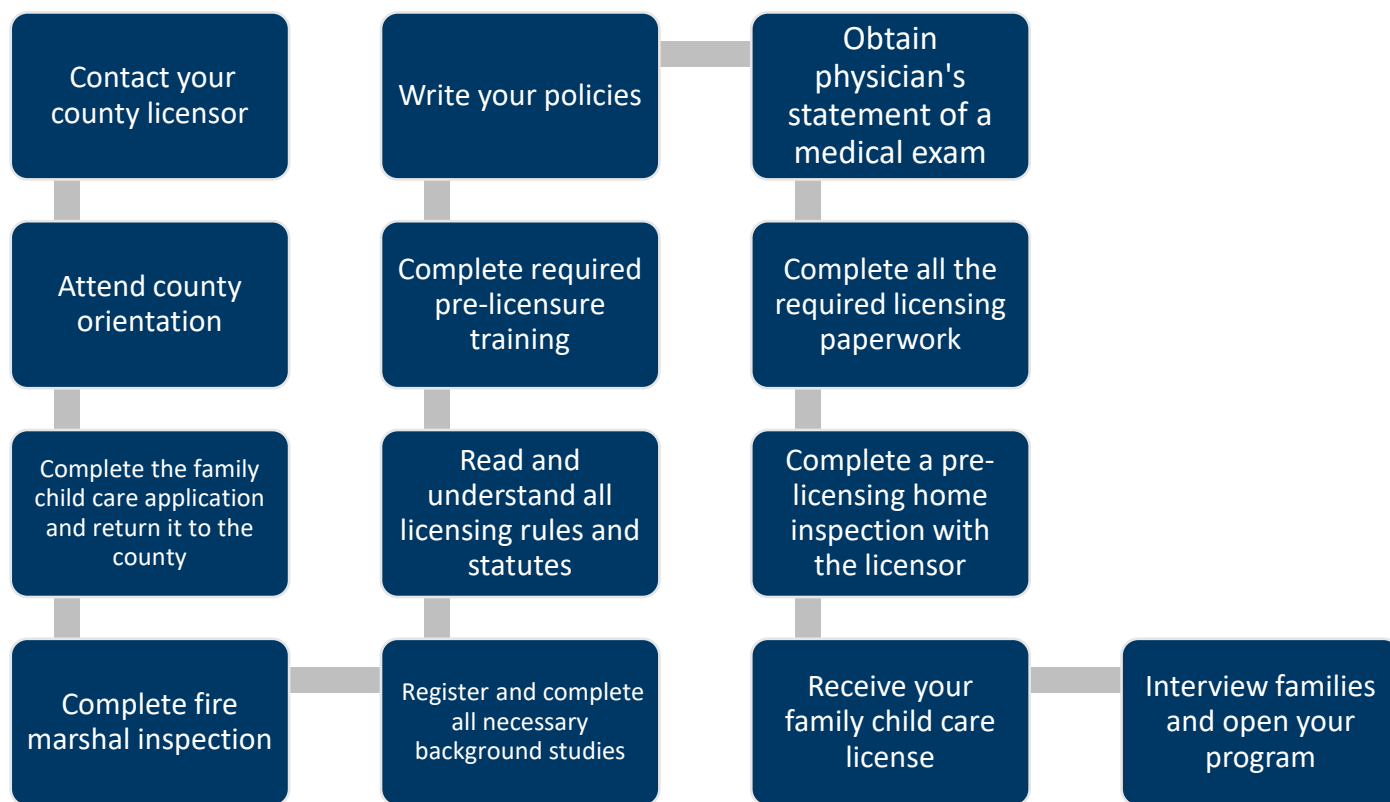
<sup>2</sup> <https://licensinglookup.dhs.state.mn.us/>

<sup>3</sup> <https://mn.gov/dhs/partners-and-providers/licensing/child-care-and-early-education/family/>

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## Orientation and Application Process

Below is a flow chart of the typical application process. These steps are described in the following sections of the handbook. This is an example of the steps to apply for a license, but some steps can occur before others once you have submitted your application.



Your county licensor is your first resource for all licensing questions. You can find [contact information for your county](https://mn.gov/dhs/assets/county-contact-document_tcm1053-361611.pdf)<sup>4</sup> on the DHS licensed family child care webpage. Your county is your first and on-going point of contact to help you through the application process and for any questions you have regarding licensing regulations throughout your family child care career. It is important to develop a strong line of communication with your licensor. They can help you be successful.

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<sup>4</sup> [https://mn.gov/dhs/assets/county-contact-document\\_tcm1053-361611.pdf](https://mn.gov/dhs/assets/county-contact-document_tcm1053-361611.pdf)

## Orientation

Counties may require individuals who are interested in becoming licensed to attend an orientation or informational meeting before receiving a license application. The orientation meeting will give you a broad overview of the licensing process, licensing regulations, and next steps if you decide to apply for a license. Orientation may be offered in person, online or over the phone with your county's licensors. You should bring any questions you have about licensure to this meeting. You will receive application materials after you have participated in an orientation meeting.

## Application

Applications are submitted and processed directly with the county where your program will operate. Contacting your county family child care licensing unit is the first step in this process. Many counties have application information on their websites. Counties can charge a licensing fee of up to \$50 per licensing year.

Family child care applicants must use a DHS application form to submit an application to the county where the child care will be provided. Items requested on the application include the type and class of license you are applying for, if you have held a license before, your identifying information, tax identification information, address and type of dwelling you will be providing care in, people living in the home and working in the program, workers' compensation insurance verification, hours of operation of your program, references, and identifying if you plan to participate in any publicly funded program, such as a food program or the Minnesota Child Care Assistance Program.

Minnesota has a family child care license, called special family child care, for individuals who want to provide care somewhere other than their own home. If you are interested in providing care outside of your home, please contact your county for more information.

An application for a family child care license can be denied if minimum licensing requirements are not met. A few examples of why an application would get denied could be an incomplete application, knowingly withholding relevant information, giving false information, an individual in the home does not pass a background study, or a history of not following the laws or rules.

## Background studies

State law requires people who provide services to vulnerable populations to have a background study completed by DHS before they are allowed to receive a license and/or to provide licensed services. State law also requires most people living in the home where a family child care program will be located to have a background study conducted. The background study determines whether the person committed an act that would legally prohibit or "disqualify" them from providing the service or having the service provided in a place where they live. DHS background studies include a review of criminal history information maintained by the



Minnesota Bureau of Criminal Apprehension, records of substantiated maltreatment of children and vulnerable adults, an FBI record check, and reviews of other applicable records.

## **Who needs a background study?**

Background studies will need to be completed on you and many of the people living in your home before you receive your license. They will also need to be conducted on anyone you will have working for your child care program before they begin providing care.

There are two different sets of requirements, depending upon the person's age and their role.

You, all of the adults (18 and older) living in your home, and anyone who will work for you — even if they are under 18 — are required to have a fingerprint-based background study. People in this group will have their fingerprints taken and they will be run through specified databases. People with fingerprint-based background studies will also have their picture taken to confirm that they are the person named on the documents.

Children who live in your home who are at least 13, but under 18, also need to have background studies conducted, but generally do not have to have their fingerprints taken (unless they also work for the child care program). Their background studies are simply based on their name and other information provided on the form.

Background studies need to be repeated every five years. In addition, background studies will need to be completed if anyone moves into your home, begins working for you, or if children living in the home turn 13 or 18.

Since background studies are a requirement to receive a family child care license, your application will be denied if anyone living in your home who is legally required to have one refuses to do so. However, you could reapply in the future if that individual moves out of the home or decides to complete a background study.

If you have questions, refer to the worksheet titled [Family Child Care Background Study Worksheet: Is a background study required?](#)<sup>5</sup> on DHS' website to determine who needs a study.

