



State of Maryland
Department of State Police
Government Affairs Unit
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POSITION ON PROPOSED LEGISLATION

DATE: March 6, 2024

BILL NUMBER: House Bill 1403 **POSITION:** Oppose

BILL TITLE: Family Child Care Homes and Large Family Child Care Homes – Age of Children in Care - Alterations

REVIEW AND ANALYSIS

This legislation lowers the age of children allowed to be cared for in family child care homes and large family child care homes under which there are limitations on adult to child ratios.

Under current law, 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. :

- (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 clients 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.

Since the age of children assumed to be capable of self-preservation has been recognized as 24 months through regulations established by the Maryland Child Care 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.

If HB 1403 passed, a family child care could serve 2 children under the age of 15 months, which would also mean that the remaining six children in care could be between the ages of 15 and 24 months. This could result in all 8 children in care being under the age of two, which would not align with the Life Safety Code. It should also be noted that the current age limits (2 years of age) were established in reaction to a fatal fire that occurred in a 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.

For these reasons, the Department of State Police and the Office of the State Fire Marshal urge the Committee to give HB 1403 an unfavorable report.