37.96.101 GENERAL DEFINITIONS

(1) "Applicant" means an individual or legal entity who has made a formal request for a child care license or registration.

(2) "Capacity" means the maximum number of children a facility is authorized by the department to have in care at any given time.

(3) "Child" is defined in 52-2-703, MCA, and means:

(a) a person under 13 years old; or

(b) a person with special needs, as defined by the department, who is under 18 years old or is 18 years old and a full-time student expected to complete an educational program by 19 years old.

(4) "Child care" has the same meaning as "day care," as defined in 52-2-703, MCA, and means care for children provided by an adult, other than a parent of the children or other person living with the children as a parent, on a regular basis for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours. The term does not include:

(a) school-age care, unless the provider opts to be licensed or registered;

(b) informal short term, drop-in care for children provided on an unscheduled or on-demand basis while parents attend discrete activities such as meetings, appointments, or leisure activities, unless the provider opts to be licensed or registered;

(c) recreational, creative, educational, or religious programs and camps operating at specific and limited times of the year;

(d) programs established chiefly for educational purposes that limit their services to children who are three years old or older, unless the provider opts to be licensed or registered;

(e) relative care, unless they opt to be registered; or

(f) Family, Friend, and Neighbor care, unless they opt to be registered.

(5) "Child care center" has the same meaning as "day-care center" as defined in 52-2-703, MCA, and means an out-of-home place in which child care is provided to 16 or more children on a regular basis. The term does not include a place where child care is provided if a parent of a child for whom child care is provided remains on the premises, unless the parent is a director/owner, staff member, support staff, or volunteer of the child care center, or unless the child care center is on the premises or campus of an employer who employs the parent.

(6) "Child care facility" has the same meaning as "day-care facility" as defined in 52-2-703, MCA.

(7) "Child Care Licensing (CCL)" is the program at the Montana Department of Public Health and Human Services that regulates and supports child care providers.

(8) "Continuous" means without interruptions, gaps, or stopping.

(9) "Department" means the Montana Department of Public Health and Human Services.

(10) "Discrimination" means unjust or prejudicial treatment in child admissions or employment of staff on the basis of race, sex, religion, creed, color, national origin, marital status, age, or physical or mental disability.

(11) "Drop-in child care" means a child care facility which only provides care to children on an unscheduled or on-demand basis while parents/guardians attend discrete activities.

(12) "Family child care facility" or "family day care home" is defined in 52-2-703, MCA, and means a private residence or other structure in which child care is provided to three to eight children on a regular basis. A person who provides child care in a private residence for six or fewer children may opt to be registered as a family child care facility if that person desires to receive child care subsidy payments as described in 52-2-713, MCA.

(13) "Family, Friend, and Neighbor (FFN)" means a child care provider who can provide care for no more than six children from separate families or all children from a "sibling group" and who opts to be registered.

(14) "Group child care facility" or "group day-care home" is defined in 52-2-703, MCA, and means a private residence or other structure in which child care is provided to nine to 15 children on a regular basis.

(15) "Group size" means the number of children in a defined space or intentionally grouped around an activity.

(16) "Harm to children" means harm to a child's health, safety, or welfare that falls within the definitions of child abuse or neglect in 41-3-102, MCA.

(17) "Infant" means a child through 11 months old.

(18) "Irregular" means periods of time less than six hours a day or for no more than three consecutive weeks at a time.

(19) "Lapsed registration/license" means:

(a) an application for registration/licensing renewal which is received by the department after the registration/licensing expiration date;

(b) an application which is incomplete and results in a break-in-license span; or

(c) any break in the registration/license span resulting from a lapse of required insurance or resulting from a failure to comply with another licensure requirement.

(20) "License" is defined in 52-2-703, MCA, and is required for child care centers and is optional for school-age care and drop-in child care facilities. License statuses include:

(a) "Probationary license" means a child care license with a status that has been reduced for a specified period of time based on a licensing violation and which will be reinstated to regular status upon successful completion of, and compliance with, remedial measures identified by the department to address specific deficiencies.

(b) "Provisional license" means a license status that is given to a child care provider if the provider does not meet all the requirements, but is attempting to comply. This status can be granted for a period of up to three months, and may be renewed. This license status is used for current licensees who are renewing and for new providers after their pre-licensing inspection.

(c) "Regular license" means a license status that is given upon determination that the child care provider is meeting all requirements set forth for that specific type of licensed child care.