## **What would disqualify someone?**

Not every criminal offense will result in a disqualification. [Minnesota Statutes, section 245C.15](#)<sup>6</sup> lists the crimes or events that could prevent you from passing a background study.

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<sup>5</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7733-ENG>

<sup>6</sup> <https://www.revisor.mn.gov/statutes/cite/245C.15>

## What if I or someone in my home is disqualified?

If you or someone in your home is disqualified, you may still be able to provide licensed services. The disqualified person can submit a request for reconsideration. They will receive a letter that explains the process, the steps they need to take and the timeframe in which the steps need to be taken.

## What is the process for getting a background study?

Once you submit your application to the county, your licenser will contact you with information about how and when to begin the background study process.

Each person required to have fingerprint-based background study will need to bring a form to one of the authorized fingerprint locations. A list of the public fingerprinting sites located across Minnesota can be found at <https://mn.gov/dhs/general-public/background-studies/fingerprints-and-photo/>.<sup>94</sup>

Fingerprint-based background and non-fingerprint-based background studies (those conducted on children who live in the home and are based upon their name and date-of-birth) have a fee. You can find additional information on the [background studies web page](#).<sup>95</sup>

Once the background study has been completed, each person will receive the results by U.S. mail.

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# Your Home

## Fire marshal inspection

You may be required to have a state or local fire marshal inspect your home. You will need a fire marshal inspection if you:

- Would like to be licensed to care more than 10 children
- Plan to use your basement for child care
- Plan to provide care in a mobile home
- Have a freestanding solid-fuel heating appliance, or
- Plan to provide care in a building with multiple residences.

Your licenser will help you determine if you need a fire marshal inspection. Fire marshal inspections cost \$50. If you rent your home, you will need your landlord's permission for a fire marshal inspection before it can be completed.

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<sup>94</sup><https://mn.gov/dhs/general-public/background-studies/fingerprints-and-photo/>

<sup>95</sup><https://mn.gov/dhs/general-public/background-studies/netstudy-2.0-background-study-changes/>

## Pre-licensure inspection

[Minnesota Rules, part 9502.0425](#)<sup>7</sup> and [Minnesota Statutes, section 245A.52](#)<sup>8</sup>

During your pre-licensure and post licensure inspections, your licensor will be inspecting your indoor and outdoor environment for compliance.

You may need to make changes to your home to come into compliance before being licensed, if, for example, you need to replace doors, or an egress window to create a safe environment. Your county licensor or the fire marshal will help you with determining what, if any, changes need to be made.

## Physical space

Your home must meet the following requirements:

- You must have a minimum of 35 square feet of usable indoor space for each child.
- The indoor air temperature must be at least 62 degrees Fahrenheit.
- There must be an allowance for air circulation to the furnace.
- The basement must be free of hazards.
- The residence must be free from accumulations of dirt, rubbish, or peeling paint.
- Effective measures must be taken to protect the home against mice and insects (vermin). Chemicals for insect and rodent control must not be applied in areas accessible to children while children are present.
- Indoor and outdoor garbage and rubbish containers must not be accessible to infants and toddlers.

## Locks on doors

Children must be able to open closet doors from the inside of the closet. The bathroom door must be able to be unlocked from the outside. The key or other device used to unlock the bathroom door must be readily accessible to all caregivers. You cannot have an exit door that requires keys to open it from both the inside and outside.

## Stairways

All stairways, both indoors and outdoors, with three or more steps must have handrails. They must also be enclosed by railings with narrow spacing that meets the State Building Code. Your licensor will help you determine if your home meets the code. The back of the stair risers must be enclosed. You will need to use a gate or barrier on your stairways when children between 6- and 18-months-old are in care. Stairways must be well lit, in good repair, and free of clutter or obstruction.

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<sup>7</sup> <https://www.revisor.mn.gov/rules/9502.0425/>

<sup>8</sup> <https://www.revisor.mn.gov/statutes/cite/245A.52>

## Toilets

Licensed homes must have toilet facilities and sewage disposal systems that conform to the State Building Code or local septic system ordinances. The toilets must flush thoroughly. Outdoor toilets are permissible when local ordinances allow.

## Outdoor play space

There must be at least 50 square feet per child of outdoor play space. If your yard is too small, you can use a park, playground or play space if it is within 1,500 feet of your home.

Your licenser may require you to have a fence to provide protection from rail, traffic, water, or machinery.

The outdoor play space you use must be kept free of any litter, rubbish, toxic materials, water hazards, machinery, unlocked vehicles, human or animal waste, and sewage contaminants at all times during child care hours.

## Decks

Decks, balconies, or lofts that are more than 30 inches above the ground must have a guard rail that is at least three feet tall to comply with State Building Code. Wood decks must be free of splinters and coated with wood preservative or paint, or constructed with treated wood.

## Swimming pools or other bodies of water

[Minnesota Statutes, section 245A.14, subdivision 11](#)<sup>9</sup> and [Minnesota Rules, part 9502.0425, subpart 3](#)<sup>10</sup>

Swimming and wading pools, beaches, or other bodies of water on or next to the site of the residence must be inaccessible to children except during periods of supervised use. Wading pools must be kept clean. When children use a swimming pool or a beach, you or another adult caregiver who is trained in first aid and cardiopulmonary resuscitation (CPR) must be present.

- If children use a swimming pool at your family child care program, you must develop an annual contract with their parent acknowledging the use of a swimming pool.
- If children in your child care program use a wading or swimming pool, you must complete forms, which can be found on the [DHS Licensed family child care webpage](#).<sup>11</sup>

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<sup>9</sup> <https://www.revisor.mn.gov/statutes/cite/245A.14>

<sup>10</sup> <https://www.revisor.mn.gov/rules/9502.0425/>

<sup>11</sup> <https://mn.gov/dhs/partners-and-providers/licensing/child-care-and-early-education/family/>

## Fire code

### Exits, doors, and windows

Each room where children sleep and basements used for care must have two escape routes. One exit must be a stairway or door that leads to a floor of discharge. For example, if you are in the basement, one exit must be a stairway that leads to a floor in the home that leads outdoors. The second exit must be a door or window that leads directly outside.

The law has specific requirements for the window size and distance from the floor, which your licensor will cover with you.

When there is an attached garage, the door from the garage to the home must:

- have a fire protection rating of 20 minutes or greater, or
- be at least 1 3/8 inches thick and be made of solid bonded wood or steel insulated.

### Preventing fires and burns

The law requires items that could catch fire to be a specific distance away from heat sources. Your licensor will cover the specifics with you.

When in use, fireplaces, wood-burning stoves, solid fuel appliances, space heaters, steam radiators, and other potentially hot surfaces, such as steam pipes, must be protected by guards to prevent burns.

The furnace, water heater and any workshop must be inaccessible to children.

### Safety equipment

A fire extinguisher with a minimum rating of 2 A 10 BC must be located in or near the kitchen and cooking areas. Fire extinguishers must be serviced annually by a qualified inspector and tagged. All caregivers need to know how to properly use the fire extinguisher.

You must have smoke alarms that are no more than 10 years old. They must be properly installed and maintained on all levels, including basements, and in hallways outside rooms used for sleeping children. In homes with construction that began on or after May 2, 2016, smoke alarms must also be properly installed inside each room used for sleeping children.

An approved and operational carbon monoxide alarm must be within 10 feet of each room used for sleeping children.

## Electrical guidelines

The following electrical guidelines must be met:

- All electrical outlets accessible to children who are not yet in first grade need to be tamper-proof or shielded when not in use. A tamper-resistant outlet meets this requirement.
- All major electrical appliances must be properly installed, grounded in accordance with the state electric code, and in good working order.
- Extension cords can only be used on a temporary basis. For example, they may be used to plug in a holiday decoration for the season. Extension cords and flexible cords cannot be affixed to structures, extended through walls, ceilings, floors, under doors or floor coverings, nor can they be subject to environmental damage or physical impact.
- Electrical wiring must be sized to provide for the load and must be in good repair.

