

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1163

(Delegate Love)

Health and Government Operations

Education, Health, and Environmental Affairs

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Family Law - Family Child Care - Large Family Child Care Homes

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This bill defines a “large family child care home” as a residence in which family child care is provided for at least 9 but not more than 12 children and a “family child care home” as a residence in which child care is provided for up to 8 children. The bill also expands the definition of “child care provider” to include an adult who has primary responsibility for the operation of a large family child care home. A reference to “centers” serving between 7 and 12 children within residences is also repealed. The bill also changes multiple references from “family day care” to “family child care.”

The provision requiring the Maryland State Department of Education (MSDE) to adopt regulations takes effect July 1, 2011. The remaining provisions take effect January 1, 2012.

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Fiscal Summary

**State Effect:** None. The changes are technical in nature and do not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful for child care providers that will now be able to serve additional children in their homes and receive national accreditation.

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Analysis

**Bill Summary:** The bill specifies that in a “family child care home,” there may not be more than eight children in care at any given time, and no more than four of the children

may be younger than the age of two. An adult-to-child ratio of at least one adult to every two children younger than the age of two is required. In a large family child care home, there may not be more than 12 children in care at any given time and there must be an adult-to-child ratio that complies with regulations adopted by MSDE. The bill applies, to large family child care homes, registration, and regulatory requirements that apply to family child care homes. MSDE is also required to adopt regulations relating to the registration of large family child care homes on or before January 1, 2012. The bill also expands eligibility for Child Care Quality Incentive Grants (grants to help qualified child care providers purchase supplies, materials, and equipment) to include large family child care homes. Eligibility for Direct Grant Funds (grants awarded as reimbursement for expenses incurred by child care providers to comply with State and local regulations) is also expanded to include large family child care homes.

The publisher of the Annotated Code, in consultation with the Department of Legislative Services, must alter references throughout the Annotated Code to conform to the terminology changes resulting from this bill.

**Current Law:** A “family day care home” is defined as a residence in which family day care is provided. A child care provider is an adult who has primary responsibility for the operation of a family day care home. A child care provider may not care for more than eight children at any given time, and no more than four of the children may be younger than the age of two. An adult-to-child ratio of at least one adult to every two children younger than the age of two is required at all times. Regulations define a “small center” as a child care center which is located in a private residence and is licensed for 12 or fewer children. (*See* COMAR 13A.16.01.02.) Regulations also specify that “family child care” has the same meaning as “family day care” as defined in the Family Law Article. (*See* COMAR 13A.15.01.02.)

**Background:** MSDE advises that eliminating references to “centers” for residences that provide care for 12 or fewer children will align Maryland with the standard practice in other states. It will also allow child care providers that want to expand their home businesses and include more children to receive national accreditation, which cannot occur currently because of the label “center.” Without accreditation, a child care program is not eligible for tiered reimbursement in the Child Care Subsidy Program, will not be eligible for the higher rating levels in the new Quality Rating and Improvement System, and loses automatic eligibility to participate in the Child and Adult Care Food Program. Also, changing references from “day care” to “child care” aligns statutory language with the terminology that is used.

## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 925 (Senator Conway) - Education, Health, and Environmental Affairs.

**Information Source(s):** Governor's Office for Children, Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2011  
mc/kdm Revised - House Third Reader - April 9, 2011

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