(d) "Revocation" or "revoked license" means an enforcement action by the department to close a child care facility and permanently remove the license.

(e) "Suspended license" means an enforcement action by the department to put a license on hold to protect the health, safety, or welfare of enrolled children or the public.

(21) "Licensee," "owner," or "registered provider" means the legally responsible person or organization who holds a license or registration from the department.

(22) "Negative action" means denial, suspension, revocation, or modification of a license or registration.

(23) "Night care" or "non-traditional hours" means care provided for a child between the hours of 6 p.m. and 6 a.m.

(24) "Overlap care" means care provided at a registered family or group child care facility for children three years and older, and approved by the department for a designated time period not to exceed three hours when the number of children in care may exceed the number of children on the registration.

(25) "Parent" or "guardian" means birth parent, custodial parent, adoptive parent, foster parent, legal guardian, or an individual authorized to act with respect to a child by the parent or entity legally responsible for the welfare of the child.

(26) "Pre-inspection" means a child care licensing or registration inspection before a child care provider begins providing care. The pre-inspection ensures the applicant has the required components in place to be a licensed or registered child care facility, excluding FFNs and Relative Care Exempt providers.

(27) "Premises" means the private residence, facility, or other structure in which licensed or registered child care will be provided and the associated approved outdoor space.

(28) "Provider" means the applicant, the license holder, or registration holder.

(29) "Registration" is defined in 52-2-703, MCA, and is required for group child care facilities and family child care facilities. "Registration" also means department approval of a Relative Care Exempt provider or FFN provider who opts to be registered. Registration statuses include:

(a) "Probationary registration" means a child care registration that has been reduced for a specified period of time based on a registration violation and which will be reinstated to regular status upon successful completion of, and compliance with, remedial measures identified by the department to address specific deficiencies.

(b) "Provisional registration" means a registration status that is given to a family or group child care provider if the provider does not meet all the requirements, but is attempting to comply. This status can be granted for a period of up to three months, and may be renewed. This registration status is used for current registration holders who are renewing

and for new providers after their pre-registration inspection. This status does not apply with respect to FFN or RCE (Relative Care Exempt) providers.

(c) "Regular registration" means a registration status that is given upon determination that a registered provider is meeting all requirements set forth for that specific type of registered child care.

(d) "Revocation" or "revoked registration" means an enforcement action by the department to close a child care facility and permanently remove the registration.

(e) "Suspended registration" means an enforcement action by the department to put a registration on hold to protect the health, safety, or welfare of enrolled children or the public.

(30) "Regular basis" is defined in 52-2-703, MCA, and means providing child care to children of separate families for any daily periods of less than 24 hours and for three or more consecutive weeks at a time.

(31) "Relative care" means the child is the brother, sister, nephew, niece, grandchild, or great grandchild of the persons providing child care and includes a child in a step, foster, or adoptive relationship.

(32) "Relative care exempt (RCE) provider" means a person providing relative care who opts to be registered by the department to receive payments to provide child care.

(33) "Renewal" is a process for providers to demonstrate ongoing compliance with licensing or registration requirements and for the department to reissue a license or registration to continue operating a child care facility.

(34) "School-age care" means regularly scheduled care exclusively for school-age children during out-of-school-time hours, licensed by the department.

(35) "School-age child" means a child who is five years old or older.

(36) "Sibling group" means all children are from the same household.

(37) "Staff" refers to all persons who work or substitute in a child care facility, including directors, and count in child-to-staff ratio.

(38) "Supervision" means the provider and/or such staff as are necessary to maintain required child-to-staff ratios must be able to see or hear the children at all times.

(39) "Support staff" means a staff member of a child care provider who does not participate in a caregiving role and is not counted in child-to-staff ratios. Examples of support staff are cooks, administrative staff, or cleaning staff.

(40) "Technical assistance" means education, training, coaching, and other support provided by the department, its partners, or its contractors to child care providers and staff to assist in meeting licensing and registration requirements and enhancing quality of care.

(41) "Toddler" means a child who is 12 months old through 36 months old.

(42) "Waiver" means the department has approved an exception to a rule within this chapter.

Authorizing statute(s): 52-2-704, 53-4-212, MCA

Implementing statute(s): 52-2-702, 52-2-703, 52-2-704, 52-2-713, 52-2-723, 52-2-725, 52-2-731, 52-2-735, 52-2-736, 53-2-201, 53-4-211, 53-4-212, 53-4-611, MCA

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