



Monitoring licensed child care

Of the more than 600,000 Minnesota families with at least one child 12 or younger, most use some type of child care arrangement. This document outlines why child care licensure matters and what happens when a program does not comply with licensing requirements.

Why licensing matters

In Minnesota, a child care provider must obtain a license to operate a child care center or family child care program unless the provider meets an exemption in state law. Licensure promotes safe and nurturing child care environments by ensuring that licensed child care providers meet minimum health and safety standards. These include background study requirements; staff/caregiver qualifications and training; program policies and procedures; supervision requirements; child/adult ratios and age distribution requirements; behavior guidance; infant and safe sleep requirements; physical environment requirements, equipment and activity requirements; mandated reporting requirements and record-keeping requirements.

Types of child care providers, regulations and who monitors compliance

Child care centers are usually located in a nonresidential setting. Centers must have least one teacher and may have additional teachers, assistant teachers and aides depending on the ages and number of children served at the center. Child care centers include programs such as preschools, Head Start programs, and drop-in and sick care for fewer than 24 hours a day. More than 1,700 child care centers are licensed in Minnesota.

- Licensing requirements for child care centers are in Minnesota Rules, [parts 9503.0005 to 9503.0170 \(DHS Rule 3\)](#) and Minnesota Statutes, Chapters [245A](#), [245C](#) and [626.556](#).
- Certification requirements for child care centers that meet a license exemption in state law but are authorized to receive reimbursement from the Child Care Assistance Program are in Minnesota Statutes, Chapters [245H](#), [245C](#) and [626.556](#).
- The Minnesota Department of Human Services (DHS) Licensing Division is responsible for monitoring child care centers, including processing license and certification applications, conducting inspections, investigating complaints, issuing correction orders and issuing licensing sanctions when appropriate.

Family child care is usually provided in a caregiver's home for 10 or fewer children at one time. Group family child care may be provided for up to 14 children with two caregivers when there are more than 12 children in care. About 8,400 family and group family child care programs are licensed in Minnesota.

- Licensing requirements for family child care programs are in Minnesota Rules, [parts 9502.0300 to 9502.0445 \(DHS Rule 2\)](#) and Minnesota Statutes, [Chapter 245A](#) and [245C](#) and [626.556](#).

- Counties are responsible for monitoring family child care programs, including processing license applications, making licensing recommendations to DHS, conducting licensing inspections, investigating complaints, issuing correction orders and recommending licensing sanctions to DHS when appropriate.

Inspections

In 2017, state law was amended to require DHS and county licensors to visit licensed and certified child care programs annually (instead of biannually) to monitor for compliance with licensing or certification requirements, including health and safety standards. State law also requires each program to be inspected prior to being granted a license. Beginning in 2018, DHS will post the results of licensing inspections online at DHS Licensing Information Lookup, including the date of the visit and any violations determined.

Complaints and investigations

To help protect health, safety and well-being of children in licensed and certified child care programs, reports of possible licensing violations and alleged maltreatment are investigated.

- For **child care centers**, DHS licensors investigate possible licensing violations. DHS also investigates reports of alleged maltreatment.
- In **family child care programs**, county licensors investigate possible licensing violations, and county child protection agencies investigate reports of alleged maltreatment.

Correction orders and fix-it tickets

When it is determined that one or more licensing violations has occurred, a correction order is issued. The correction order lists citations for the violations as well as ordering corrective action. Programs are typically ordered to correct the violation immediately. Correction orders issued to a licensed child care program must be posted at the program for two years.

Beginning in 2018, DHS and county licensors are required to issue a fix-it ticket for eligible violations that do not imminently endanger the health, safety and rights of children in care. If the provider corrects the eligible violation on-site or within 48 hours, a correction order will not be issued for these violations.

Licensing sanctions

When the nature, severity or chronicity of licensing violations warrant action beyond a correction order, DHS may issue licensing sanctions. In 2017, DHS issued 329 licensing sanctions to family child care programs and 101 licensing sanctions to child care centers.

- **A conditional license** requires compliance with special terms for the program to continue to operate. In 2017, DHS issued 59 orders of conditional license.
- **Fines** ranging from \$100 to \$1,000 may be assessed for certain types of licensing violations, such as background study violations and infant safe sleep violations. In 2017, DHS ordered 166 child care programs to pay fines.

- **Suspension** of licenses requires a licensed program to meet certain conditions or requirements before the license is reinstated. In 2017, DHS suspended 16 licenses.
- **Temporary immediate suspension** occurs when there is imminent risk of harm to children, requires the child care program to immediately stop operating and remains in effect while a final sanction is determined. In 2017, DHS issued 90 temporary immediate suspensions to family child care programs, and four temporary immediate suspension to a child care center.
- **Revocation** means the license has been taken away due to serious or chronic licensing violations. In 2017, DHS revoked 95 licenses.

Additional questions and information

- If you have questions or concerns about a licensed family child care program, contact your county/tribal child care [licensing agency](#).
- If you have questions or concerns about a licensed child care center, contact the DHS Licensing Division at 651-431-6600.
- Information about licensed child care programs and licensing actions are available on the DHS Licensing Information Lookup, <https://licensinglookup.dhs.state.mn.us/>.



For accessible formats of this information or assistance with additional equal access to human services, write to dhs.info@state.mn.us, call 651-431-6600, or use your preferred relay service. ADA1 (1-18)