

Health and Human Services

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Wilkin County's Variance Policy and Procedure for Group/ Family Child Care

Purpose: Licensed family child care providers have the right to request a variance of capacity or age distribution under MN Rules 9502.0367. The goal of Wilkin County's variance policy is to meet the needs of parents and providers while keeping the safety and well-being of children the very first priority.

Reference: Minnesota Rules 9502

Personnel Responsible: Licensing Worker and the Health and Human Services Director..

Effective: June 18, 2024

Policy: To initiate a variance, request the provider can print the 3 required DHS approved variance document from the County website and/or the DHS provider's page. The provider is responsible for getting all three documents and completing them. The Licensing Social Worker will review all submitted documents.

The three documents required are;

- 1) Variance request: Family Child Care (DHS 7297)
- 2) Family Child Care Weekly Attendance Schedule (DHS 7297A)
- 3) Variance Request: Notice for Parents (DHS 7297B)

No additional children or drop-ins may be enrolled into care while the variance is in effect. An approved variance is only valid for the particular children listed on the application paperwork at the time the variance is requested and approved.

All variance requests must be approved before accepting a child into care. Backdated variance requests will be denied.

A variance will not be granted if any of the following apply:

1. During a pending negative action recommendation.
2. During an existing negative licensing action.
3. During an investigation.
4. A correction order has been issued for overcapacity in the past twelve (12) months.
5. A correction order has been issued for lack of supervision in the past twelve (12) months.

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A provider will not be granted a variance until they have been licensed for one (1) year. Exceptions are as follows:

1. An applicant has been licensed under MN Rule 9502 in the past three (3) years; or
2. The provider has been licensed with the county for six (6) months; and
3. The provider provides verification that one of the requirements in MN Rules 9502.0355, Subp. 3. A, B, or C has been met; and
4. The County licensor feels that the safety and well-being of the children in care will not be jeopardized; and
5. There have been no licensing violations or complaints

Restrictions:

1. At no time will Wilkin County Health and Human Services Agency allow capacity limits to exceed statute limits in any license classification.
2. The total of all variances to the standards cannot exceed 60 days in any calendar year.
3. A variance of any part of the day shall constitute a variance for the entire day.
4. No variance will be approved for more than 2 infants without a second caregiver present.
5. The County reserves the right to make exceptions and additions to these policies.
6. Requests for newborns (birth to six (6) weeks) will be denied.

A thorough review of the Licensing Statutes and Rules will be completed in reference to the variance request. The Licensing Worker will complete a written summary and recommendation will be submitted to the Wilkin County Health and Human Services Director. The Director will review all of the documents to make a final decision.

The license holder must request the variance prior to the situation where it is necessary in accordance with legally required variance standards and procedures, MN Rules, Part 9502.0335, Subparts 8 and 8a.

Asking for a variance is asking the county to go against statute and say that a situation is okay. The County does not take this decision lightly. Variances affect the health, safety, and well-being of multiple children. The County is under no obligation to grant any variances and all variance decisions are up to the discretion of the County.