## Equipment

[Minnesota Rules, part 9502.0415](#)<sup>12</sup>

The equipment you use in your program can be new, used, commercial, or homemade as long as it is appropriate for the children and activities. Equipment must be safe and in good repair.

- You must provide an infant seat or high chair and a crib, portable crib, or playpen with a waterproof mattress or pad for each infant in care. The equipment must be of safe and sturdy construction.
- You must provide a mat, crib, bed, cot, sofa, or sleeping bag for each toddler child in care.
- You must provide a mat, bed, cot, sofa, or sleeping bag for each preschooler in care.

## Safety inspections of equipment

Cribs, portable cribs, mesh-sided or fabric-sided play yards, pack and plays, and playpens that are used by or are accessible to any child must also be compliant with federal crib standards. You must maintain documentation of each crib's brand name and model numbers.

Before you are licensed and then again each year from the date printed your license, you must check the U.S. Consumer Product Safety Commission (USCPSC) website to be sure that your crib is safe and has not been recalled. In addition, before you are licensed and on a monthly basis, you will need to perform and document a comprehensive safety check.

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<sup>12</sup> <https://www.revisor.mn.gov/rules/9502.0415/>



DHS has created an optional form, titled [Monthly Crib Safety Inspection Form](#)<sup>13</sup> that you can use to fulfill this requirement or you can create your own. You must keep this documentation onsite and make it available to parents and your licensor.

### Other supplies you will need

- There must be a working telephone (either a landline or a cell phone) within the residence at all times you are providing care. You may meet this requirement by having a charged cell phone that is available for use.
- Each child must use a separate towel, wash cloth, drinking cup, comb, and other personal articles. Each child may use their towel or wash cloth throughout the day, but it cannot be shared with other children. Each child must be provided with clean and separate bedding and, for infants, this is limited to a fitted sheet appropriate to the mattress size.
- You must have supplies to get rid of bodily fluids, including disposable gloves, disposable bags and eye protection.
- If there is a child in care that uses needles for medication, the license holder must have a sharps container. The sharps container must be stored out of reach of a child. The sharps container cannot be home-made. It can be purchased at any pharmacy.

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## Capacity and Ratios

[Minnesota Rules, parts 9502.0365](#),<sup>14</sup> [9502.0367](#),<sup>15</sup> and [9502.0315](#)<sup>16</sup>

You must follow the limits on the number of children you may have in care. These limits are based on the type of license you have, the children's ages and the type and number of caregivers present.

There is an overall limit on the total number of children you are allowed to care for—this is your licensed capacity. Your own children younger than age 11 count towards your capacity.

There are also limits on the number of children you can care for in each age group—these limits are called ratios.

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<sup>13</sup> <https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7743-ENG>

<sup>14</sup> <https://www.revisor.mn.gov/rules/9502.0365/>

<sup>15</sup> <https://www.revisor.mn.gov/rules/9502.0367/>

<sup>16</sup> <https://www.revisor.mn.gov/rules/9502.0315/>

Here are the legal definitions for each of the age groups for children in family child care:

- **Newborn** means a child between birth and six weeks old.
- **Infant** means a child who is at least six weeks old, but less than 12 months old.
- **Toddler** means a child who is at least 12 months old, but less than 24 months old, for the majority of family child care licenses. For specialized infant and toddler licenses and group family child care licenses, toddler means a child who is at least 12 months old, but less than 30 months old.
- **Preschooler** means a child who is at least 24 months old up to school age.
- **School age** means a child who is at least five years old, but is younger than 11 years old.

## Class A license

1 Adult

**Capacity:** 10 children under 11 years old

There are limits on the number of children you can have in each age group. Nevertheless, there are still many combinations of the different age groups allowed within these limits.

**School age:** all 10 of the children can be school age






















**Under school age:** of the 10 children, you can have **up to 6** who are under school age (which then reduces the number of school age children you can have)

- **Preschool:** all 6 of the children under school age can be preschoolers

Of the 6 under school age, you can have up to a **total of 3 infants and toddlers.**

- **Toddlers:** up to 3 can be toddlers
- **Infants:** up to 2 can be infants

A few combinations that would fit with these allowed ratios would be:

| INFANT  | TODDLER   | PRESCHOOL   | SCHOOL AGE  |
|---|---|---|---|
|  |  |  |  |
|  |  |  |  |
|   |  |  |  |
|   |  |  |  |
|   |  |  |  |
|   |   |  |  |
|   |   |  |  |

### Class B(1) license: Specialized infant and toddler family day care

1 Adult














**Capacity:** 5 children under 11 years old

There are limits on the number of children you can have in each age group.

**School age:** all 5 of the children can be school age

**Under school age:** of the 5 children, you can have **up to a total of 3 preschoolers, toddlers and infants**, in any combination (which then reduces the number of school age children you can have).

A few combinations that would fit with these allowed ratios would be:

| INFANT  | TODDLER  | PRESCHOOL   | SCHOOL AGE   |
|---|--|---|--|
|  |  |   |     |
|  |   |   |     |
|  |   |   |     |
|   |  |   |    |
|   |  |  |   |
|   |  |   |  |

### Class B(2) license: Specialized infant and toddler family day care

1 Adult

**Capacity:** 6 children under 11 years old















There are limits on the number of children you can have in each age group.

**School age:** all 6 of the children can be school age

**Under school age:** of the 6 children, you can have **up to 4** who are under school age (which then reduces the number of school age children you can have)

- **Preschool and toddlers:** all 4 of the children under school age can be preschoolers or toddlers
- **Infants:** you can have up to 2 infants (which then reduces the number of preschoolers and toddlers you can have)

A few combinations that would fit with these allowed ratios would be:

| INFANT  | TODDLER   | PRESCHOOL   | SCHOOL AGE   |
|---|---|---|--|
|  |  |   |   |
|  |  |   |   |
|   |  |   |   |
|   |  |  |   |
|   |   |  |   |
|   |   |   |  |

Minnesota has other types of family child care licenses as well. You can refer to [Age Group Definitions Family Child Care DHS-7734 \(PDF\)](#)<sup>17</sup> to learn about license types that are available. Ask your licensor for more information.

## Newborn care and how it affects your capacity

[Minnesota Rules, part 9502.0365, subpart 3](#)<sup>18</sup>

If you care for your own newborn (birth to six weeks old), the newborn is counted as an infant in the ratios. If you are also licensed to provide foster care and a newborn is placed in your home as a foster child, the newborn (foster child) is considered your own child for the purposes of capacity and ratios.

If you are caring for a newborn who is not your own child and there is not another adult caregiver, you cannot care for any additional infants and can only care for up to two other children.

<sup>17</sup> <https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7734-ENG>

<sup>18</sup> <https://www.revisor.mn.gov/rules/9502.0365/>

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# Supervision and Caring for Children

## Supervision

Children must be supervised by a family child care provider or adult caregiver at all times. You cannot leave children unsupervised. An adult will always need to be able to intervene to protect the children's health and safety. This means you will need to always be within sight or hearing of infants, toddlers, and preschoolers. For school age children, it means being available for assistance and care.

## Activities

[Minnesota Rules, part 9502.0415](#)<sup>19</sup>

There are activity requirements for each age group, because engaging children in activities can help their physical, intellectual, emotional, and social development. Speaking to and interacting with children will help with their language development. Children learn new words and ideas when you read books to them and talk to them. You will need to offer activities that help develop small muscles and large muscles that develop manipulative skills and that stimulate the senses. Weather permitting, these activities should be offered outdoors as well.

Infants and newborns must be allowed freedom of movement during most of the time they are awake. They should not be left in infant play equipment for long periods of time. They can be placed on the floor while they are awake, if safe to do so, to allow them to move around. Infants and newborns must be offered a variety of activities and objects that stimulate development.

