

# Anoka County Family Child Care Licensing Variance Policy

## Statement of Purpose and Authority

The Commissioner of the Minnesota Department of Human Services has delegated the responsibility of processing rule variance requests to Minnesota county agencies. *MN Rules 9543.0300; 9543.0050*. Under that authority, the Anoka County Community Social Services & Behavioral Department (“Anoka County”) may allow licensed family child care programs to deviate from a specific rule, under certain conditions, in accordance with the following guidelines. See *Minn. Stat. § 245A.06; MN Rules 9502.0315–9502.0445*. Anoka County reserves the right to update these guidelines at any time.

## Scope

Under the Commissioner’s delegation of authority, Anoka County has determined it will consider the following types of variance requests:

- Family Child Care Age Distribution and Capacity limits; MN Rules 9502.0367
  - Standard: Maximum of 45 Days in a twelve-month period
  - COVID-19 Emergency: Maximum of 90 days with the potential to be renewed
- Fencing; MN Rules 9502.0425, subpart 2
  - Only granted during November through May time period
- Pets; MN Rules 9502.0435, subpart 12
  - Reviewed annually for renewal
- Caregiver Qualifications for co-applicants; MN Rules 9502.0355
  - Time period varies within a six-month period
  - Not subject to renew

Under Minn. Stat. § 245A.16, Anoka County may **not** consider the following variances:

- Dual licensure of family child care and child foster care, and adult foster care and family child care.
- Variances regarding disqualified individuals except when the county is responsible for conducting a consolidated reconsideration according to Sections 245C.25 and 245C.27, subdivision 2, for a county maltreatment determination and disqualification based on serious or recurring maltreatment.
- Variances to requirements relating to chemical use problems of a license holder, a household member of a license holder, or caregivers.
- Variances to the total hours allowed for the use of a substitute caregiver as set forth in Section 245A.53 for a time-limited period.

## Procedure

The following steps are required to submit a variance request: (see *Minn. Stats. § 245A.04, subd. 9; § 245A.16, subd. 1*):

- If you are seeking a capacity variance, complete the Anoka County Capacity Variance Self Evaluation Checklist prior to submitting the variance request.
- Complete the following forms:
  - DHS-7297-ENG Variance Request: Family Child Care
  - DHS-7297A-Weekly Attendance Schedule
  - DHS-7297B Variance Request Notice to Parents
- The request must include the reasons why you need the variance and explain what measures you will take to ensure the health, safety, and protection of the children served by your program.
- The request must state the period of time for which the variance is needed.
- The request must be submitted **prior** to the situation for which you are seeking the variance, see *MN Rules 9502.0335, subparts 8, 8a*. For example, a capacity variance request must be submitted prior to caring for the additional child.
- Submit all completed forms to [childcarelicensing@co.anoka.mn.us](mailto:childcarelicensing@co.anoka.mn.us) or Fax: 763-324-3740.
- Post all approved variances in an area where they are visible to parents and others visiting the program.

Anoka County will:

- Review all variance requests by a Variance Review Committee that will consist of at a minimum, the Family Child Care Licensing (“FCCL”) Supervisor, one FCCL Social Worker and either two additional FCCL Social Workers or the Planning & Operation Support Services Manager.
- If the Variance Review Committee determines there are other options available to the license holder/applicant instead of a variance (e.g., change in license class), the variance request will be denied.
- Based on the outcome of the review, the DHS-7297-ENG Variance Request: Family Child Care form will be completed and signed by one of the following; the Family Child Care Licensing Supervisor; the Planning & Operation Support Services Manager or the Community Social Service & Behavioral Services Department Director.
- The completed and signed DHS-7297-ENG form will be returned to the license holder/applicant via the email provided on the form submitted, and a physical copy will be mailed to the address provided on the form.
- Properly completed variance requests will be processed within 10 business days.
- Variance requests incomplete at the time of the review will either be denied, or a member of the Review Committee will make a request for additional information, at which time the 10-business day deadline for processing will no longer apply.

**Anoka County’s decision to grant or deny a variance request is final and not subject to appeal. DHS is not involved in the granting or denying of these variances.**

## Anoka County Child Care Capacity Variance Request Self-Evaluation Checklist

**When requesting a capacity variance, please review the following conditions prior to submitting the Variance Request Form:**

Conditions	Condition Met	Condition Not Met
1. I have been licensed for at least one year.		
2. I am requesting a variance for <b>45 care days or less</b> .		
3. I have not had a variance within the last 12 months.		
4. I will not have three infants without a Second Adult Caregiver.		
5. I cannot change my license to a different class instead of seeking a variance.		
6. I do not have any pending or existing negative licensing actions.		
7. I am not currently under investigation for or have had any rule violations of supervision, corporal punishment, infant sleep space, or other relevant health or safety factors.		
8. I have developed alternative measures to help ensure the safety of all children and have taken measures to ensure individual needs are met during the variance period.		
9. I am current in SUID, AHT, CPR, and First Aid training.		
10. I have all the appropriate equipment to accommodate the numbers of children I will have in care.		
11. I have completed and returned all correction orders, if any, I have previously received from licensing.		

**Anoka County will consider each of these conditions when approving or denying a capacity variance request. If one or more of these conditions are not met, it is most likely that Anoka County will deny the variance request.**