Waiver Instructions

37.96.122 Waivers

(1) New and renewal license or registration applications may include written requests to waive any provision of a rule within the child care licensing chapter. The department and its partner agencies (e.g., local public health departments) may grant waivers if the department determines that the health and safety of the children in care are not diminished. The written request must:

(a) include the basis for request, such as significant hardship to provider or facility;

(b) propose an alternative that is consistent with best practices in early childhood or school-age care; and

(c) demonstrate that the alternative will meet the intent of the rule.

General Rules:

- Waivers will only be granted during a renewal or at the time of a new application
- All waivers must be typed and must use the waiver form (can be found on our website)
- Please only included necessary info for the waiver
- Attachments cannot be saved with the waiver, the explanation for why the waiver is needed must be in the box provided.
- All fields above the blue line must be filled out, including which Arm rule is being waived
- A waiver can be filled out by a provider or a licensor
- Unless a specific time frame is given, waivers are approved for up to one year and must be reevaluated at the time of the license renewal.
- Each waiver is reviewed by a CCL Program Manager, not all waivers are granted
- **CCL cannot waive insurance requirements, fire requirements, or health inspections.**
- **CCL will not waive any rule specific to safety without a plan in place to control for health and safety of the children**
- **CCL cannot waive requirements that are mandated by Montana Code Annotated**

Required information

- A waiver request must be specific to the facility or to the provider and express a need
- The explanation for the waiver must speak to a, b, and c in the above rule