## Behavior guidance

[Minnesota Rules, part 9502.0395](#)<sup>20</sup>

You must discuss methods of behavior guidance with a parent at the time of admission and consider the parent's input when guiding each child's behavior.

You must work with a parent to develop a plan for the timing and method of toilet training, if applicable. Children must be offered opportunities to use a toilet and cannot be punished for toileting accidents.

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<sup>19</sup> <https://www.revisor.mn.gov/rules/9502.0415/>

<sup>20</sup> <https://www.revisor.mn.gov/rules/9502.0395/>

An adult must guide children's behavior; children cannot discipline or punish another child. You cannot punish a child physically or with emotional abuse, such as spanking, hitting, name-calling, or by withholding food, light, warmth, clothing, or medical care.

You can only separate a child from a group to guide behavior under the following conditions:

- The child is not an infant.
- The separation is limited to 10 minutes or less.
- The child is placed in an area or separate room that is unlocked, well-lit, free from hazards, ventilated, and within view of the caregiver.

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## Health and Safety

[Minnesota Statutes, section 245A.51](#)<sup>21</sup> and [Minnesota Rules, part 9502.0425](#)<sup>22</sup>

### Infant safe sleep practices

When placing an infant to sleep, the infant must be placed on their back, unless there is documentation from the infant's physician directing an alternative sleeping position for the infant. The physician or advanced practice registered nurse must complete DHS' [Directive for Alternative Infant Sleep form](#),<sup>23</sup> which you must keep in the child's record.

An infant who is under six months old who independently rolls onto its stomach after being placed to sleep on their back may be allowed to remain sleeping on its stomach if the license holder has a signed statement from the parent indicating that the infant regularly rolls over at home. If a parent does not sign a form, you need to ensure that the infant remains on their back. An optional form titled [Infant Rolling over Parent Statement for Infant Less Than Six Months Old](#)<sup>24</sup> is available to help you meet this requirement or you can create your own form. The statement must be in the child's record.

Once an infant is over six months old, a signed form is no longer required and if the infant independently rolls onto their stomach after being placed to sleep on their back, they may be allowed to remain sleeping on their stomach.

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<sup>21</sup> <https://www.revisor.mn.gov/statutes/cite/245A.51>

<sup>22</sup> <https://www.revisor.mn.gov/rules/9502.0425/>

<sup>23</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7216-ENG>

<sup>24</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7219-ENG>



Placing a swaddled infant down to sleep is not recommended and is not allowed for any infant who has begun to roll over on their own. However, a license holder may swaddle an infant with written consent of the parent if the infant is in a one-piece sleeper equipped with an attached system that fastens securely only across the upper torso, with no constriction of the hips or legs. The DHS-required form [Swaddling Consent for an Infant](#)<sup>25</sup> must be completed and signed by a parent and kept in the child's record. No other type of swaddle is allowed. Once an infant has begun to roll over on their own, the infant must be placed down to sleep on their back without being swaddled.

If an infant falls asleep before being placed in a crib, you must move the infant to a crib as soon as you are able. You must keep the sleeping infant within sight until the infant is placed in a crib.

As mentioned in the Equipment section, you must sleep an infant in a crib, portable crib, or playpen. It must have a firm mattress with a fitted sheet that is appropriate to the mattress size. The sheet must fit tightly on the mattress and wrap around to the bottom of the mattress so it does not come off when pulling on the corner of the sheet with reasonable effort. The only item that can be placed in the crib with an infant is the infant's pacifier.

*The next few statements are recommendations to increase the safety of infants in your program and help reduce the risk of sudden unexpected infant death (SUID). These are not requirements and you cannot be cited for not following them. These are considered best practices.*

- You are *encouraged* to monitor sleeping infants by checking in on each sleeping infant every 30 minutes.
- During the first four months of care, you are *encouraged* to conduct in-person checks on a sleeping infant every 15 minutes.
- When an infant has an upper respiratory infection, you are *encouraged* to conduct in-person checks on the sleeping infant every 15 minutes.
- In addition to conducting in-person checks, if you are caring for infants, you are *encouraged* to use an audio or visual monitoring device to monitor each sleeping infant.

## Disinfecting surfaces

You must clean and disinfect surfaces that come in contact with potentially infectious bodily fluids, including blood and vomit, using specified products and procedures.

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<sup>25</sup> <https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7218-ENG>

## Water temperature

[Minnesota Rules, part 9502.0435](#)<sup>26</sup>

In sinks and tubs that are accessible to children, you must be sure that the water is not so hot that it could burn the children. The maximum allowed water temperature is 120 degrees Fahrenheit. There is no minimum temperature. To be sure you measure the temperature the same way as your licenser, you should run the water that children use for three minutes before measuring its temperature. You may want to consider using the same thermometer as licensors, which is called DeltaTrak Model #11050. Once licensed, you are encouraged to check the hot water temperature on a regular basis to ensure it is not more than 120 degrees when you are operating your program.

## Illness and medications

[Minnesota Rules, part 9502.0435](#)<sup>27</sup>

### Illness

You must immediately notify the parent(s) when their child:

- Develops a fever of 101 degrees Fahrenheit or over
- Begins vomiting
- Has diarrhea, or
- Develops a rash, other than mild diaper or heat-related rash.

In addition, you must require a parent to notify you within 24 hours of their child being diagnosed with a serious contagious disease or parasitic infestation as listed in [Minnesota Rules, part 4605.7040](#)<sup>28</sup> so you can notify other families in your care.

### Medication

You must obtain written permission from a child's parent(s) prior to administering medicine, diapering products, sunscreen lotions, and insect repellents. DHS has an optional form on its website that you may decide to use to meet these requirements; however, you may also create your own form. The optional form is called [Prescription and Non-Prescription Medication Administration Permission Family Child Care DHS-7746 \(PDF\)](#).<sup>29</sup>

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<sup>26</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

<sup>27</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

<sup>28</sup> <https://www.revisor.mn.gov/rules/4605.7040/>

<sup>29</sup> <https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7746-ENG>

You must administer non-prescription medicines, diapering products, sunscreen lotions, and insect repellents in accordance with manufacturer's instructions, unless written instructions are provided by a child's physician or a dentist, in which case you must follow these. For prescription medications, you must follow the written instructions on the label.

## Allergies

[Minnesota Statutes, section 245A.51](#)<sup>30</sup>

Before admitting a child, you must obtain information about any allergies a child has. If the child does have an allergy the child's parent must complete the [Family Child Care Allergy Information Form](#),<sup>31</sup> which you must keep in the child's records. This information must be readily available to all caregivers and reviewed annually by the license holder and each caregiver. If the parent has documented on the [Admission and Arrangements](#)<sup>32</sup> form that the child does not have allergies, the Family Child Care Allergy Information Form should not be completed.

## Smoking and vaping

[Minnesota Statutes, section 144.414, subdivision 2](#)<sup>33</sup>

Smoking and vaping is prohibited in a home with a licensed family child care program during hours of operation. If smoking or vaping is permitted in your home during non-business hours, you must inform parents of that by posting your Smoking Policy in a conspicuous place in your home and must tell them orally.

## Diapering

[Minnesota Rules, part 9502.0435](#)<sup>34</sup>

Diapers must be stored in a clean place that is inaccessible to children. You must follow specific requirements when disposing of diapers, cleaning children during diaper changes, cleaning the diapering area, as well as if a child uses cloth diapers. Diapering must not take place in a food preparation area.

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<sup>30</sup> <https://www.revisor.mn.gov/statutes/cite/245A.51>

<sup>31</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7736-ENG>

<sup>32</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7776-ENG>

<sup>33</sup> <https://www.revisor.mn.gov/statutes/cite/144.414>

<sup>34</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

## Firearms and hazardous items

[Minnesota Rules, part 9502.0435](#)<sup>35</sup>

All firearms must be unloaded and inaccessible to children. Ammunition and firearms must be stored in separate locked areas.

