

# *Child Care Regulations in Montana*

## **Overview**

A summary of child care regulations in Montana.

- Types of care that must be licensed
- Types of care that must be registered
- Types of care that may operate without a license or registration
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Group child care homes
- Family child care homes
- Special infant care regulations

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Montana, the Department of Public Health and Human Services licenses child care centers, group child care homes, and family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Montana. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

## **Types of care that must be licensed**

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Montana Department of Public Health and Human Services is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In Montana, child care centers must be licensed. These are centers that provide full- or part-time care in an out-of-home setting for 13 or more children. In Montana, this includes religiously affiliated centers.

## **Types of care that must be registered**

Registration is a form of regulation that typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities.

In Montana, the following forms of child care must be registered:

- *Group child care homes.* Full- or part-time care in a residence for between seven and 12 children, including the provider's own children under 6 years old. This definition may additionally apply to child care for the same number of children with no more than six children younger than 2 years old. However, if the child care home provides care for only infants, then the definition is for care of up to eight infants; no other children are allowed.
- *Family child care homes.* Full- or part-time care in a residence for between three and six children, including the provider's own children younger than 6 years old. This definition may additionally apply to a child care facility providing care to no more than three children younger than 2 years old. However, if the child care facility provides care only to infants, then the definition is for care of up to four infants; no other children are allowed.

More detailed information about child care centers, group child care homes, and family child care homes can be found later in this guide.

### **Types of care that may operate without a license or registration**

Some child care providers are not required to be licensed or registered by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In Montana, the following forms of child care are exempt from licensing or registration:

- Persons who provide full- or part-time care in a residence for up to two children
- Persons who provide full- or part-time care for their own children

### **Age-group definitions**

- *Infant:* child between birth and 23 months
- *Toddler:* child between 24 and 35 months
- *Preschooler:* child between 36 months and when the child enters a private or public school
- *School-age:* child between 5 and 13 years, or a child with special needs under the age of 18 years or who is 18 years and a full-time student expected to complete an educational program by age 19

### **Subsidized child care**

The Montana Department of Public Health and Human Services makes funds available to families to assist them with child care payments. The amount of the payments depends on family size and income. Recipients of these funds must be working or in training for employment to qualify. Families who are eligible may

receive assistance whether their child is in a family or group child care home, child care center, or with another legally operating provider, as long as the type of care complies with state regulations.

For further information about program availability and how to qualify, contact the Montana Department of Public Health and Human Services, Early Childhood Services Bureau, at 866-750-7101 or 406-549-1028.

### **Whom to contact**

For more detailed information regarding child care regulations in Montana, to obtain a copy of the state standards, or to report licensing violations, contact:

#### **Montana Department of Health and Human Services**

##### **Quality Assurance Division**

Licensing Bureau

Child Care Licensing Program

2401 Colonial Drive (physical address)

Helena, MT 59601

P.O. Box 202953 (mailing address)

Helena, MT 59620-2953

406-444-2012

*[www.dphhs.mt.gov/contactus/helenaoffices/helenaoffices.shtml](http://www.dphhs.mt.gov/contactus/helenaoffices/helenaoffices.shtml)*

### **Child abuse reporting**

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, call the toll-free child abuse hot line at 866-820-5437 (TTY-hearing impaired at 866-341-8811) or contact the local Department of Public Health and Human Services, Family Services Programs.

## *Child care centers*

### **Licenses**

- Must be licensed.
- License must be renewed every two to three years, depending on the number of deficiencies.
- License must be posted.
- General liability and fire insurance are required.
- Professional liability insurance is not required.

**State inspection**

- Inspection is required prior to licensing.
- Unannounced inspections are made after a complaint.

**Staff:child ratios**

- Infants: one staff for up to four children (1:4)
- Toddlers: one staff for up to eight children (1:8)
- Preschoolers and up to 5 years: one staff for up to 10 children (1:10)
- 6 to 13 years: one staff for up to 14 children (1:14)

**Maximum group size**

- No requirements

**Staff requirements**

**Director**

- Must be at least 18 years old
- If functioning as a primary caregiver, must be certified in first aid and CPR
- Must have one of the following:
  - Bachelor's degree in a child-related area plus one year of experience
  - Child Development Associate (CDA) credential
  - Three years of child-related experience in a child care or registered family home

**Primary caregiver**

- Must be at least 18 years old
- Must be certified in first aid and CPR
- Must have one day of job orientation
- Must have one of the following:
  - Bachelor's or associate's degree in education or a child-related area
  - Two years of experience working in a child care center or as a child care home provider
  - CDA credential

**Aide**

- Must be at least 16 years old and supervised
- Must have at least one day of orientation

- No first aid or CPR requirement.

