

SENATE BILL 487

D4

51r0534
CF HB 641

By: **Senators King, Bates, Benson, Currie, Kagan, Klausmeier, Madaleno, Montgomery, Ramirez, and Young**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2015

CHAPTER _____

1 AN ACT concerning

2 ~~Family Child Care – Registration Requirements for Participants in~~ Providers
3 and Maryland Child Care Subsidy Program

4 FOR the purpose of requiring a family child care home that participates in the Maryland
5 Child Care Subsidy Program to register with the State Department of Education and
6 comply with certain regulations concerning registration, subject to certain
7 exceptions; requiring certain family child care homes to register with the
8 Department beginning on a certain date; requiring a certain individual who receives
9 assistance under the Maryland Child Care Subsidy Program to use a certain family
10 child care home or child care center, subject to a certain exception; altering a certain
11 definition of “family child care provider”; requiring the Department to establish
12 certain programs to encourage certain child care providers to participate in a certain
13 federal program and promote awareness of certain advantages of using and options
14 to access licensed child care; requiring the Department to adopt certain regulations;
15 requiring the Department to report certain information to the General Assembly on
16 or before a certain date of certain years; and generally relating to ~~family child care~~
17 ~~homes and family~~ child care providers and the Maryland Child Care Subsidy
18 Program.

19 BY repealing and reenacting, without amendments,
20 Article – Family Law
21 Section 5–550(a), (b), and (d)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Family Law
 3 Section 5–552 and 5–595
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2014 Supplement)

6 BY adding to
 7 Article – Family Law
 8 Section 5–552.1; and 5–598 to be under the new part “Part XII. Miscellaneous
 9 Provisions”
 10 Annotated Code of Maryland
 11 (2012 Replacement Volume and 2014 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 13 That the Laws of Maryland read as follows:

14 **Article – Family Law**

15 5–550.

16 (a) In Part V of this subtitle the following words have the meanings indicated.

17 (b) “Department” means the State Department of Education.

18 (d) “Family child care provider” means an individual who cares for children in a
 19 registered family child care home or a registered large family child care home.

20 5–552.

21 (a) Except as otherwise provided in this section, a family child care home or large
 22 family child care home may not operate unless it is registered.

23 (b) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 24 **SUBSECTION, A** family child care home is not required to be registered if the child care
 25 provider:

26 [(1)] **(I)** is related to each child by blood or marriage;

27 [(2)] **(II)** is a friend of each child’s parents or legal guardian and the care
 28 is provided on an occasional basis; or

29 [(3)] **(III)** has received the care of the child from a child placement agency
 30 licensed by the Department of Human Resources or by a local department of social services.

1 **(2) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
2 **A FAMILY CHILD CARE HOME THAT PARTICIPATES IN THE MARYLAND CHILD CARE**
3 **SUBSIDY PROGRAM SHALL:**

4 **(I) BE REGISTERED WITH THE DEPARTMENT; AND**

5 **(II) COMPLY WITH THE REGULATIONS ADOPTED BY THE**
6 **DEPARTMENT IN ACCORDANCE WITH § 5-551 OF THIS SUBTITLE.**

7 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
8 **PARAGRAPH, A FAMILY CHILD CARE HOME IS NOT REQUIRED TO BE REGISTERED**
9 **WITH THE DEPARTMENT IF:**

10 **1. BEFORE OCTOBER 1, 2015, THE FAMILY CHILD CARE**
11 **HOME:**

12 **A. PARTICIPATED IN THE MARYLAND CHILD CARE**
13 **SUBSIDY PROGRAM; AND**

14 **B. WAS NOT REGISTERED WITH THE DEPARTMENT; AND**

15 **2. THE FAMILY CHILD CARE HOME'S PARTICIPATION IN**
16 **THE PROGRAM HAS BEEN CONTINUOUS.**

17 **(II) BEGINNING ON OCTOBER 1, 2016, A FAMILY CHILD CARE**
18 **HOME SHALL BE REGISTERED WITH THE DEPARTMENT IF:**

19 **1. BEFORE OCTOBER 1, 2015, THE FAMILY CHILD CARE**
20 **HOME:**

21 **A. PARTICIPATED IN THE MARYLAND CHILD CARE**
22 **SUBSIDY PROGRAM; AND**

23 **B. WAS NOT REGISTERED WITH THE DEPARTMENT; AND**

24 **2. THE CHILD CARE PROVIDER IS NOT AN ELIGIBLE**
25 **CHILD CARE PROVIDER, AS DEFINED IN THE FEDERAL CHILD CARE AND**
26 **DEVELOPMENT BLOCK GRANT ACT OF 1990, AS AMENDED BY THE CHILD CARE AND**
27 **DEVELOPMENT BLOCK GRANT REAUTHORIZATION ACT OF 2014.**

28 (c) A person may not advertise a family child care home, large family child care
29 home, or family child care service unless the family child care home or large family child
30 care home is registered under the provisions of this Part V of this subtitle.

