

.03 REQUIREMENT TO BE REGISTERED

A. Except as provided under §B of this regulation, an individual may not operate a family day care home unless:

- (1) Both the individual and the home meet the requirements for registration set forth in this chapter; and**
- (2) The individual possesses a valid certificate of registration.**

INTENT: Maryland law requires family child care programs to be registered. Registration is a type of licensure, and it indicates that a program has met minimum child health and safety standards. The regulations contained in COMAR 07.04.01 specify in detail what the registration requirements are. Unless exempt from these requirements, a family day care provider must be registered before she or he may provide child care.

B. A family day care home is not required to be registered if the provider:

- (1) Is a relative of each child;**
- (2) Is a friend of each child's parents or legal guardian and the care is provided on a nonregular basis less than 20 hours a month; or**
- (3) Has received the care of the child from a child placement agency licensed by the Department.**

INTENT: Care of children by their relatives is a private matter. Informal arrangements made between friends or neighbors to care for each other's children on an occasional basis do not rise to the level of child care services appropriate for government regulation.

C. In this chapter, all requirements pertaining to a family day care provider shall apply equally to a family day care coprovider.

INTENT: If there is a coprovider, the registration certificate is issued to both the provider and the coprovider. This means that, for legal purposes, there is no distinction between the rights and responsibilities of the provider and the coprovider with respect to operation of the program. Therefore, both are considered to be fully responsible for complying with all applicable regulations under COMAR 07.04.01.