

**DEPARTMENT OF HEALTH SERVICES  
PUBLIC HEALTH LICENSING SERVICES  
BUREAU OF CHILD CARE LICENSING  
#SP-030-PHL-CCL**

**CLARIFICATION ON WHETHER A CHILD CARE GROUP HOME MAY REQUIRE A  
RELEASE OF LIABILITY AS A CONDITION OF ENROLLMENT OR FOR PARTICIPATION  
IN AN ACTIVITY, INCLUDING A FIELD TRIP**

*This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement.*

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The purpose of this substantive policy statement is to clarify whether a child care group home may require a parent to sign a release of liability as a condition of initial or continued enrollment, or for participation in an activity such as a field trip.

Arizona Revised Statutes § 36-897.02(A) requires the Arizona Department of Health Services (Department) to establish by rule standards of care for child care group homes that include financial stability standards. Under this authority, the Department requires a child care group home to carry certain insurance coverage.

Arizona Administrative Code (A.A.C.) R9-3-301(C) states:

- C. A certificate holder shall:
  - 1. Secure and maintain general liability insurance of at least \$100,000 for the child care group home; and
  - 2. Maintain on the premises documentation of the insurance coverage required in subsection (C)(1).

Because requiring a parent to sign a release of liability is an attempt to nullify the protection afforded to enrolled children under the insurance coverage required by A.A.C. R9-3-301(C), the Department interprets the practice of requiring releases of liability as a means to circumvent those insurance requirements. The Department interprets the requirements in A.A.C. R9-3-301(C) as prohibiting a child care group home from requiring a parent to sign a release of liability as a condition of initial or continued enrollment or for participation in an activity, including a field trip.

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