

Annotated Code of Maryland _Family Law _Title 5. Children _Subtitle 5. Child Care; Foster Care _Part V.
Family Child Care Homes and Large Family Child Care Homes

MD Code, Family Law, T. 5, Subt. 5, Pt. V, Refs & Annos

MD Code, Family Law, § 5-550

§ 5-550. Definitions

Effective: January 1, 2012

In general

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

Department

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

Direct Grant Fund

(c) “Direct Grant Fund” means the Family Child Care Provider Direct Grant Fund.

Family child care provider

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

State Superintendent

(e) “State Superintendent” means the State Superintendent of Schools.

MD Code, Family Law, § 5-550.1

§ 5-550.1. Registration system

Effective: January 1, 2012

Implementation

(a) The Department shall implement a system of registration for family child care homes and large family child care homes.

Purpose

(b) The purpose of registration of family child care homes and large family child care homes is to:

(1) protect the health, safety, and welfare of children while they are in family child care;

(2) identify family child care homes and large family child care homes;

(3) provide basic technical assistance and child care information to child care providers; and

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(4) minimize the regulatory rigidity often associated with licensing.

Legislative intent

(c) The system of registration is intended to promote a high degree of flexibility in the regulation of family child care homes and large family child care homes while assuring the health and safety of children who are cared for in family child care homes and large family child care homes.

MD Code, Family Law, § 5-551

§ 5-551. Regulations

Effective: January 1, 2012

Duty of Department

(a) The Department shall adopt regulations that relate to the registration of family child care homes and large family child care homes.

Uniformity with other rules and regulations required

(b) So far as practicable, the regulations shall be uniform with the rules and regulations adopted by other State agencies as those rules and regulations relate to other types of child care.

Required scope

(c) At a minimum, the regulations of the Department shall provide for:

(1) minimum standards of environmental health and safety, including provisions for:

(i) adequate and safe physical surroundings, including requirements for window coverings in accordance with § 5-505 of this subtitle;

(ii) the physical and mental health of child care providers; and

(iii) investigation of any criminal record of a child care provider;

(2) a thorough evaluation of each prospective family child care home, large family child care home, and child care provider, to be completed before the Department accepts an initial registration;

(3) an initial family child care registration that expires 2 years after its effective date;

(4) a continuing family child care registration that:

(i) upon application by the child care provider that meets the requirements set by the Department, is issued to the provider before the end of the initial registration period; and

(ii) once issued, remains in effect until surrendered, suspended, revoked, or replaced by a conditional registration;

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(5) reporting of any changed circumstances that relate to the requirements, by the child care provider, at the time the change occurs;

(6) an orientation to be provided to prospective child care providers by the Department before initial registration;

(7) announced inspection by the Department of each registered family child care home and large family child care home prior to issuance of an initial or continuing registration to determine whether applicable requirements are being met;

(8) unannounced inspection by the Department of each registered family child care home and large family child care home at least once during each 12-month period that an initial or continuing registration is in effect to determine whether safe and appropriate child care is being provided;

(9) procedures to be followed by the Department in response to a complaint about a family child care home or large family child care home;

(10) a requirement that a person who advertises a family child care home, large family child care home, or family child care service shall:

(i) indicate in the advertisement that the family child care home or large family child care home is registered; and

(ii) display in the advertisement the registration number issued to the family child care home, large family child care home, or family child care service by the Department;

(11) a requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:

(i) basic first aid training through the American Red Cross or through a program with equivalent standards; and

(ii) cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the family child care home or large family child care home; and

(12)(i) a requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the family child care home or large family child care home; and

(ii) a requirement that the notice sent by the family child care home or large family child care home shall:

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1. be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;

2. be in writing;

3. identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and

4. describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption.

Regulations

(d) The Department shall adopt regulations that:

(1) require a family child care provider to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the family child care home or large family child care home;

(2) require the plan under item (1) of this subsection to include:

(i) a designated relocation site and evacuation route;

(ii) procedures for notifying parents or other adults responsible for the child of the relocation;

(iii) procedures to address the needs of individual children including children with special needs;

(iv) procedures for the reassignment of staff duties during an emergency, as appropriate; and

(v) procedures for communicating with local emergency management officials or other appropriate State or local authorities; and

(3) require a family child care provider to train staff and ensure that staff are familiar with the plan.