### **Staff training**

- Must have a minimum of eight hours annually for primary caregiver and aide.
- Director must have 15 hours of annual training.

### **Staff medical requirements**

- Must have TB test.
- Immunization for measles, mumps, and rubella is required.
- Immunization for hepatitis B is not required.
- Physical exam is not required.
- AIDS test is not required.
- Drug and alcohol tests are required if there are any questions.

### **Staff background checks**

- Child abuse and criminal background checks are required on all staff and volunteers.
- A Personal Statement of Health Form is required for each staff member.
- A list with the names, addresses, and phone numbers of every staff member is required.
- Fingerprinting is not required.
- Staff members are required to sign an affidavit stating they have not been convicted of a crime involving children or physical or sexual violence.

### **Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.
- Must not use humiliation as discipline.

### **Parents' rights**

- Must have unlimited access to the facility during child care hours.
- Must receive center policies and procedures in written form.
- The facility must post its license, along with contact numbers for the licensing office.

### **Health and safety requirements**

- Must have a working phone.

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- Must post emergency numbers by the phone.
- Must have a fire and evacuation plan.
- Must have a list of all children, including medical or special needs.
- Must have an emergency consent form on file for each child.
- Must have an authorization of release form signed by parents of those persons allowed to pick up the child.
- Hazardous or toxic materials must be inaccessible to children.
- Every staff member must wash hands with cleaning compound for 20 seconds before and after eating, preparing food, and toileting.
- Must have a written program for providing experiences responsive to a child's chronological, physical, emotional, social, and intellectual growth.
- Pets must be vaccinated, and records must be present on premises.
- Pets can have no evidence of carrying any disease.
- Infants must be placed on their backs and on a firm surface to reduce the risk of SIDS.
- Must supervise children at all times.
- Must allow for 35 square feet inside and 75 square feet outside for each child.
- Must enclose an outdoor play area near a busy road or hazardous area with a fence or natural barrier at least 4 feet high.
- Must ensure that any pets are healthy and friendly.
- Paint must not contain lead.
- Must have a first-aid kit.
- Must have a fire extinguisher.
- Electrical outlets must be covered, and extension cords are not permitted as permanent wiring.
- Must not use portable heaters.
- Swimming pool must be surrounded by a fence at least 5 feet high with a locked gate and, when any child is in the pool, at least one person who is certified in Red Cross advanced lifesaving must be present.
- Use of trampolines, hot tubs, spas, or saunas by the children is prohibited. Any hot tub, spa or sauna must be fenced and secured.
- Smoking is prohibited both indoors and outdoors when children are in care.

- Must have smoke detectors.
- Must conduct eight fire drills annually.

### **Child medical requirements**

- Must have age-appropriate immunizations, or have at least one dosage, along with a written schedule of future dates for the shots.
- Hepatitis B immunization is required only for children under 5 years old.
- Must have written permission from a parent to administer medications.

### **Nutrition**

- If the facility is participating in a food program, the program must adhere to specific rules.
- If the facility does not participate in a food program, it must still adhere to certain recommendations, specifically, a registered dietician must annually evaluate nutritional adequacy.
- If the parent provides food but neglects to provide nutritious food, the facility is obligated to provide nutritionally appropriate meals and snacks.

### **Transportation**

- Any driver of children must be 18 years old with a valid driver's license.
- An additional adult, besides the driver, must be present when four or more infants are being transported.
- All doors must be locked while the vehicle is in motion.
- Must use age- and weight-appropriate safety restraints.
- A child may never be left unattended in a vehicle.
- An adult must accompany a child to and from the vehicle.

### **Care for sick children**

- A child with a serious communicable disease must be excluded from care.
- If a child becomes ill while at the care facility, the parent must be notified and the child must be picked up.
- No child is allowed to be readmitted into the facility until the reason is known for the illness, and until the child has been without a fever of 101 degrees and free of vomiting, diarrhea, or any bacterial infection for 24 hours.

## *Group child care homes*

### **Registration**

- Must be registered and renewed every three years; homes with deficiencies must be renewed annually.
- Registration certificate must be posted.
- General liability and fire insurance are required.
- Professional liability insurance is not required.

### **State inspection**

- Not routinely inspected prior to registration.
- New providers receive an inspection within 60 days of registration.

