



HOUSTON COUNTY HUMAN SERVICES
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FAMILY CHILDCARE VARIANCE POLICY
MN RULE 9502.0367 – CHILD/ADULT RATIOS; AGE DISTRIBUTION RESTRICTIONS

The Department of Children, Youth, and Families (DCYF) has delegated authority to Minnesota Counties to consider variance requests from licensed family childcare providers to exceed their total child capacity or ratio by a maximum of 1 child over total numbers or ratios.

All requests will be reviewed by the Houston County Family Childcare Licensor and Houston County Social Services Supervisor. Variances will be approved or denied within 30 days of receiving the required variance forms.

Requests will be reviewed for approval or denial based on the following criteria:

- Variance requests will not be approved for more than 5 consecutive months. The license holder must return to compliance once the variance ends.
- Multiple variances will be allowed for a maximum of 5 months per year. The year begins at the first of the calendar year (January 1 to December 31). You cannot apply for another variance for the same group of children.
- Houston County will not backdate a request. License Holders must make the request prior to the situation where the variance is necessary. Failure to do so may result in a correction order or other negative actions towards the license holder.
- Variance requests will not be approved more than 3 months prior to the start date of the variance.
- Per MN Statute 245A.16, variance requests for total capacity to exceed 14 children will not be approved.
- Variance requests will not be approved if the provider is operating under a conditional license.
- Variance requests will not be approved if there has been a correction order issued for violation of supervision or behavioral guidance rules in the past 12 months of the request. Other repeat or significant licensing violations will be reviewed prior to approval of a variance request and will be at the discretion of the county.
- For a variance request for capacity within the first year of licensure, the county will review the license holder's education and/or prior experience within the child care field.

If a variance is approved, License Holders will adhere to the following:

- The license holder must ensure required supervision is provided to all children in care.
- Variances will be immediately rescinded if there are licensing violations that jeopardize the health and safety of children while the variance is in effect.
- Additional children will not be enrolled in the licensed family child care program after a variance has been approved and/or during a variance period.

- If the variance is no longer needed during the approved variance period, the license holder must notify the county.

To request a variance, please complete the Variance Request: Family Child Care, Family Child Care Weekly Attendance Schedule, and Variance Request Notice for Parents forms and send them to your licensor.

Click link below to access these forms:

Variance Request: Family Child Care DHS-7297

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7297-ENG>

Family Child Care Weekly Attendance Schedule DHS-7297A

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7297A-ENG>

Variance Request Notice for Parents DHS-7297B

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7297B-ENG>