MD Code, Family Law, § 5-552

§ 5-552. Mandatory registration; advertising

Effective: January 1, 2012

In general

(a) Except as otherwise provided in this section, a family child care home or large family child care home may not

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operate unless it is registered.

Exceptions

(b) A family child care home is not required to be registered if the child care provider:

(1) is related to each child by blood or marriage;

(2) is a friend of each child's parents or legal guardian and the care is provided on an occasional basis; or

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

Advertisement

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

Penalty

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

MD Code, Family Law, § 5-552.1

§ 5-552.1. Repealed by Acts 2011, c. 206, § 1, eff. Oct. 1, 2011

Effective: October 1, 2011

MD Code, Family Law, § 5-553

§ 5-553. Group size

Effective: January 1, 2012

Construction

(a) For purposes of this Part V of this subtitle, a child care provider's own children under the age of 2 years shall be counted as children served.

Maximum group size

(b)(1) In a family child care home:

(i) there may not be more than:

1. 8 children in care at any given time; and

2. 4 children under the age of 2 years; and

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(ii) there shall be an adult to child ratio of at least 1 adult to every 2 children under the age of 2 years.

(2) In a large family child care home:

(i) there may not be more than 12 children in care at any given time; and

(ii) there shall be a limit on the number of children under the age of 2 years and an adult to child ratio that comply with regulations adopted by the Department under § 5-551 of this Part V of this subtitle.

Power of Department to decrease maximum

(c) If the Department determines that the group size provisions of subsection (b) of this section are unsuitable for a particular family child care home or large family child care home, the Department may decrease the number of children permitted to be in care at that family child care home or large family child care home.

MD Code, Family Law, § 5-554

§ 5-554. Procedural requirements

Effective: January 1, 2012

Revocation; appeal; injunction

(a) A registration under this Part V of this subtitle may be revoked, a child care provider may appeal from the revocation, and the operation of an unregistered family child care home may be enjoined.

Procedure

(b)(1) Revocation, appeal, or injunction under this Part V of this subtitle shall be in accordance with §§ 5-513, 5-515, 5-516, 5-517, 5-518, and 5-519 of this subtitle.

(2) Subject to paragraph (1) of this subsection, the State Superintendent or the State Superintendent's designee shall exercise the authority granted to the Department.

MD Code, Family Law, § 5-554.1

§ 5-554.1. Unregistered homes; search warrants

Effective: January 1, 2012

Search warrant

(a) The State Superintendent or other authorized official or employee of the Department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter any unregistered family child care home to conduct any inspection required or authorized by law to determine compliance with the provisions of this subtitle relating to family child care homes.

Application for search warrant

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(b)(1) The application for an administrative search warrant shall be in writing and signed and sworn by the State Superintendent and shall particularly describe the place, structure, premises, or records to be inspected and the nature, scope, and purpose of the inspection to be conducted.

(2) Before the filing of an administrative search warrant application with a court, the application shall be approved by the Attorney General of Maryland as to its legality in both form and substance under the standards and criteria of this section and a statement to this effect shall be included as part of the application.

Conditions needed to issue a search warrant

(c) A judge of a District Court or circuit court in the jurisdiction in which the unregistered family child care home is located may issue an administrative search warrant on finding that:

(1) the Department has reasonably sought and been denied access to an unregistered family child care home for the purpose of making an inspection;

(2) the requirements of subsection (b) of this section are met;

(3) the official or employee of the Department is authorized or required by law to make an inspection of the unregistered family child care home for which the warrant is sought; and

(4) the Department has shown probable cause for the issuance of the warrant by specific evidence:

(i) of an existing violation of § 5-552 of this subtitle; and

(ii) that the health, safety, and welfare of the children in the unregistered family child care home are substantially threatened due to conditions in the unregistered family child care home.

Contents and time period of search warrant

(d) The administrative search warrant issued under this section shall specify the place, structure, premises, or records to be inspected and shall be enforceable during operating hours for a period not exceeding 15 days from the date of issuance.

