
SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair

2025 - 2026 Regular

Bill No: SB 1200
Author: Menjivar
Version: February 19, 2026
Urgency: No
Consultant: Diana Dominguez

Hearing Date: April 20, 2026
Fiscal: Yes

Subject: Family daycare homes

SUMMARY

This bill would define an “infant” in a family child care home as a child under 18 months of age.

ABSTRACT

Existing Law:

- 1) Establishes the California Child Day Care Facilities Act to create a separate licensing category for child day care centers and family day care homes within the existing licensing structure at the California Department of Social Services (CDSS). (*Health and Safety Code [HSC] 1596.70 et seq.*)
- 2) Defines “family daycare home” to mean a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.
 - a. Defines “large family daycare home” to mean a facility that provides care, protection, and supervision for seven to 14 children, inclusive, as specified.
 - b. Defines “small family daycare home” to mean a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as specified. (*HSC 1596.78*)
- 3) Makes the following legislative finding and declarations related to family daycare homes:
 - a. The Legislature has a responsibility to ensure the health and safety of children in family homes that provide daycare.
 - b. There is an extreme shortage of regulated family daycare homes in California, and the number has decreased significantly since 2008.

- c. There continues to be a growing need for child daycare facilities due to the increased number of working parents. Parents need child care so they can work and attend school, and so their children can thrive.
 - d. Many parents prefer child care located in their neighborhoods in family homes.
 - e. There should be a variety of child care settings, including regulated family daycare homes, as suitable choices for parents.
 - f. The licensing program to be operated by the state should be cost effective, streamlined, and simple to administer in order to ensure adequate care for children placed in family daycare homes, while not placing undue burdens on the providers.
 - g. The state should maintain an efficient program of regulating family daycare homes that ensures the provision of adequate protection, supervision, and guidance to children in their homes.
 - h. The state has a responsibility to promote the development and expansion of regulated family daycare homes to care for children in residential settings. (*HSC 1597.30*)
- 4) Establishes requirements related to licensure for family daycare homes including, but not limited to, the following:
- a. CDSS processes related to the licensure application form and timeliness of granting or denying an application for licensure;
 - b. CDSS processes related to licensee noncompliance and civil penalties subsequent to noncompliance;
 - c. Information to be reported by applicants for licensure;
 - d. The maximum number of children that may be served, depending on children's ages;
 - e. Health and safety precautions, including availability of a fire extinguisher and smoke detector, installation of carbon monoxide detectors, and immunizations for enrolled children and employees or volunteers, as specified;
 - f. Unannounced inspections by CDSS;
 - g. Liability insurance, as specified;
 - h. CDSS processes related to documentation of needed repairs or renovations;
 - i. Use of real property. (*HSC 1597.30 et seq.*)
- 5) Defines the following terms for family daycare homes:

- a. "Adult" or "substitute adult" means a person who is 18 years of age or older.
 - b. "Assistant provider" means a person at least 14 years of age who is primarily involved in caring for children during the hours that the home provides care.
 - c. "Capacity" means the maximum number of children for whom care is authorized at any one time.
 - d. "Infant" means a child under two years of age.
 - e. "Licensee" means an adult licensed to operate a family daycare home and who is primarily involved in providing care for the children during the hours that the home provides care.
 - f. "Provider" means anyone providing care to children as authorized by regulations and includes the licensee, assistant provider, or substitute adult. *(22 California Code of Regulations [CCR] 102352(i))*
- 6) Authorizes a small family daycare home to provide care for more than six and up to eight children, without an additional adult, if all of the following conditions are met:
- a. At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
 - b. No more than two infants are cared for during any time when more than six children are cared for.
 - c. The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to seven or eight children in the home at one time.
 - d. The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented. *(HSC 1597.44)*
- 7) Provides that, for a small family daycare home, the maximum number of children for whom care may be provided at any one time, including children under age 10 who reside at the licensee's home, shall be one of the following:
- a. Four infants; or
 - b. Six children, no more than three of whom may be infants; or
 - c. More than six and up to eight children, without an additional adult attendant, as specified in HSC 1597.44. *(22 CCR 102416.5(b))*
- 8) Authorizes a large family daycare home to provide care for more than 12 children and up to and including 14 children if all of the following conditions are met:
- a. At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

