

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
Child and Family Services
11 State House Station
2 Anthony Avenue
Augusta, Maine 04333-0011
Tel.: (207) 624-7900; Toll Free: (877) 680-5866
TTY: Dial 711 (Maine Relay); Fax: (207) 287-5282

3/14/2025

Senator Ingwersen, Chair
Representative Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 202 – *An Act to Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services*

Senator Ingwersen, Representative Meyer and members of the Joint Standing Committee on Health and Human Services:

Thank you for the opportunity to provide information neither for nor against LD 202, *An Act to Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services*.

This bill would increase to three (not including the provider's own children or children who reside in the home) the number of children a family child care provider may care for in their home before they are required to be licensed. The limit of three can be increased to four if at least two of the children are siblings.

OCFS would recommend careful consideration around the parameters on the capacity of unlicensed providers and how best to balance the health and safety of children with the desire to expand child care capacity in Maine. Joint guidelines offered by the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education (applicable excerpt attached) provide guidance on appropriate maximum staffing ratios based on the age of the children being cared for. OCFS does not object to reasonably increasing the current statutory limitations on unlicensed provider capacity but believes additional statutory guidelines beyond what is proposed in LD 202 should be considered.

When considering the number of children that an individual can safely care for the number of the individual's own children present is a factor, as well as the age of all of the children present. For example, if the individual has four children of their own, increasing the unlicensed capacity to three (or four if at least two of the children are siblings) could result in the provider caring for seven or eight children simultaneously. In an emergency situation getting eight children aged four or older out of the home is very different than evacuating multiple infants or young toddlers safely.

OCFS believes that child care licensing plays an important role in ensuring the health and safety of children in the care of providers and offers parents important assurances of the safety of the

provider. Along with licensing comes requirements (and inspections) for safety procedures like CPR training, smoke and carbon monoxide detectors, etc. OCFS does not have any data on child safety in unlicensed providers since OCFS' Children's Licensing and Investigation Services Unit does not have authority to investigate concerns and there is no requirement to report incidents to the Department unless an injury or death occurs as the result of suspected abuse and/or neglect.

OCFS does recognize the need to utilize all available options to safely expand access to child care for Maine families and is hopeful this Committee will find an appropriate path forward that balances expanding access to unlicensed care while ensuring safe child to adult ratios based on the ages of all children present in the home.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

Bobbi L. Johnson, LMSW

Bobbi L. Johnson, LMSW
Director
Office of Child and Family Services
Maine Department of Health and Human Services