Hazardous materials, including but not limited to sharp knives, matches, lighters, plastic bags/wraps, scissors, household chemicals, and tools, must be kept out of the reach of infants, toddlers, and preschoolers. If children use potentially hazardous items like scissors, the activity must be supervised.

## Handwashing

[Minnesota Rules, part 9502.0435](#)<sup>36</sup>

The children's hands must be washed with soap and water when dirty, after using a toilet or toilet training chair, and before eating a meal or snack. Children must be given their own towel that can either be single use or can be used throughout the day. A single use towel may be a disposable paper towel or a cloth towel as long as it is only used once and then washed before reuse.

You will need to wash your hands with soap and water after each diaper change, after assisting a child on the toilet, after washing the diapering surface, and before food preparation. You must dry your hands with a single-use towel. You can use a disposable paper towel or a cloth towel as long as it is only used once and then washed before reuse.

## Food and nutrition

[Minnesota Rules, part 9502.0445](#)<sup>37</sup>

### Menu

Food served during the day must include each of the basic food groups. You have the option of joining a [food program](#),<sup>38</sup> which offers assistance, education and financial reimbursement.

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<sup>35</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

<sup>36</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

<sup>37</sup> <https://www.revisor.mn.gov/rules/9502.0445/>

<sup>38</sup> <https://education.mn.gov/MDE/dse/FNS/prog/CACFPFam/>

You must follow a parent's written instructions on each child's special diet or food needs. You must ask a parent about their child's special food preferences.

## Safe food practices

You will need to comply with the following safe food practices:

- Children must be provided with their own drinking cups or bottles.
- Food, lunches, and bottles brought from home must be labeled with the child's name and refrigerated when necessary. Bottles must be washed after use. You can send them home to be washed or wash them yourself. If you provide the bottles, you will not be required to label them, but must be able to identify which child is using which bottle.
- All food and cooking utensils must be stored to protect them from contamination.
- The internal temperature of your refrigerator must be 40 degrees Fahrenheit or less.
- There must be a safe water supply in the residence. In order to use water from a privately owned well, it must be tested annually by a Minnesota Department of Health-certified laboratory to verify its safety.

You will need to follow additional food safety requirements about food temperature and what food and beverages can be served when you have your license.

## Feeding practices

While meal times are typically scheduled, flexible feeding schedules must be provided for infants and toddlers. Their usual diet should also be followed.

You must hold the infant or newborn during bottle feedings until the child is able to hold the bottle themselves. Propping bottles during feedings is not allowed.

## Pets

[Minnesota Rules, part 9502.0435 subpart 12](https://www.revisor.mn.gov/rules/9502.0435)<sup>39</sup>

The rule states that pets are limited to dogs, cats, fish, guinea pigs, gerbils, rabbits, hamsters, rats, mice, and birds. However, if you have a pet not listed, you should have a discussion with your licensor while you are applying for your license. You may be able to request a variance which would allow you to keep your pet while you have your family child care license.

You will need to notify parents prior to enrolling their children if you have pets in your home. Pet cages must be located and cleaned away from any food preparation, food storage, or serving areas. Play areas must be free of animal waste.

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<sup>39</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

Pets within the home must be in good health. Rabies shots and tags must be current for all dogs and cats and vet records must be available for review by the licensor. Birds must be clear of *chlamydia-psittaci*. You must provide documentation that they have been tested for this disease.

Children must be supervised while handling animals. If a child's skin becomes broken due to a bite or scratch of an animal, the child's parent must be notified on the same day the injury occurred. You must notify your local public health agency immediately after a child in care is bitten by an animal.

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## Provider Training Requirements

[Minnesota Statutes, section 245A.50](#)<sup>40</sup>

DHS developed a chart titled [Training Requirements for Licensed Family Child Care Providers](#)<sup>41</sup> which may help you understand what training is required of you and other caregivers. Licensors are a great resource if you need help understanding training requirements.

You must document that you met training requirements and provide that documentation to your licensor. If you have any questions about meeting training requirements contact your licensor for help. You can use the online tool, [Develop](#)<sup>42</sup> to find and register for trainings. Develop also allows you to track any trainings that you take, which you may find helpful. You may also find training opportunities through other sources.

### Initial training

Pre-licensing or initial training requirements must be met prior to becoming licensed. You will be required to complete the following training:

- the course Supervising for Safety for Family Child Care (six-hours in-person or eight-hours online)
- four hours on child development and learning and behavior guidance
- Pediatric first aid
- Pediatric CPR
- abusive head trauma (AHT)
- sudden unexpected infant death (SUID), if applicable, and
- child passenger restraint, if applicable.

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<sup>40</sup> <https://www.revisor.mn.gov/statutes/cite/245A.50>

<sup>41</sup> <https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7672-ENG>

<sup>42</sup> <http://www.developtoolmn.org/>



## Ongoing training

As a licensed provider, you are required to complete 16 hours of training each licensing year. Your licensing year will run from the issue date listed on your license through the day prior to issue date of the next year. For example, if your license was issued on 5/1/2019 your licensing year will be 5/1/2019 through 4/30/2020. Your next license will be issued 5/1/2020 through 4/30/2022.

**Child development and learning or behavior guidance** is required each licensing year. You can choose one of the following to meet this requirement: Knowledge & Competency Framework (KCF) I or Knowledge and Competency Framework (KCF) II.C.

**Sudden unexpected infant death (SUID) training** is required for all license holders, staff persons, caregivers, and helpers who assist in the care of infants. While you may find SUID classes from other organizations, you must take the class developed by DHS. If you care for infants, you must take a face-to-face classroom or online training one year, and the next year you have the option of watching a series of videos or taking a face-to-face classroom, or online class.

All three videos must be viewed to meet the SUID prevention training requirement.

- [Safe Sleep](#)<sup>43</sup> (produced by Hennepin County, 4:17 minutes)
- [Safe Sleep Practices](#)<sup>44</sup> (Produced by Eastern Virginia Medical School, 5:50 minutes)
- [Sleep On It - Preventing Unsafe Sleep Practices](#)<sup>45</sup> (Produced by Dakota County, 6:28 minutes)

Please note: The videos above include portrayals of infant sleep environments in private, non-licensed homes that are not subject to the requirements of Minnesota Statutes, section 245A.1435. You must comply with safe sleep requirements provided in statute.

**Abusive head trauma (AHT) training** is required for all license holders, caregivers, and helpers who assist in the care of children under school age. You must take a face-to-face classroom, or online training one year, and the next year you have the option of watching a series of videos or taking a face-to-face classroom or online class to meet the training requirement. All videos must be viewed to meet the AHT prevention training requirement.

- [Never Shake: Preventing Shaken Baby Syndrome](#)<sup>46</sup> (Produced by the Missouri Children's Trust Fund, 7:48 minutes)

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<sup>43</sup> <https://www.youtube.com/watch?v=JNWBSZZm3no&list=UUJDcgrMI0B2Og4ZdeOOrnFA&feature=c4-overview>

<sup>44</sup> <https://vimeo.com/51317716>

<sup>45</sup> <https://www.youtube.com/watch?v=X0YshwsmZUc>

<sup>46</sup> <https://www.youtube.com/watch?v=M3xytsg6oDo>

- [Shaken Baby Syndrome](#)<sup>47</sup> (Produced by TheDoctorsTV 1:48 minutes)
- [Forever Shaken](#)<sup>48</sup> (Produced by the Brain Injury Association of Nebraska, 33:17 minutes)

Although this document is not required, you may want to print and sign the [Family Child Care SUID/AHT 'Off-year' Video Training Verification DHS-3803 \(PDF\)](#)<sup>49</sup> to document that you watched each of the videos.

**Active Supervision (also known as Supervising for Safety)** There are several options to meet this two-hour per year requirement, including courses with titles that start with "Active Supervision." In addition, Health and Safety I as well as Health and Safety II count toward this requirement.