- b. No more than three infants are cared for during any time when more than 12 children are cared for.
 - c. The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to 13 or 14 children in the home at one time.
 - d. The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented. *(HSC 1597.465)*
- 9) Provides that, for the purpose of meeting the criteria for family daycare home ratios and capacity, “school age child” means a child who meets one of the following:
- a. Is enrolled in and attending kindergarten, including transitional kindergarten, or elementary school; or
 - b. Is at least six years of age. *(22 CCR 102416.5(i))*
- 10) Prohibits a family daycare home from being licensed or registered as a large family daycare home unless the provider has at least one year’s experience as a regulated small family daycare home operator or as an administrator of a licensed day care center. *(HSC 1597.52)*
- 11) Requires all family daycare homes for children to maintain in force either liability insurance, as specified, or a bond, as specified. In lieu of the liability insurance or the bond, the family daycare home may maintain a file of affidavits signed by each parent with a child enrolled in the home, as specified. Requires a family daycare home that maintains liability insurance or a bond and that provides care in premises that are rented or leased to name the owner of the property or the homeowners’ association, as appropriate, as an additional insured party on the liability insurance policy or bond, under specified conditions. *(HSC 1597.531)*
- 12) Defines “child day care facility” to mean a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include day care centers, employer-sponsored child care centers, and family day care homes. *(HSC 1596.750)*
- 13) Defines the following terms for child care centers:
- a. “Infant” means a child under two years of age.
 - b. “Preschool-age child” means a child who is enrolled in a child daycare center licensed by CDSS and who is not enrolled in either an infant care center or a schoolage child daycare center.”
 - c. “School-age child” means any child who meets one of the following:
 - i. Has entered the first grade or above;

- ii. Is in a child care program providing care and supervision exclusively to children enrolled in kindergarten and above.
- d. “Toddler component” means the component of a preschool or infant care program designed for children between the ages of 18 months and 30 months. (22 CCR 101152; HSC 1597.059)

This Bill:

- 1) Defines “infant” in a family child care home as a child under 18 months of age.

FISCAL IMPACT

This bill has not yet been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION**Purpose of the Bill:**

According to the author, “California is in a childcare crisis with parents of the youngest children having the hardest time acquiring childcare. Oftentimes this is attributed to lack of funding and while funding plays a key role so do our regulations. Our current regulations only allow family child care providers to care for up to four infants and our State’s misaligned definition of infant has left children on waitlists for childcare that will outlive us all. By redefining the age range for ‘infants’ in family child care homes to be developmentally accurate like 44 other states do, SB 1200 will allow providers to utilize their infant slots for children who are truly infants and their empty slots for children 18 months and older. Families shouldn’t have to wait forever to receive childcare. This bill does something now.”

Family Child Care Home Licensure

Family child care, formerly called family daycare, is regularly provided care, protection, and supervision of children in the licensee’s own home, known as a family child care home. Families who choose family child care for their child might do so because the family child care home is close to where they live, the provider speaks their home language, they prefer a home-like setting over a child care center, or their child is more comfortable with smaller group sizes.

State law requires family child care homes to be licensed by the CDSS to operate. To become licensed, an applicant is required to have training in preventative health practices (first aid/CPR), and obtain a California criminal record clearance or exemption, fire safety clearance, and specified immunizations. A licensee must be 18 years of age or older and an assistant must be 14 years or older. Licensees are not required to have education in early childhood development; however large family child care home licensees are required to have one year of experience. There are no requirements for square footage or space per child; however, family child care homes must comply with rules related to the physical characteristics of a property, such as a gate for stairs when serving young children and pool safety features.

After becoming licensed, a small family child care home licensee may provide care for up to eight children and a large family child care home licensee may provide care for up to 14 children, depending on the ages of enrolled children. Licensees must also adhere to ongoing requirements, such as reporting requirements, staffing ratios, liability insurance, and annual licensing fees, among others. These requirements apply to all family child care homes, regardless of whether a provider accepts reimbursement from a federal or state subsidized child care program.

Age Definitions in Family Child Care

Regulations define age ranges for children in various child care settings. There are three age ranges for family child care. The infant age range is defined as a child under 2 years old. School-age is defined as either a child who is enrolled in transitional kindergarten, kindergarten, or elementary school; or who is at least six years old. While the age range between infant and school-age representing a child between 2 years old and school-age does not have a formal name, these children are generally referred to as toddlers and preschoolers. This analysis will use the term “preschool age” for simplicity. These age classifications affect other parts of family child care home administration, including reimbursement per child and adult-to-child staffing ratios. This bill would change the definition of “infant” in a family child care home to be a child under 18 months old.

Family Child Care Ratios and Capacity

Requirements for minimum adult-to-child ratios and total licensed capacity are outlined in Health and Safety Code and Title 22 regulations. The law establishes two types of family child care home licenses, each with different standards. A small family child care home may care for up to eight children under one of the following adult-to-child ratios:

- One adult to four infants.
- One adult to six children, with up to three infants.
- One adult to eight children, with two school-age children and up to two infants.

A large family child care home may care for up to 14 children under one of the following adult-to-child ratios:

- Two adults to 12 children, with up to four infants.
- Two adults to 14 children, with two school-age children and up to three infants.