Limits of search warrant

(e)(1) An administrative search warrant issued under this section authorizes the State Superintendent and other officials or employees of the State Department of Education or the Department of Human Resources to enter the specified property to perform the inspection and other functions authorized by law to determine compliance with the provisions of this subtitle relating to family child care homes and large family child care homes.

(2) The inspection may not exceed the limits specified in the warrant.

MD Code, Family Law, § 5-555

§ 5-555. Informational pamphlet

Effective: January 1, 2012

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Preparation; update

(a) The Department shall prepare and, as needed, update an informational pamphlet for parents of children in family child care.

Required contents

(b) The pamphlet shall contain:

- (1) an outline of family child care regulations;
- (2) a description of parental rights and responsibilities;
- (3) a description of complaint procedures; and
- (4) the address and telephone number of the local department.

Availability

(c) The Department shall make the pamphlet available to child care providers for distribution to parents.

MD Code, Family Law, § 5-556

§ 5-556. Report of child abuse

Effective: July 1, 2012

State Superintendent to be notified of a child abuse report involving a family day care home

(a) In addition to any other provision of law relating to child abuse and neglect, a local department that receives a report of suspected child abuse under § 5-704 or § 5-705 of this title that concerns a family child care home or large family child care home shall notify the State Superintendent's designee within 48 hours.

Convening multidisciplinary team

(b) Upon receipt of the notification required under subsection (a) of this section, the State Superintendent's designee shall convene, either in person or by telephone, a multidisciplinary team to coordinate procedures in accordance with the agreement developed under § 5-706(f) of this title to be followed in investigating and otherwise responding to the report.

Members of multidisciplinary team

(c) The multidisciplinary team shall be chaired by the State Superintendent's designee and shall include:

- (1) representatives of the local department and law enforcement agency that are investigating the report under § 5-706 of this title;
- (2) representation from the office of the local State's Attorney; and

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(3) appropriate medical, including mental health, expertise.

Sharing information

(d) Notwithstanding any other provision of law, the members of the multidisciplinary team shall share information necessary to carry out the team's responsibility under this section.

Information is confidential

(e) Any information shared by the multidisciplinary team shall be confidential and may be disclosed only in accordance with the provisions of §§ 1-201, 1-202, 1-204, and 1-205 of the Human Services Article.

Department of State Police to provide assistance

(f) Upon request, the Department of State Police shall provide technical assistance to a local law enforcement agency which is investigating a report of suspected child abuse concerning a family child care home or large family child care home.

MD Code, Family Law, § 5-556.1

§ 5-556.1. Screening for lead poisoning; family child care home

Effective: January 1, 2012

Within 30 days after a child under the age of 6 years enters care in a family child care home or large family child care home, a parent or guardian of the child shall provide to the family child care home or large family child care home evidence of an appropriate screening for lead poisoning. This evidence may include documentation from the child's continuing care health care provider that the child was screened through an initial questionnaire and was determined not to be at risk for lead poisoning.

MD Code, Family Law, § 5-557

§ 5-557. Criminal penalties

A person who violates § 5-552 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding \$1,500 for the first violation; and

(2) a fine not exceeding \$2,500 for a second or subsequent violation.

MD Code, Family Law, § 5-557.1

§ 5-557.1. Civil penalties

In general

(a) Except as provided in subsection (b) of this section and subject to the provisions of subsection (d) of this section,

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a person who violates any provision of this Part V of this subtitle or any rule or regulation adopted under this Part V of this subtitle is subject to a civil penalty imposed in a civil action not exceeding \$1,000 for each violation.

Civil penalty

(b)(1) A person who violates § 5-552 of this subtitle and is served a civil citation under that section is subject to a civil penalty as follows:

(i) \$250 for the first violation;

(ii) \$500 for the second violation; and

(iii) \$1,000 for the third and each subsequent violation.

(2) Any money collected under this subsection shall be deposited into the General Fund of the State.

(3) Any person served with a citation under this subsection may appeal the citation to the Office of Administrative Hearings in accordance with § 10-205 of the State Government Article.

Each day a separate violation

(c) Each day a violation occurs is a separate violation under this section.

Limit of penalty

(d) The total amount of civil penalties imposed in an action under this section may not exceed \$5,000.

