

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 430
Ways and Means

(Delegate Kerr, *et al.*)

Education, Energy, and the Environment

Family Child Care Providers - Reserve Component Members - Substitute
Provider

This bill requires a family child care provider who is a member of a reserve component to designate a substitute to provide family child care during the family child care provider’s absence for required training and active service. The designated substitute may provide family child care during the provider’s absence for up to 45 working days (rather than up to 20 working days under current regulations) in any 12-month period. These requirements may not be construed to otherwise limit the authority of the Maryland State Department of Education (MSDE) to establish requirements for (1) a family child care provider to designate a substitute to provide family child care in the family child care provider’s absence and (2) the qualifications necessary to serve as a substitute. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: MSDE can implement the bill’s changes with existing resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Generally, family child care homes and large family child care homes may not operate in the State unless they are registered. The State Board of Education is required to adopt regulations that relate to the registration of family child care homes and large family child care homes. A family child care home is a residence in which family child care is provided for up to 8 children. A large family child care home is a residence in which family child care is provided for at least 9 children, but not more than 12 children.

Similarly, the State Board of Education must adopt rules and regulations for licensing and operating child care centers.

Provider Substitutes – Regulatory Requirements

MSDE [regulations](#) require family child care providers to designate *at least* one substitute who is available on short notice to care for the children at the provider’s registered family child care home.

An individual designated as a substitute may not be used in that capacity unless approved by MSDE. If information received by MSDE indicates that the individual may present a risk to the health, safety, or welfare of children in care, MSDE may disapprove the use of that substitute. MSDE must notify the provider of such a decision within 30 days of the request being submitted.

A provider may use a substitute to (1) provide care for children during a temporary absence and (2) assist in providing care while the provider is present. Unless the office approves an additional number of days in advance, the use of substitutes to provide care in the provider’s absence is limited to a total of *20 working days in any 12-month period* (counting only days on which substitute care is provided for more than two hours).

A substitute must meet specified criteria (*i.e.*, be at least age 18, be familiar with the relevant family child care requirements, complete the required forms, apply for a federal and State background check, submit a non-Maryland state criminal background check if the individual recently resided out of state, and present no risk to the health, safety, or welfare of children).

Before allowing a substitute to provide or to assist in providing care, the provider must orient the substitute to child health and safety matters, as specified.

During the provider’s absence, a substitute is responsible for meeting relevant requirements related to supervision and protection of each child in care and operation of the family child care home.

Small Business Effect: Family child care providers who are members of a reserve component may benefit, as the bill authorizes a longer period of time for the use of substitute providers.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2026
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