

---

**TO:** House Ways and Means Committee

**BILL:** HB 477 - Family Child Care and Large Family Child Care Homes-Age of Children in Care-Alterations

**DATE:** February 5, 2025

**POSITION:** Letter of Opposition

---

**Chair Atterbeary and Members of the Ways and Means Committee:**

The Maryland State Department of Education (MSDE) respectfully opposes House Bill (HB) 477 – Family Child Care and Large Family Child Care Homes – Age of Children in Care – Alterations. This legislation amends the child capacity of family child care homes (COMAR 13A.15.04.03) which currently allows no more than two children under the age of two, or four children under the age of two (if an additional adult is present), in care at any given time. This legislation would allow two children under 18 months and one child between 18-24 months, for a total of three children under the age of two.

The current age ratio is consistent with federal and other state staff/child ratios that ensure the health and safety of young children as they establish healthy behaviors and experience age-appropriate learning while in regulated/licensed child care settings.

One-on-one attention helps children feel safe and secure and reduces feelings of being overwhelmed—for both children and adults. This responsive caregiving is especially important to a child’s social-emotional development, physical well-being, and overall learning. These young children need one-on-one attention and support with feeding, diaper changing, and other needs to keep them safe from harmful situations that are at elevated risk due to the age of the children and their total dependency for thriving. The children are at greater risk for injuries, neglect, and delayed care (lapses with their feeding schedule, diapering, or active engagement promoting age-appropriate growth and developmental milestones) and require a child care provider’s attention and care.

MSDE’s Division of Early Childhood is also equally prioritizing the physical and mental health needs of the family child care providers who are at constant vigilance and optimum functional level to meet the needs of these young children and others in care while maintaining compliance to environmental and other safety requirements. Altering the existing staff/child ratio or adding a greater number of young children will undeniably impact the health and well-being of the child care providers. The Division is also concerned about the closure of child care programs due to provider illnesses or abilities (exhaustion and chronic fatigue) leaving the parents stranded and searching for placements or availability of child care slots for these young children. We have provided below the statistical comparison of Maryland’s child ratio for family child care programs with other states and the federal recommendation.

To be clear, the staff/child ratio for infants and toddlers in child care centers is one staff member for every three children under the age of two. The staff responsible for caring for the three children under the age of two are not responsible for the care of any other children besides the three under age two. In

a family child care home where the capacity is eight children with two under age two, the provider cares for those two children under age two in addition to six other children.

The U.S. Department of Health and Human Services, Administration for Children and Families (ACF) supplied family child care data for all 50 states regarding total capacity and infant capacity. This new legislation could endanger Maryland's good standing with ACF.

In addition, ACF's technical assistance center, the National Center on Early Childhood Quality Assurance, recommends all states refer to the Caring for Our Children: National Health and Safety Performance Standards Guidelines for Early Care and Education Programs (CFOC) online tool. For small family child care homes, CFOC recommends the following: (<https://nrckids.org/CFOC/Database/1.1.1.1>)

- When the small family child care home has no children under two years of age in care, then the caregiver may have one to six children over two years of age in care.
- When the family child care home has one child under two years of age in care, then the caregiver may have one to three children over two years of age in care.
- When the family child care home has two children under two years of age in care, then the caregiver may have no children over two years of age in care.
- The caregiver's own children as well as any other children temporarily in the home who require supervision should be included in that ratio.

Moreover, the National Fire Protection Association (NFPA) requires in the NFPA 101: Life Safety Code that family child care homes serve no more than two clients incapable of self-preservation. Self-preservation is the act of keeping oneself safe or alive in a dangerous situation, often without thinking about what one is doing. Children begin to develop self-preservation skills at about the age of 30 months.

One goal of the Blueprint for Maryland's Future is to ensure that all children are ready for school by having attended a high-quality early childhood and educational program. Family child care programs are currently better equipped to provide quality programming with the current COMAR regulations.

We request that the committee consider this information as it deliberates **HB 477**. Please contact Dr. Akilah Alleyne, Executive Director of Government Affairs, at [Akilah.alleyne@maryland.gov](mailto:Akilah.alleyne@maryland.gov) or at 410-767-0504, if you would like any additional information.

**Appendix: State Comparison Data Table**

State	Infant Ratio Regulation Text	Infant Related Deaths
<b>California</b>	Title 22 Family Day Care Homes  (1) Four infants; or (2) Six children, no more than three of whom may be infants; or (3) More than six and up to eight children, without an additional adult attendant	In 2022, there were 4 infant deaths. In 2023, there were 5 infant deaths.  <a href="https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality.htm">https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality.htm</a>
<b>Virginia</b>	Virginia 8VAC20-800-40:  Maximum of 16 points and, when exceeding 16 points, need additional staff.  4 points: One infant birth to 15 months  3 points: One toddler 16 months to 23 months (about two years)	2022: Data Unavailable  2023: 0 Reported June – December 2023  <a href="https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality.htm">https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality.htm</a>
<b>Pennsylvania</b>	<a href="#">55 Pa. Code § 3280.52. Ratio requirements.</a>  The staff-to-infant ratio for child care is one staff member for every four infants. The maximum group size for infants is eight, which requires two staff members.	There were no reportable deaths in 2022 or 2023.  <a href="https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality.htm">https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality.htm</a>
<b>ACF</b>	CFOC: STANDARD 1.1.1.1: Ratios for Family Child Care Homes  None under two years of age - one to six children over two years of age in care  One child under two years of age - one to three children over two years of age in care  Two children under two years of age in care - no children over two years of age in care  * The National Fire Protection Association (NFPA) requires in the NFPA 101: Life Safety Code that small family child care homes serve no more than two clients incapable of self-preservation.	2022: United States: 5.6 deaths per 1,000 live births

State	Infant Ratio Regulation Text	Infant Related Deaths
<b>National Association for the Education of Young Children (NAEYC)</b>	Infant (birth–15 months) 1:4  Toddler/two (12–36 months) 1:6	N/A
<b>Maryland</b>	COMAR 13A.15.04 .03 Child Capacity.  No more than two children younger than two years old unless approved by the office.	2021: three fatalities  2022: one fatality  2023: one fatality  <a href="https://www.cdc.gov/nchs/pressroom/states/maryland/md.htm">https://www.cdc.gov/nchs/pressroom/states/maryland/md.htm</a>