



State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 5, 2025

BILL NUMBER: House Bill 477 **POSITION:** Letter of Information

BILL TITLE: Family Child Care Homes and Child Care Centers – Adult to Child Ratios - Alterations

REVIEW AND ANALYSIS

This legislation increases the number of children under the age of 2 that can be in a family child care home. The bill also reduces the number of adults required to be able to care for children under the age of 2 years in a family child care home.

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 bill would directly conflict with those established requirements, and those currently recognized by the State Fire Prevention Code relating to persons incapable of self-preservation. Section 9.5-305.(b)(ii) of the proposed legislation would permit an adult-to-child ratio of one adult to every five children who are considered to be incapable of self-preservation (currently considered as young as 24 months). This ratio would be in direct conflict with the staff-to-client ratio of at least one staff member to every two clients incapable of self-preservation as stated in COMAR 29.06.01.07FF.(3).

If HB 477 passed, a family childcare home could serve 5 children who are incapable of self-preservation. The maximum number of clients and staff-to-client ratios for Day-Care Homes are based upon a recognized ability for staff to evacuate clients from the center in case of an emergency. Such evacuation procedures take into consideration that a sufficient number of capable staff is present to provide intervention, direction, and direct personal assistance to clients who are incapable of self-preservation. This legislation is in conflict with the Fire Code.

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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 respectfully requests that the Committee consider this information when deliberating House Bill 477.