



## Maryland State Chapter International Fire Marshals Association

---

Michael Custer, President  
(202) 425-1317  
Michael.s.custer.civ@army.mil

Donna McGuire, Vice President  
(443) 377-5413  
donna.mcguire@aacounty.org

Roberta Kelly, Secretary/Treasurer  
(410) 313-6040  
rkelly@howardcountymd.gov

---

March 4, 2024

Delegate Vanessa E. Atterbeary, Chair  
Delegate Jheanelle K. Wilkins, Vice Chair  
Ways and Means Committee  
Maryland General Assembly  
House Office Building, Room 131  
Annapolis, Maryland 21401

Re: HB1403 - Family Child Care Homes and Large Family Child Care Homes - Age of Children in Care – Alterations

Dear Delegates Atterbeary and Wilkins,

The Maryland State Chapter of the International Fire Marshals Association is made up of representatives from Fire Marshal Offices across the State of Maryland. We work in collaboration with the Maryland State Fire Marshal's Office to advocate for strong and effective fire prevention and life safety measures to protect the citizens of the State of Maryland.

We are writing you today against HB1403. This proposed change to Maryland Law does not technically conflict with the provisions of the State Fire Prevention Code. However, since the age of children assumed to be capable of self-preservation has been recognized as 24 months through regulations established by the Maryland Childcare Administration, the proposed change to 15 months would directly conflict with those established requirements, and those currently recognized by the State Fire Prevention Code relating to persons incapable of self-preservation. It should also be noted that these age limits were established in reaction to a fatal fire that occurred in Family Day Care Facility in Baltimore County in which the provider was unable to evacuate all of the children in care without having to re-enter the building.

The current edition of the State Fire Prevention Code was amended to restrict the number of clients in care at a Family Day Care Home based upon their capability of self-preservation without a specific reference to the ages of the clients.

COMAR 20.06.01.07 FF. Amend Subparagraphs 16.6.1.7.1 and 17.6.1.7.1 to replace “both” with “all” and Items (1) and (2) with the following Items:

- (1) The minimum staff-to-client ratio shall be not less than one staff member for up to eight clients, including the caretaker's own children incapable of self-preservation.
- (2) There shall be not more than four clients incapable of self-preservation, including the caretaker's own children incapable of self-preservation.
- (3) A staff-to-client ratio of at least one staff member to every two client’s incapable of self-preservation shall be maintained at all times.
- (4) The staff-to-client ratio shall be permitted to be modified by the authority having jurisdiction where safeguards in addition to those specified in this section are provided.

However, as noted in Section 9.5-305 of the Annotated Code of Maryland, the accepted recognition for the minimum ages of clients who are so capable has been 24 months. It is also understood that the staff-to-client ratio is based upon an assumption that a provider or staff member would be able to evacuate two clients incapable of self-preservation (one in each arm) and that evacuation of the facility would be able to be completed without a return trip by staff for additional clients incapable of self-preservation.

It is for these reasons that the Maryland State Chapter of the International Fire Marshals Association does not support this proposed bill.

Thank you for your consideration of this written testimony and we respectfully ask the Ways and Means Committee for an unfavorable report for HB1403.

Sincerely,

*Michael S. Custer*

Michael S. Custer  
President, Maryland State Chapter of the International Fire Marshals Association