1 (d) An employee of the Department charged with the investigation and
2 enforcement of child care regulations may serve a civil citation to a person found in violation
3 of this section.

4 **5-552.1.**

5 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 (2) **“CHILD CARE CENTER” HAS THE MEANING STATED IN § 5-570 OF**
8 **THIS TITLE.**

9 (3) **“INFORMAL CHILD CARE” HAS THE MEANING STATED IN CHILD**
10 **CARE SUBSIDY REGULATIONS ADOPTED UNDER TITLE 13A OF THE CODE OF**
11 **MARYLAND REGULATIONS.**

12 (B) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**
13 **INDIVIDUAL WHO RECEIVES ASSISTANCE UNDER THE MARYLAND CHILD CARE**
14 **SUBSIDY PROGRAM AND USES CHILD CARE SERVICES SHALL USE A FAMILY CHILD**
15 **CARE HOME REGISTERED UNDER § 5-552 OF THIS SUBTITLE OR A LICENSED CHILD**
16 **CARE CENTER.**

17 (C) **AN INDIVIDUAL WHO RECEIVES ASSISTANCE UNDER THE MARYLAND**
18 **CHILD CARE SUBSIDY PROGRAM MAY USE:**

19 (1) **AN INFORMAL CHILD CARE PROVIDER IF:**

20 (i) **THE INFORMAL CHILD CARE PROVIDER IS AN ELIGIBLE**
21 **CHILD CARE PROVIDER, AS DEFINED IN THE FEDERAL CHILD CARE AND**
22 **DEVELOPMENT BLOCK GRANT ACT OF 1990, AS AMENDED BY THE CHILD CARE AND**
23 **DEVELOPMENT BLOCK GRANT REAUTHORIZATION ACT OF 2014; AND**

24 (ii) **THERE IS NEITHER A FAMILY CHILD CARE HOME**
25 **REGISTERED UNDER § 5-552 OF THIS SUBTITLE NOR A LICENSED CHILD CARE**
26 **CENTER THAT IS WILLING TO PROVIDE CARE FOR THE INDIVIDUAL’S CHILD DURING**
27 **THE HOURS OF CARE REQUIRED BY THE INDIVIDUAL LOCATED WITHIN 10 MILES OF**
28 **THE INDIVIDUAL’S RESIDENCE; OR**

29 (2) **A FAMILY CHILD CARE HOME DESCRIBED UNDER § 5-552(B)(3) OF**
30 **THIS SUBTITLE.**

31 5-595.

32 (a) In this Part XI of this subtitle the following words have the meanings
33 indicated.

1 (b) “Family child care provider” means ~~an individual who participates in the~~
2 Maryland Child Care Subsidy Program who is:

3 (1) ~~a registered provider, as defined in § 5-550(d) of this subtitle, WHO~~
4 ~~PARTICIPATES IN THE MARYLAND CHILD CARE SUBSIDY PROGRAM~~; or

5 (2) exempt from the registration requirements under § ~~5-552(b)~~
6 5-552(B)(3) of this subtitle.

7 (c) “Provider organization” means an organization that:

8 (1) includes family child care providers; and

9 (2) has as one of its purposes the representation of family child care
10 providers in their relations with the State.

11 5-596. RESERVED.

12 5-597. RESERVED.

13 PART XII. MISCELLANEOUS PROVISIONS.

14 5-598.

15 (A) THE DEPARTMENT SHALL ESTABLISH PROGRAMS TO:

16 (1) ENCOURAGE CHILD CARE PROVIDERS AND PROVIDERS OF
17 INFORMAL CHILD CARE, AS DEFINED IN CHILD SUBSIDY REGULATIONS ADOPTED
18 UNDER TITLE 13A OF THE CODE OF MARYLAND REGULATIONS, TO PARTICIPATE IN
19 THE FEDERAL CHILD AND ADULT CARE FOOD PROGRAM; AND

20 (2) PROMOTE AWARENESS AMONG FAMILIES USING INFORMAL CHILD
21 CARE OF THE ADVANTAGES OF USING LICENSED CHILD CARE AND OPTIONS FOR
22 ACCESSING LICENSED CHILD CARE IN THEIR COMMUNITIES.

23 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
24 PROGRAMS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31 of
26 2016, 2017, and 2018, the State Department of Education shall report to the General
27 Assembly, in accordance with § 2-1246 of the State Government Article, on the number of
28 children in informal child care and the number of children who have transitioned from
29 informal child care to registered family child care providers and licensed child care centers.

1 SECTION ~~2~~ 3 AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.