

Maryland State Family Child Care Association - ORAL TESTIMONY

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 1:30 p.m.

Position: Oppose

- My name is Rebecca Hancock. I am the Vice-President of Public Policy for the Maryland State Family Child Care Association. I would like to thank Delegate Pendergrass and the Committee for allowing me to speak in opposition of HB 1382.
- MSFCCA represents approximately 4,400 registered family child care providers and 145 large family child care homes in Maryland. All of which are an important part of the child care delivery system in Maryland. These providers care for children in their own homes, most using multiple rooms and often accommodating longer and more non-traditional working hours.
- It is always devastating to hear of a child that is injured in any type of child care setting. MSFCCA does not believe this legislation is the answer to preventing incidents and this bill is not in the best interest of children or child care providers in Maryland.
- Many concerns regarding HB 1382.
  - **FINANCIAL IMPACT**- traditionally family child care providers are small businesses that would have difficulty absorbing the financial costs of the implementation of this legislation. Including multiple (cameras), installation, maintenance, network device (computer) and the internet, and the subscription to a cloud storage service that could cost hundreds of dollars.
  - **PRIVACY AND LIABILITY** -
    - It specifies in the legislation that the files will be owned by the child care, if this is the case, security and hacking is a great concern.
    - What about the children that parents don't want video-taped? If a video is requested, the legislation says "**THE DEPARTMENT SHALL MAKE A REASONABLE ATTEMPT TO CONCEAL THE IDENTITY OF ANY CHILD WHO APPEARS IN A VIDEO RECORDING MADE UNDER THIS SECTION WHO IS NOT INVOLVED IN THE INCIDENT FOR WHICH THE VIDEO RECORDING IS BEING VIEWED**". What does REASONABLE mean and can the DEPARTMENT guarantee that the other children can not be viewed? If in fact the video recordings are hacked in the cloud who is liable?
    - This privacy concern 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.
    - An additional concern of HB 1382 is who and when the video is viewed. The bill does not address when a video should be viewed. It says when requested by a parent, guardian, the Department, or A Law Enforcement Agency but it doesn't say when the video has to be viewed? Also, this would obviously be at the discretion of the provider since the file could not be shared outside of the home because of security issues.

MSFCCA believes that if HB 1382 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 of HB 1381 - 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 legislation.