- **Health and Safety I** must be completed every five years. It will meet the annual active supervision requirement in the year that you take this course.
- **Health and Safety II** must also be completed every five years. It will meet the annual active supervision requirement in the year that you take this course.

**Pediatric CPR** must be taken every two years, must include techniques for infants and children, and must include the opportunity for you demonstrate the physical skills needed to perform CPR.

**Pediatric first aid** must be taken every two years.

**Children and Restraint Systems (C.A.R.S.) training** must be completed every five years by the person placing children in the car if you will be transporting children under the age of eight in your program. If you will not transport children as part of your program, you do not need to complete this course.

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<sup>47</sup> <https://www.youtube.com/watch?v=THhFoYk7U40>

<sup>48</sup>

<https://www.bing.com/videos/search?q=https%3a%2f%2fwww.youtube.com%2fforever+shaken&view=detail&mid=29C2146EAC7A3D20C56B29C2146EAC7A3D20C56B&FORM=VIRE>

<sup>49</sup> <https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-3803-ENG>

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# Emergencies

## Emergency preparedness plan

[Minnesota Statutes, section 245A.51](#)<sup>50</sup>

You must use DHS' [Emergency Preparedness Plan](#)<sup>51</sup> form to develop a written emergency plan for your program. You must update your plan annually and make it available for your licensor's review and any parent who requests to see it. The plan helps you to think about how you will handle emergency situations during child care hours. You will be asked to describe your lockdown procedures, evacuation procedures, how you will continue care after the emergency and how you will notify parents and emergency responders. You will be asked to describe how you will address the special needs of infants, toddlers and any children who have disabilities or chronic medical conditions.

You must train caregivers on the emergency preparedness plan before they begin work and annually thereafter.

## First aid kit

[Minnesota Rules, part 9502.0435, subpart 7](#)<sup>52</sup>

You must have a first aid kit readily available to you and other caregivers. It must contain bandages, sterile compresses, scissors, an ice pack or a cold pack, an oral or surface thermometer, mild liquid soap, tape, and a first-aid manual. Please note that all of the items must be in the kit at all times.

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<sup>50</sup> <https://www.revisor.mn.gov/statutes/cite/245A.51>

<sup>51</sup> <https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7414c-ENG>

<sup>52</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

## Fire and storm drills

[Minnesota Rules, part 9502.0435, subpart 8](#)<sup>53</sup> and [Minnesota Statutes, section 245A.51, subdivision 3](#)<sup>54</sup>

You must conduct monthly fire and storm drills. The date and time the drill was held must be documented. You may use this [Storm and Fire Drill form](#)<sup>55</sup> to document this or create your own.

You must have a written fire escape plan approved by your licenser. The written fire escape plan must: list emergency phone numbers, identify a common place to meet outdoors, identify where smoke detectors and fire extinguishers are located, include a plan for monthly fire and tornado drills, and include escape routes to the outside from all levels used by children. You may choose to use the optional form on DHS' website titled [Floor and Escape Plan](#)<sup>56</sup> or you may create your own.

For severe storms and tornadoes, you must have a designated area within your home for children to take cover. You must also have an operable battery flashlight and a portable radio or TV available in the designated area in case of a storm. You may use a charged cell phone to meet these requirements.

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## Substitutes

You, as the license holder, need to be the primary caregiver for your program. A substitute can take your place if you want your program to remain open while you are away, but there are limits on how often you can use them. You may use substitutes for a combined total of up to 500 hours annually.

### Requirements for substitutes

[Minnesota Statutes, section 245A.53](#)<sup>57</sup>

You can only use adults who are at least 18 years of age to serve as a substitute and take your place while you are away. Substitutes must complete a background study and training prior to providing care.

All substitutes are required to:

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<sup>53</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

<sup>54</sup> <https://www.revisor.mn.gov/statutes/cite/245A.51>

<sup>55</sup> <https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7748-ENG>

<sup>56</sup> <https://edocs.dhs.state.mn.us/lfservlet/Legacy/DHS-2720-ENG>

<sup>57</sup> <https://www.revisor.mn.gov/statutes/cite/245A.53>

- Understand all the programs policies and procedures
- Complete Abusive Head Trauma (AHT) and, if caring for infants, the DHS Sudden Unexpected Infant Death (SUID) training in person, face-to-face in a classroom, or online once every two years. On the off year they must view all six of the SUID/AHT videos approved by DHS.
- Complete the Children and Restraint Systems (C.A.R.S.) training every five years if placing children under the age of eight in cars as part of the child care program. If they are not placing children in motor vehicles, they do not need to complete this course.
- Pediatric CPR training that must include techniques for infants and children every two years
- Pediatric first aid every two years
- Four hour Basics of Licensed Family Child Care for Substitute course
- A physician's statement of medical exam.

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## Other Caregivers

[Minnesota Statutes, section 245A.53](#)<sup>58</sup> and [Minnesota Rules, part 9502.0365, subpart 5](#)<sup>59</sup>

You, as the license holder, need to be the primary caregiver for your program. If another person will be helping you in caring for the children, then there are several requirements that you will need to follow. Your options include another adult caregiver or helper (teenager 13- through 17-years-old).

### Requirements for adult caregivers

All caregivers will be required to complete a background study and training prior to providing care. The document [Training Requirements for Licensed Family Child Care Providers](#)<sup>60</sup> will list those requirements for you. The requirements for adult caregivers are based on the number of hours they work in a 12-month period.

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<sup>58</sup> <https://www.revisor.mn.gov/statutes/cite/245A.53>

<sup>59</sup> <https://www.revisor.mn.gov/rules/9502.0365/>

<sup>60</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7672-ENG>

## Requirements for helpers

Helpers are 13- through 17-year-olds who assist in caring for children. They cannot be left alone to supervise children.

Helpers are required to:

- Complete a background check
- Understand all the programs policies and procedures
- Complete Abusive Head Trauma (AHT) and, if caring for infants, the DHS Sudden Unexpected Infant Death (SUID) training in person, face-to-face in a classroom, or online once every two years. On the off year they must view all six of the SUID/AHT videos approved by DHS.
- Complete the Children and Restraint Systems (C.A.R.S.) training every five years if placing children under the age of eight in cars as part of the child care program. If they are not placing children in motor vehicles, they do not need to complete this course.

Helpers who assist with care on a regular basis must complete six hours of training within one year after the date of initial employment.

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## Leaving the Licensed Space

### What to bring with you when you leave your home

[Minnesota Rules, parts 9502.0435](#)<sup>61</sup> and [9502.0445](#)<sup>62</sup>

Anytime you leave your home with the children, you must:

- Bring a first aid kit
- Ensure drinking water is available
- Bring emergency phone numbers for children's parents, physicians, and dentists.

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<sup>61</sup> <https://www.revisor.mn.gov/rules/9502.0435/>

<sup>62</sup> <https://www.revisor.mn.gov/rules/9502.0445/>



## Transporting children

[Minnesota Statutes, section 245A.18, subdivision 1](#)<sup>63</sup>

Before driving a child enrolled in your program, you must obtain written permission from the child's parent. You must comply with all seat belt, car seat, and booster seat requirements when transporting children. The person placing a child under age eight in the car must have taken C.A.R.S. training. You cannot leave a child unattended in any vehicle.

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## Reporting Obligations

Once you are licensed, you will be required to report major events in your program and in your household. Report to the person or agency listed after each statement below.

- Immediately report any serious injury or death of a child. A serious injury is one that is treated by a physician – Licensors
- Immediately report any suspected case of reportable disease – Minnesota Department of Health
- Immediately report any suspected physical or sexual abuse or neglect – County child protection
- Immediately report after a child in care is bitten by an animal – City or county animal control
- Report any fires that required the service of a fire department within 48 hours of the fire – Licensors
- Report within seven days of using an emergency replacement – Licensors
- Before initial use and annually thereafter, report before children use a swimming pool – Licensors
- Within 30 days, report any change to who is living in the house of the family child care program – Licensors
- Within 30 days, report individuals who will regularly be providing care – Licensors
  - For the previous two bullets, please also refer to the background studies section because the timeline for completing background studies is shorter than the timeline to report things to your licensors.