MD Code, Family Law, § 5-558

§ 5-558. Construction of part

This Part V of this subtitle may not be construed to impair or limit the authority granted to the Department of Human Resources, the State Department of Education, or the Department of Health and Mental Hygiene under any other provision of the Code unless that provision necessarily is inconsistent with this Part V of this subtitle.

MD Code, Family Law, § 5-559

§ 5-559. Repealed by Acts 2005, c. 585, § 2, eff. July 1, 2005

MD Code, Family Law, § 5-559.1

§ 5-559.1. Family Child Care Provider Direct Grant Fund; grant administration

Effective: January 1, 2012

In general

Current through chapters effective June 1, 2014, of the 2014 Regular Session of the General Assembly.

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(a) There is a Family Child Care Provider Direct Grant Fund administered by the Department.

Grant administration

(b) To administer grants to family child care providers, the Department may contract with State agencies and nonprofit organizations.

MD Code, Family Law, § 5-559.2

§ 5-559.2. Grant approval; reimbursement

Effective: January 1, 2012

Delegation of authority

(a) The State Superintendent may delegate the authority to approve direct grants to any board that exists or may be created within the Department.

Reimbursement

(b) A grant made under this subtitle shall be awarded as a reimbursement for the expenses incurred by a family child care provider to comply with State and local regulations.

MD Code, Family Law, § 5-559.3

§ 5-559.3. Funds; administration; criteria

Effective: January 1, 2012

Source of funds

(a) The funds shall consist of:

(1) moneys specifically appropriated for the Direct Grant Fund; or

(2) any other moneys made available to the Direct Grant Fund.

Use of Fund

(b) The Direct Grant Fund shall be used to:

(1) pay all expenses and disbursements authorized by the Department for administering the Direct Grant Fund;
and

(2) make grants to family child care providers.

Criteria for grants

(c) In making grants under this subtitle, consideration shall be given to:

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- (1) geographic distribution;
- (2) community need; and
- (3) family income, with priority given to those families with the lowest income.

Limit of funds

(d) The amount of State general funds expended for grants to family child care providers from the Direct Grant Fund may not exceed \$50,000 in each year.

MD Code, Family Law, § 5-559.4

§ 5-559.4. Grant limitations

Qualifications for grant

(a) The Department may make a grant to an applicant only if:

- (1) the applicant meets the qualifications required by this subtitle; and
- (2) the grant does not exceed \$500.

Limit on grants

(b) An applicant may receive only one grant.

MD Code, Family Law, § 5-559.5

§ 5-559.5. Applications

Effective: January 1, 2012

In general

(a) To apply for financial assistance, an applicant shall submit to the Department an application on the form that the Department requires.

Contents of application

(b) The application shall include:

- (1) the identity and location of the family child care provider;
- (2) an itemization of known and estimated costs;
- (3) the total amount of funds required by the family child care provider to comply with State and local

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regulations;

(4) the funds available to the applicant without financial assistance from the Department;

(5) the amount of financial assistance sought from the Department;

(6) a statement from the family child care provider on how the grant funds will be used;

(7) information that relates to the family income of the grant applicant; and

(8) any other relevant information that the Department requests.

MD Code, Family Law, § 5-559.6

§ 5-559.6. Terms, conditions and priorities

Terms and conditions

(a) Except as otherwise provided in this subtitle, the Department may set the terms and conditions for direct grants.

Priorities

(b) On an annual basis, the Department shall establish priorities for the types of child care to be provided by recipients of direct grants.

MD Code, Family Law, § 5-559.7

§ 5-559.7. False statements or reports

False statements on applications or documents

(a) A person may not knowingly make or cause any false statement or report to be made in any application or in any document furnished to the Department.

False statements to influence Department

(b) A person may not knowingly make or cause any false statement or report to be made for the purpose of influencing the action of the Department on an application for financial assistance or for the purpose of influencing any action of the Department affecting financial assistance whether or not such assistance may have already been extended.

Penalty

(c) Any person or any aider or abettor who violates any provision of this subtitle is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$1,000 or imprisonment in the penitentiary not exceeding 1 year or both.

MD Code, Family Law, § 5-559.8

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§ 5-559.8. Rules

The Department shall promulgate such rules as are necessary to carry out the purposes of this subtitle.