

Chapter 206

(Senate Bill 282)

AN ACT concerning

Family Day Care Providers – Amnesty Period – Repeal

FOR the purpose of repealing obsolete provisions of law relating to an amnesty period for unregistered family day care providers; and generally relating to the family day care providers amnesty program.

BY repealing

Article – Family Law

Section 5–552.1

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

Article – Family Law

[5–552.1.

(a) (1) There is an amnesty period, to be determined by the Department, for unregistered family day care providers.

(2) The purpose of the amnesty period is to encourage compliance with the registration requirements of this Part V.

(b) The amnesty is intended to encourage compliance with registration requirements by:

(1) having unregistered family day care providers voluntarily enter the registration process; and

(2) allowing unregistered family day care providers participating in the amnesty program to continue providing child care during the registration process.

(c) (1) (i) Notwithstanding any other provision of this Part V, from October 1, 1994 to September 30, 1997, there shall be an amnesty period in each of those years for unregistered family day care providers as provided in subparagraph (ii) of this paragraph to allow unregistered family day care providers to continue in operation while becoming registered in accordance with the provisions of this section.

(ii) Except as provided in subparagraph (iii) of this paragraph, the amnesty period shall be 12 months for each year from October 1, 1994 to September 30, 1997.

(iii) Subject to subparagraph (iv) of this paragraph, the Department may reduce the number of months in the amnesty period to not less than 2 months for each of the 2 years from October 1, 1995 to September 30, 1997, if the Department finds that a 12-month period is not feasible.

(iv) If the Department reduces the number of the months in the amnesty period under subparagraph (iii) of this paragraph, the Department shall notify the General Assembly in writing, in accordance with § 2-1246 of the State Government Article.

(2) The State Superintendent shall adopt regulations for the implementation of the amnesty program.

(d) (1) The amnesty shall apply only to the registration required by this Part V, but only if the requirements of subsection (e) of this section are met.

(2) Any unregistered family day care provider participating in the amnesty:

(i) may not be enjoined by the Department as long as information is not made known to the Department that the health, safety, or welfare of any child in the care of the unregistered family day care provider is endangered, including any information or evidence provided by a State or local code enforcement authority or protective services or law enforcement agency;

(ii) is not subject to the penalty provided for in § 5-557 of this Part V; and

(iii) is subject to the group size requirements provided by § 5-553 of this Part V.

(e) For the purposes of this section, an unregistered family day care provider is participating in the amnesty program if:

(1) the unregistered family day care provider:

(i) between October 1, 1994 and September 30, 1997, files an application with the Department in accordance with the regulations adopted by the Department; and

(ii) makes a good faith effort, as determined by the Department, to complete the registration process within 1 year of the date of entering the amnesty; and

(2) information is not made known to the State Department of Education or the Department of Human Resources that the health, safety, or welfare of any child in the care of the unregistered family day care provider is endangered, including any information or evidence provided by a State or local code enforcement authority, or protective services or law enforcement agency.

(f) Notwithstanding any other provision of law, except for any willful or grossly negligent act, a State or local code enforcement authority, protective services or law enforcement agency, the Department of Human Resources, State Department of Education, and the personnel of a State or local code enforcement authority, protective services or law enforcement agency, the Maryland Department of Human Resources, or the State Department of Education shall be immune from civil liability for any act or injury to any child attributable to or resulting from the amnesty period provided for in this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.