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<sup>63</sup> <https://www.revisor.mn.gov/statutes/cite/245A.18>

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## Records and Record Keeping

[Minnesota Rules, part 9502.0345](#),<sup>64</sup> [Minnesota Statutes, sections 245A.041, subdivision 3](#),<sup>65</sup> [245A.152](#),<sup>66</sup> and [245A.14, subdivision 14](#)<sup>67</sup>

You must maintain program records and share them with your licensor when requested.

You must protect children's privacy by not sharing information from their records with anyone other than the child's parent, the licensor, DHS, and medical or public safety persons, if the information is necessary to protect the health and safety of the child.

If you participate in the Child Care Assistance Program (CCAP), you must keep attendance records for each child whose care is subsidized. These records must be accessible to your licensor during your program's hours of operation. They must be completed on the actual day of attendance. The attendance records must include the first and last name of the child, the time of day that the child was dropped off, and the time of day that the child was picked up.

## Liability insurance

You must tell families enrolling with you whether you have liability insurance prior to enrolling the child. You can disclose this on the Admission and Arrangement form. If you have insurance and it automatically renews, no further action is required.

If you do not have liability insurance coverage or if you have coverage and it changes or lapses, you must provide annual notice to parents on the DHS form called [Liability Insurance Notice to Parents and Guardians](#).<sup>68</sup>

If a parent or licensor asks for the certificate of liability insurance, you must share it with them.

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<sup>64</sup> <https://www.revisor.mn.gov/rules/9502.0345/>

<sup>65</sup> <https://www.revisor.mn.gov/statutes/cite/245A.041>

<sup>66</sup> <https://www.revisor.mn.gov/statutes/cite/245A.152>

<sup>67</sup> <https://www.revisor.mn.gov/statutes/cite/245A.14>

<sup>68</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7741-ENG>

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# Program Policies

[Minnesota Rules, part 9502.0405, subpart 3](#),<sup>69</sup> and [Minnesota Statutes, sections 144.414, subdivision 2](#),<sup>70</sup> [144.413, subdivision 4](#),<sup>71</sup> [245A.04](#),<sup>72</sup> and [245A.65](#)<sup>73</sup>

You will need to have written policies that are available for parents and your licensor to review. Your policies must include information about the following topics:

## Program operations

- The hours and days of operation
- Fees
- The ages and numbers of children in your child care program
- Termination and notice procedures
- Nondiscrimination practices
- Meals and snacks to be served
- Labeling requirements for food brought from the child's home
- Sleeping and rest arrangements
- Disclosure of whether you have liability insurance coverage
- Grievance procedure for parents to submit grievances about the program
- Prohibition of drug and alcohol use
- [Mandated Reporting of Maltreatment](#)<sup>74</sup> – You must use this DHS policy.

## Plans for certain situations

- Care of ill children, disease notification procedures, immunizations, and medicine permission
- Seat belt and transportation plans
- Field trip and transportation permission
- Plans for a helper if you will use one
- Plans for whether you will close or use a substitute for emergencies, vacations, and/or holidays.

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<sup>69</sup> <https://www.revisor.mn.gov/rules/9502.0405/>

<sup>70</sup> <https://www.revisor.mn.gov/statutes/cite/144.414>

<sup>71</sup> <https://www.revisor.mn.gov/statutes/cite/144.413>

<sup>72</sup> <https://www.revisor.mn.gov/statutes/cite/245A.04>

<sup>73</sup> <https://www.revisor.mn.gov/statutes/cite/245A.65>

<sup>74</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7742-ENG>

## Your home

- Emergency, fire, and storm plans
- Monthly storm and fire drill logs
- Whether you have pets
- Whether smoking or vaping is permitted when your business is not operating.

You will need to provide this summary of the licensing regulations ([Rule and Statute Summary](#))<sup>75</sup> to parents.

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## Licensing Visits to Your Program

[Minnesota Statutes, sections 245A.06](#);<sup>76</sup> [245A.065](#);<sup>77</sup> and [245A.07](#)<sup>78</sup>

Licensors may enter your property at any time during business hours to conduct an inspection. They can inspect both the licensed and unlicensed sections of your home and property to assess the safety and health of children. Licensors will conduct unannounced inspections annually.

### Annual inspections

An annual inspection typically includes a visit to your home, a review of records, and verification of compliance with regulations. All county licensors will complete inspections using the Electronic Licensing Inspection Checklist Information tool referred to as ELICI. You can find a current list of the items in ELICI on the licensed family child care webpage. If a regulation does not apply to you, your licensor will not review that regulation during your inspection. For example, if you are not licensed to care for infants, the licensor will not monitor those requirements during that inspection.

When a regulation is not met, one or more of the following may occur: technical assistance could be provided, a fix-it ticket may be issued, a correction order may be issued, and/or an action may be taken on your license.

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<sup>75</sup> <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7747-ENG>

<sup>76</sup> <https://www.revisor.mn.gov/statutes/cite/245A.06>

<sup>77</sup> <https://www.revisor.mn.gov/statutes/cite/245A.065>

<sup>78</sup> <https://www.revisor.mn.gov/statutes/cite/245A.07>

## Technical assistance

Your licensor provides technical assistance when they explain a requirement to you and tell you how to come into compliance. Your licensor will follow up with written guidance to remind you what is required.

## Fix-it tickets

DHS has determined that certain violations that do not pose an imminent danger to the health, safety, or rights of children are eligible for a fix-it ticket rather than a correction order. A fix-it ticket is a written notice to the provider of the violation. Violations identified on the fix-it ticket that are fixed within 48 hours do not get posted on the Licensing Information Lookup website. If they are not fixed within 48 hours, they will be issued on a correction order and posted on the Licensing Information Lookup website. If that same violation is repeated in the next licensing inspection, the provider will no longer qualify for a fix-it ticket for that regulation.

## Correction orders

When a regulation is not met and it is not eligible for technical assistance or a fix-it ticket, a licensor may issue a correction order. A correction order is a written notice to the provider of the violation.

A plain language summary of the violations contained in correction orders are posted on the Licensing Information Lookup webpage. After you correct the violation, the website will reflect that it was corrected.

## Licensing actions

More severe violations of the regulations may result in a licensing action, which are posted on Licensing Information Lookup. There are several types of licensing actions that can be issued, which are described below.

### Fines

When there are violations that pose a risk to the children in care, a provider can be required to pay a fine. Most fines issued to family child care providers are for violations of the infant safe sleep standards. Other violations for which fines are often issued include failure to take specific trainings, failure to have background studies conducted, failure to comply with a correction order, or when the provider has been found responsible for maltreatment. The provider has the right to appeal a fine.

### Conditional license

The department may make a provider's license conditional when providers need to take additional and ongoing steps to remedy more serious or chronic violations, and comply with all other licensing requirements to keep their license. Licensors monitor and provide guidance to providers with conditional licenses to assist them with coming back into compliance.

## **Temporary immediate suspension**

The department requires providers to stop operating immediately if it determines that there is an imminent risk of harm to children's health, safety or rights. The risk could stem from a provider's failure to comply with an applicable law or rule, the actions of the provider or other individuals, or conditions in the program. This is a temporary action to close the child care program to protect children's health, safety, and rights while an investigation is conducted.

The provider may appeal the temporary immediate suspension.

## **Indefinite suspension**

On occasion, usually following the issuance of a temporary immediate suspension when an investigation is ongoing, the department may suspend a provider's license for a longer period than the 90 days allowed for a temporary immediate suspension. The suspension keeps the program closed to protect children's health, safety, and rights, until it is safe for a provider to begin operating again. If it is determined that the program is not safe and will not be safe for children, the provider's license will be revoked. The provider may appeal the indefinite suspension.

