

TO: MT Child Care Providers, MT Child Care Resource and Referral agencies, Child Care Licensing Program and Other Interested Parties

FROM: Patty Butler, Early Childhood Services Bureau Chief

SUBJECT: Child Care Licensing Rule changes

DATE: December 16, 2021

On September 28, 2021 a proposed rule package was filed with Office of Legal Affairs. This rule package includes changes specific to CCDF regulations, as well as the Department Administrative Rule's alignment to language in Senate Bill 142 related to childcare staff and the number of children allowed per facility. These rules have now been finalized and published and we want to be sure that all providers are aware of the changes and recognize how they affect your program. ECSB encourages everyone to review the rule change updates outlined below to ensure compliance for all programs. As always, if you have questions please contact your licensor, or your Child Care Program Managers. Contact numbers are included below.

[Administrative Rules of Montana - Section 35.95 - Licensure of Day Care Facilities](#)

Facility license:

- Family home license allows for 3 to 8 children to be cared for.
- Group home license allows for 9 to 15 children to be cared for.
- Center license allows for 16 or more children to be cared for.
- Family, Friend, and Neighbor registration allows for no more than 4 children to be cared for.
- Updates to reflect the change in approved overlap due to increased capacity of children cared for. The approved hours are displayed on your license certificate. If you need to change your overlap hours, please submit an Overlap Care form directly to your assigned licensor. Reminder that Covid overlap care approved for all day is no longer in place.

Relative Care Exempt (RCE) providers (37.95.110):

- There are no changes here except the separation from FFN rule since this is an exempt category. RCE are exempt from some rules.

Identifying and preventing shaken baby syndrome and abusive head trauma (37.95.169):

- Programs must now have a written policy on identifying and preventing shaken baby syndrome and abusive head trauma.
- The policy must contain certain components that are listed within the rule.
 - For more information on the components please review ARM 37.95.169
- Staff must sign an acknowledgement indicating they have read, understood, and agree to the policy.

Immunization (37.95.140):

Children experiencing homelessness have a 30-day grace period to provide documentation, and/or a plan to complete immunizations.

Staff requirements and qualifications

- Language added to Staff Records rule to meet requirements regarding staff acknowledgement of program policy for prevention of shaken baby syndrome and abusive head trauma.
- Language updated in rules specific to orientation training and staffing qualifications and requirements to include “pediatric” first aid

Other reminders from Child Care Licensing:

- As we have communicated previously, effective 10/1/2021, all staff of any age must have successfully completed a fingerprint-based FBI check prior to being present in the facility. An automated initial approval letter will be generated once the FBI check and the staff immunizations (Tdap and MMR) are complete. This letter will allow the individual to be present in the facility once received.
 - FBI Background Checks are FREE currently. If fingerprints are completed outside of the Child Care Resource & Referral Agency and are sent into Helena from the individual/program, you do not need to send money.
- This initial approval does not allow staff to be left alone with children. Adult, Child, and Infant CPR and Pediatric First Aid plus the course “Infant Safety Essentials” must be complete within 30 days of hire and before being left alone with children. Additional background checks are required for staff who have lived out-of-state within the past 5 years and must also be complete prior to being left alone with children.

We encourage you to reach out to your assigned licensor if you have any questions. All licensors and program managers are listed below with contact information. You can also find this at <https://dphhs.mt.gov/ecfsd/childcare/childcarelicensing/becomeachildcareprovider/ChildCareLicensors>.

We wish you all a very happy holiday season!

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