

HOUSE BILL 641

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CF SB 487

By: **Delegates Kelly, Barkley, Carr, Clippinger, Dumais, Frush, Hixson, Kaiser, Korman, Lam, Lierman, Moon, Morales, Pena–Melnyk, Pendergrass, Platt, B. Robinson, Sample–Hughes, Tarlau, Valderrama, Waldstreicher, and K. Young**

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Child Care – Registration Requirements for Participants in Maryland**
3 **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; altering a certain definition
7 of “family child care provider”; and generally relating to family child care homes and
8 family child care providers.

9 BY repealing and reenacting, without amendments,
10 Article – Family Law
11 Section 5–550(a), (b), and (d)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 5–552 and 5–595
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2014 Supplement)

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

21 **Article – Family Law**
22 **5–550.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 5–552.

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

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

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

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

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

15 **(2) A FAMILY CHILD CARE HOME THAT PARTICIPATES IN THE**
16 **MARYLAND CHILD CARE SUBSIDY PROGRAM SHALL:**

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

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

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

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

26 5–595.

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

29 (b) “Family child care provider” means [an individual who participates in the
30 Maryland Child Care Subsidy Program who is:

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

3 (2) exempt from the registration requirements under § 5-552(b) of this
4 subtitle].

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

6 (1) includes family child care providers; and

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

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