## **Revocation**

The department may take away a license in response to serious or chronic licensing violations that pose a risk to of harm to children's health, safety, or rights.

Once a license is revoked, the provider may not be issued another license or provide services licensed by DHS for five years.

The provider may appeal the revocation.

## **Complaints**

If anyone in the public submits a complaint about a potential licensing violation, the licensor is required to investigate. The name of the person who made the complaint is confidential and cannot be disclosed. If it is determined that a violation has occurred, the outcome will be posted on Licensing Information Lookup and the provider may receive a correction order and/or licensing action.

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# Appendix A

## Legal requirement to develop this handbook

[Minnesota Statutes, section 245A.04, subdivision 17](#)<sup>79</sup>

By January 1, 2020, the commissioner of human services shall, following consultation with family child care license holders, parents, and county agencies, develop a plain-language handbook that describes the process and requirements to become a licensed family child care provider. The handbook shall include a list of the applicable statutory provisions and rules that apply to licensed family child care providers. The commissioner shall electronically publish the handbook on the Department of Human Services website, available at no charge to the public. Each county human services office and the Department of Human Services shall maintain physical copies of the handbook for public use.

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# Appendix B

## Rules and statutes governing licensed Family Child Care

The Minnesota rules and statutes that govern licensed Family Child Care are linked below. You will need to become familiar with them.

- [Minnesota Rules, Chapter 9502, Licensing of Day Care Facilities](#)<sup>80</sup>
- [Minnesota Statutes, Chapter 245A, Human Services Licensing Act](#)<sup>81</sup>
  - [245A.02 Definitions](#)
  - [245A.03 Who must be licensed](#)
  - [245A.04 Application procedures](#)
  - [245A.041 Systems and records](#)

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<sup>79</sup> <https://www.revisor.mn.gov/statutes/cite/245A.04>

<sup>80</sup> <https://www.revisor.mn.gov/rules/9502/>

<sup>81</sup> <https://www.revisor.mn.gov/statutes/cite/245A>

- [245A.043 Licensing application after change of ownership \(see subdivisions 1 and 4\)](#)
- [245A.05 Denial of application](#)
- [245A.055 Closing a license](#)
- [245A.06 Correction order and conditional license](#)
- [245A.065 Child care fix-it ticket](#)
- [245A.07 Sanctions](#)
- [245A.075 Disqualified individuals](#)
- [245A.08 Hearings](#)
- [245A.081 Settlement agreement](#)
- [245A.085 Consolidation of hearing; reconsideration](#)
- [245A.10 Fees \(see subdivision 2\)](#)
- [245A.14 Special conditions for non-residential programs](#)
- [245A.1434 Information for child care license holders](#)
- [245A.1435 Reduction of risk of sudden unexpected infant death in licensed programs](#)
- [245A.145 Child care program reporting notification](#)
- [245A.146 Crib safety requirements](#)
- [245A.147 Family child care infant sleep supervision requirements](#)
- [245A.148 Family child care diapering area disinfection](#)
- [245A.149 Supervision of family child care license holder's own child](#)
- [245A.151 Fire Marshal inspection](#)
- [245A.1511 Contractors serving multiple family child care license holders](#)
- [245A.152 Childcare license holder insurance](#)
- [245A.16 Standards for county agencies and private agencies \(see subdivision 1, paragraph a, section 8\)](#)
- [245A.18 Child passenger restraint systems](#)



- [245A.50 Family child care training requirements](#)
  - [245A.51 Family child care health and safety requirements](#)
  - [245A.52 Physical space requirements](#)
  - [245A.53 Substitute caregivers and replacements in family child care](#)
  - [Minnesota Statutes, Chapter 245C, Human Services Background Studies Act](#)<sup>82</sup>
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## Appendix C

### Additional Resources

This section includes other government-funded resources that can help you with business issues or you are seeking best practice information (above and beyond licensing requirements) regarding the care of children. This section also includes financial assistance programs that help families pay for child care and programs that may help you improve your child care program with professional development and equipment.

#### [Center for Inclusive Child Care](#)<sup>83</sup>

The Center for Inclusive Child Care (CICC) offers coaching, information modules, trainings and one-to-one expert advice when working with children who have any kind of special need or whenever you are feeling challenged in how best to help a child succeed.

#### [Child Care Assistance Program](#)<sup>84</sup>

The Child Care Assistance Program (CCAP) helps families pay for child care so that parents can work or go to school.

#### [Child and Adult Care Food Program](#)<sup>85</sup>

The Child and Adult Care Food Program (CACFP) reimburses child care providers for meals.

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<sup>82</sup> <https://www.revisor.mn.gov/statutes/cite/245C>

<sup>83</sup> <https://www.inclusivechildcare.org/>

<sup>84</sup> <https://mn.gov/dhs/people-we-serve/children-and-families/economic-assistance/child-care/contact-us/contact-us-a-to-z.jsp>

<sup>85</sup> <https://education.mn.gov/MDE/dse/FNS/prog/CACFPFam/>

### [Child Care Aware \(Parent Aware\)](#)<sup>86</sup>

Child Care Aware offers many programs to support child care providers including [Parent Aware](#)<sup>87</sup> (Minnesota's quality rating and improvement program), professional development and grants. It is a resource for parents to use to find child care.

### [First Children's Finance](#)<sup>88</sup>

First Children's Finance provides loans and business-development assistance to high-quality child care businesses serving low- and moderate-income families.

Minnesota Department of Employment and Economic Development

The Minnesota Department of Employment and Economic Development's published [First Considerations in Starting a Family Child Care Business](#).<sup>89</sup> This booklet has many ideas for how to best establish the business component of your child care.

### [REETAIN](#)<sup>90</sup>

REETAIN Bonuses reward child care professionals who have demonstrated a commitment to the field by continuing their education and professional development. They can be used for program supplies, training, or personal expenses.

### [T.E.A.C.H.](#)<sup>91</sup>

T.E.A.C.H. Early Childhood Minnesota provides scholarships to child care providers to increase their levels of education, compensation, and commitment to the field through college credits and degrees.

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<sup>86</sup> <https://www.childcareawaremn.org/>

<sup>87</sup> <https://www.parentaware.org/>

<sup>88</sup> <http://www.firstchildrensfinance.org/>

<sup>89</sup> [https://mn.gov/deed/assets/first-considerations-in-starting-a-family-child-care-business\\_ACC\\_tcm1045-301297.pdf](https://mn.gov/deed/assets/first-considerations-in-starting-a-family-child-care-business_ACC_tcm1045-301297.pdf)

<sup>90</sup> <https://www.childcareawaremn.org/providers/grants-and-scholarships/reeta-bonuses/>

<sup>91</sup> <https://www.childcareawaremn.org/providers/grants-and-scholarships/teach-scholarships/>

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## Appendix D

### Training beyond what is required

Providers are required to obtain 16 hours of training per licensing year. There are many options available for training and ongoing education.

#### **CDA: Professional recognition without a degree**

The nationally recognized Child Development Associate (CDA) credential is earned through participation in early childhood related-training. It is often a first step in an early childhood education career.

The Council for Professional Recognition is the go-to resource for initial CDA-related questions. For more information on the CDA or to order your CDA Competency Standards book, including application materials, please visit the [Council for Professional Recognition's](https://www.cdacouncil.org/)<sup>92</sup> website.

#### **Accreditation**

The [National Association for Family Child Care](https://www.nafcc.org/)<sup>93</sup> (NAFCC) administers the only national accreditation system for Family Child Care. Accreditation is awarded to family child care providers who meet quality standards.

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<sup>92</sup> <https://www.cdacouncil.org/>

<sup>93</sup> <https://www.nafcc.org/Getting-Started>