



**Testimony Concerning HB 1382 – Children - Family Child Care Homes
and the Chief Medical Examiner -
Use of Video Recording Devices and Reports
(Bexley’s Law)
Submitted to Health and Government Operations
March 3, 2022**

Position: Oppose

The Maryland State Family Child Care Association (MSFCCA) is a non-profit association advocating on behalf of approximately 4400 registered family child care providers and 145 large family child care homes in Maryland. Family child care providers and large family child care homes offer a unique learning environment for Maryland’s youngest learners. These providers care for children in their own homes, often accommodating longer and more non-traditional working hours. These nurturing home environments are ideal for the youngest learners as they offer smaller group sizes, program flexibility, one-on-one instruction for the child/children, and most importantly the opportunity for a long-term bond between the provider and the child. Children and families that are enrolled in these programs often become “family members” and the relationships continue well past the child care years. Family providers strive to make health, safety, and the emotional needs of children a priority of their program. That’s why the intent of this legislation may be understood, but not embraced by the child care community due to the multiple problems that will result from it. It is always devastating to learn of a child that has been injured or has died in child care of any type, but we do not believe that this bill is in the best interest of the children or the providers in Maryland.

MSFCCA has many concerns with HB 1382 and the impact that it will have on the providers and children in Maryland. Very important issues encountered by providers would be privacy and liability. Videotaping of children in our care, kept in a cloud subscription service could be compromised or hacked at any time. The responsibility for these files, not kept securely, could be construed as the fault of the provider, opening them up to legal ramifications. The privacy issue also extends to the provider and their own family whose private living quarters and day-to-day activities, conversations, etc.... will be included in a video of the family child care. With this legislation, what provisions have been put in place to protect the providers personal privacy and liability?

In addition, what happens if a parent does not want their child videotaped during care? How will the provider accommodate this family? Safety is of great concern in today's world with children. By who and for what reason would video coverage need to be viewed? Could a parent or licensing agency demand to see a random video without a valid reason? If so, does this mean that the provider would have to provide the space and time for such a viewing? If the video is the property and the responsibility of the program it should not be shared outside the home. The language in HB 1382 does not address when the video would be viewed, i.e., during child care hours while the provider is working with the children.

The financial impact that this legislation will have on small family child care programs is vastly important to consider. In many cases it would require multiple cameras in a provider's home. The cost of the cameras, the installation, the maintenance, the network device (computer), and the

internet, are just a few of the costs that would have to be absorbed by the program. This does not even include the Cloud Subscription Service that could potentially be hundreds of dollars a year due to the considerable size and amount of the files. This does not include the additional time that a program would have to spend keeping this process maintained. The technical training and knowledge needed to implement this requirement is also of great concern since a considerable amount of family child care programs do not use technology in their programs.

In closing, MSFCCA believes HB 1382 is extremely intrusive for small businesses, especially ones that are operated in a private home. There are laws that preclude video coverage in other establishments. It is believed that if this legislation is passed, there will be a mass exodus of family child care and large family home providers, creating more of a child care crisis than we are already experiencing.

We respectfully ask for an unfavorable report in opposition of HB 1382 - Children - Family Child Care Homes and the Chief Medical Examiner - Use of Video Recording Devices and Reports (Bexley's Law) and thank you for the opportunity to weigh in on this important legislation. For additional comments please contact Rebecca Hancock, MSFCCA Vice President of Public Policy at (301) 934-4445 or kaysplayhousechildcare@gmail.com with any questions, comments or concerns.