### **Staff:child ratios**

- One staff for up to six children (1:6), and 2 caregivers at all times
- If the children are all infants, one staff for up to four infants (1:4)

### **Maximum group size**

- Twelve children, including the provider's own children, with no more than six children younger than 2 years old
- No more than six children younger than 2 years old, unless the care is for infants only (and then no other age group is allowed)

### **Staff qualifications**

#### **All staff**

- Must be at least 18 years old
- Must have experience in the care and supervision of children
- Must attend an orientation

### **Staff training**

- If any staff member provides 160 hours of care each year, then the staff member must complete eight hours of ongoing education

### **CPR and first aid**

- Certification is required annually of providers for infant, child, and adult CPR; infant choking response; and first aid.

### **Staff medical requirements**

- Must have TB test and statement of health form.

- Immunizations for measles, mumps, rubella, tetanus, and diphtheria are required.
- Immunization for hepatitis B is not required.
- Physical exam is not required.
- AIDS test is not required.
- Drug and alcohol tests are required if there are any questions.

#### **Staff background checks**

- Child abuse and criminal background checks are required on all staff and persons over 18 years old residing in the home.
- Fingerprinting is not required.

#### **Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.
- Must not use humiliation as discipline.

#### **Parents' rights**

- Must have unlimited access to the facility during child care hours.
- Must receive written information on facility policies and procedures.
- The facility must post its license, along with contact numbers for the licensing office.
- Must receive a schedule of typical daily activities.

#### **Health and safety requirements**

- Must have a phone.
- Must post emergency numbers by the phone.
- Must have the names of each child's physician or health facility on file in case of any emergency.
- Must have a list of all staff with their ages, addresses, and telephone numbers.
- Poisonous and toxic materials must be inaccessible to children.
- All pets must be in good health, friendly, and vaccinated.
- Every staff member must wash hands with a cleaning compound for 20 seconds before and after eating, preparing food, and toileting.
- Must have a written program for providing experiences responsive to a child's chronological, physical, emotional, social, and intellectual growth.
- Pets must be vaccinated, and records must be present on premises.

- Pets can have no evidence of carrying any disease.
- Infants must be placed on back and on a firm surface to reduce the risk of SIDS.
- Must have written permission from a parent to administer medications.
- Both guns and ammunition must be kept in separate locked storage.
- Must enclose an outdoor play area near a busy road or other hazardous area with a fence or natural barrier 4 feet high.
- Must supervise children at all times.
- Must have a written fire and emergency evacuation plan.
- Must have two accessible exits.
- Must have a first-aid kit.
- Must have a fire extinguisher.
- Must have smoke detectors on each level.
- Must conduct eight fire drills annually.
- Electrical outlets must be covered.
- Paint must not contain lead.
- Toys must meet safety guidelines.
- Must not allow use of trampolines, hot tubs, spas, or saunas by the children.
- Must not use water beds, water mattresses, gel pads, or sheepskin covers as a sleeping surface for the children.
- Swimming pools must have a fence at least 5 feet high with a locked gate, and when any child is in the pool, at least one person who is certified in Red Cross advanced lifesaving must be present.
- Smoking is prohibited indoors and outdoors while children are in care.

### **Transportation**

- Any driver of children must be 18 years old with a valid driver's license.
- All doors must be locked while the vehicle is in motion.
- Age- and weight-appropriate safety restraints must be in place.
- A child must never be left unattended in a vehicle.
- There must be one adult in addition to the driver for every four infants.

### **Child medical requirements**

- Must have age-appropriate immunizations, but children can be admitted if the initial dose has been given and a form with subsequent dates for the remaining immunizations is presented.
- Hepatitis B immunization is required only for children younger than 5 years old.

### **Care for sick children**

- A child with a serious communicable disease must be excluded from care.
- If a child becomes ill while at the care facility, the parent must be notified and the child must be picked up.
- No child is allowed to be readmitted into the facility until the reason is known for the illness, and until the child has been without a fever of 101 degrees and free of vomiting, diarrhea, or any bacterial infection for 24 hours.

## *Family child care homes*

### **Registration**

- Must be registered and renewed every three years; homes with deficiencies can be renewed every 2 years.
- Registration certificate must be posted.
- General liability and fire insurance are required.
- Professional liability insurance is not required.

### **State inspection**

- Not routinely inspected prior to registration.
- New providers receive inspection within 60 days of registration.

### **Staff:child ratios**

- One staff for up to six children (1:6)
- If the children are all infants, one staff for four infants (1:4).

### **Maximum group size**

- Six children, including the provider's own children under 6 years old
- No more than three children younger than 2 years; if only infants, then up to four infants
- If only infants are present, then up to four children only

### **Staff qualifications**

#### **Any staff**

- Must be at least 18 years old.
- Must have experience in the care and supervision of children.
- Must attend orientation.

#### **Staff training**

- Any staff member who provides 160 hours of care each year must complete eight hours of ongoing education.

### **CPR and first aid**

- Certification is required annually of providers for infant, child, and adult CPR; infant choking response; and first aid.

### **Staff medical requirements**

- Must have TB test and statement of health form.
- Immunizations for measles, mumps, rubella, tetanus, and diphtheria are required.
- Immunization for hepatitis B is not required.
- Physical exam is not required.
- AIDS test is not required.
- Drug and alcohol tests are required if there are any questions.

### **Staff background checks**

- Child abuse and criminal background checks are required on all staff and persons over 18 years old residing in the home.
- Three references are required.
- Fingerprinting is not required.

### **Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.
- Must not use humiliation as discipline.

### **Parents' rights**

- Must have unlimited access to the facility during child care hours
- Must receive written information on center policies and procedures
- Must receive written child care licensing requirements
- Must receive a schedule of typical daily activities of the children

### **Health and safety requirements**

- Must have a phone.
- Must post emergency numbers by the phone.
- Every staff member must wash hands with a cleaning compound for 20 seconds before and after eating, preparing food, and toileting.
- Must have the names of each child's physician or health facility on file in case of any emergency.
- Must have a list of all staff with their ages, addresses, and telephone numbers.
- Poisonous and toxic materials must be inaccessible to children.
- All pets must be in good health, friendly, and vaccinated.
- Both guns and ammunition must be kept in separate locked storage.
- Must enclose an outdoor play area near a busy road or other hazardous area with a fence or natural barrier 4 feet high.
- Must supervise children at all times.
- Pets must be vaccinated, and records must be present on premises.
- Pets can have no evidence of carrying any disease.
- Infants must be placed on their backs and on a firm surface to reduce the risk of SIDS.
- Must have written permission from a parent to administer medications.
- Must have a written fire and emergency evacuation plan.
- Must have two accessible exits.
- Must have a first-aid kit.
- Must have a fire extinguisher.
- Must have smoke detectors on each level.
- Must conduct eight fire drills annually.
- Electrical outlets must be covered.
- Paint must not contain lead.
- Toys must meet safety guidelines.
- Must not allow the use of trampolines, hot tubs, spas, or saunas by the children.

- Swimming pools accessible to children must be enclosed by a fence at least 5 feet high with a locked gate, and when any child is in the pool, at least one person who is certified in Red Cross advanced lifesaving must be present.
- Smoking is prohibited indoors and outdoors while children are in care.

### **Transportation**

- Any driver of children must be 18 years old with a valid driver's license.
- All doors must be locked while the vehicle is in motion.
- Must use age- and weight-appropriate safety restraints.
- A child must never be left unattended in a vehicle.
- There must be one adult in addition to the driver for every four infants.

### **Child medical requirements**

- Must have age-appropriate immunizations, but children can be admitted if the initial dose has been given and a form with subsequent dates for the remaining immunizations is presented.
- Hepatitis B immunization is required only for children younger than 5 years old.
- Must have written permission from a parent to administer medications.

### **Care for sick children**

- A child with a serious communicable disease must be excluded from care.
- If a child becomes ill while at the care facility, the parent must be notified and the child must be picked up.

## *Special infant care regulations*

### **Diapering**

- Must have a supply of diapers.
- Diaper-changing surfaces must be sanitized, and soiled reusable diapers or disposable diapers must be properly contained or disposed.
- No infant can be left unattended on a changing surface.
- The area used for diapering will be separated from any area used for food preparation.

### **Feeding**

- Individualized diets to be provided by parents; all formula or breast milk must be clearly labeled.

- No infant will be fed by bottle while on its back; each infant must be held or placed in a semi-sitting position.
- Packaged formulas may be used if the parent neglects to bring formula or breast milk; older infants are to be given suitable food.

### **Bathing**

- Infants are not to be bathed routinely; they should be bathed only if necessary.
- Water is not to exceed 120 degrees.

### **Sleeping**

- Cribs are to be used until it is deemed safe by both parent and provider for an infant to be placed on a mat.
- Cribs must be waterproof and sanitized; infants must have a clean, washable blanket.
- All infant cries must be investigated.