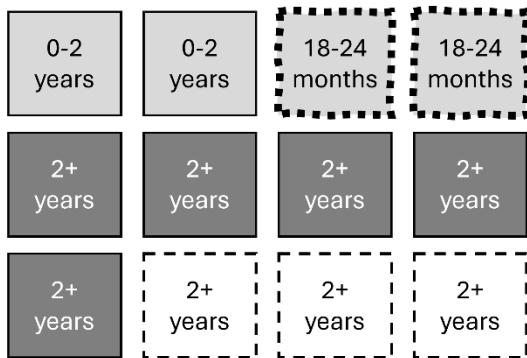
This bill would change the definition of “infant” in a family child care home to mean a child under 18 months old. This would effectively lower the starting age for the preschool-age category to include 18- to 24-month-old children.

Example: Large Family Child Care Home with Empty Spaces

In this hypothetical posed by the bill sponsor, a large family child care home is operating with a capacity of 12 children to maximize the number of infants the home can serve. The home’s infant slots (light gray boxes) are fully enrolled, but the home has three empty spaces (white boxes with dashed border) representing children who have left to enroll in Transitional Kindergarten. The home is caring for two infants who are between 18 and 24 months old (**bold dotted border**).

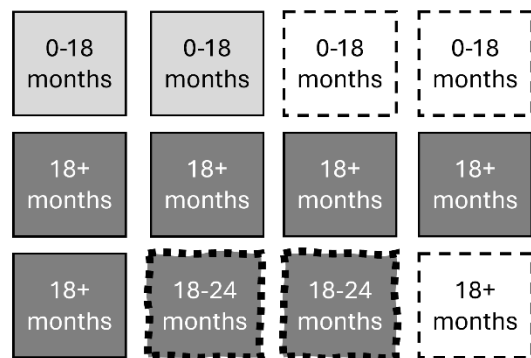
Current Law

1 provider + 1 assistant
12 children (up to four under 2 years old)



Proposed Law

1 provider + 1 assistant
12 children (up to four under 18 months old)



This bill would reclassify the two 18- to 24-month-olds as preschoolers (dark gray boxes) rather than infants. This would result in higher overall enrollment for family child care providers by helping providers fill more of their preschool-age spaces and making room for younger children ages 0 to 18 months old to access infant care spaces, which are in high demand.

Effects of Transitional Kindergarten

Transitional Kindergarten is the first year of a two-year kindergarten program available to all 4-year-olds, regardless of family income. Transitional Kindergarten has benefited families by serving more 4-year-olds at no cost. However, when older children leave child care settings—such as family child care homes—to enroll in other early care and education programs, providers may have difficulty recouping their lost revenue. As children grow older they require less supervision, which means one adult can supervise a larger group of older children. Family child care homes typically serve a mix of older and younger children, which is more profitable than serving only the youngest children. According to a 2025 report by Public Policy Institute of California (PPIC), “providers indicated that [Transitional Kindergarten] was hurting enrollment and affecting their bottom lines.”¹ The PPIC continued. “These providers could not immediately shift their focus to younger children due to licensing regulations. In other words, they could not simply trade a four-year-old slot for an infant due to differing staffing and training requirements for each population. Plus, even if providers were able to expand their infant programs, there would be a cost associated with doing so.”

¹ <https://www.ppic.org/publication/californias-changing-child-care-landscape-understanding-costs-and-supply/>

According to the PPIC report, younger children have the highest unmet child care needs. This bill would allow family child care homes to serve a greater number of younger children by reclassifying 18- to 24-month-olds as preschool-age, which would make infant spaces available for 0- to 18-month-olds. If a family child care home has unused preschool-age spaces due to the shift of 4-year-old children moving into Transitional Kindergarten, this bill could result in homes enrolling closer to their licensed capacity and maximizing their earnings.

Family Child Care Ratios and Group Sizes Report

Zero To Three and National Association for Family Child Care published a report entitled *Ratios and Group Sizes Matter for Babies: Spotlight on Family Child Care*² in 2025. The report emphasized that changing ratio and group size requirements compromises quality and does not address the underlying challenges faced by family child care educators. According to the report, family child care settings have nuances that make low ratios and small group sizes especially important, including: small environments that provide more opportunities for one-on-one interactions; the need for extra supervision in home settings such as kitchens, family bathrooms, and yards that may not specifically designed for children; and tailored activities in mixed-age groups to ensure enrichment for each child's development.

The federal Administration of Children and Families recommends the following adult-to-child ratios: 1:6 for mixed-age groups, with no more than two children under 24 months old, and a maximum group size of 12 children; and 1:4 when all children are under 36 months old, with no more than two children under 18 months old, and a maximum group size of four children³. California's current regulations comply with or exceed these recommended ratios.

Related/Prior Legislation:

AB 51 (Bonta, Chapter 618, Statutes of 2024) required the California Department of Education to provide prospective State Preschool program contractors an equitable opportunity to establish a trained workforce and administrative systems, among other things. An earlier version of the bill, as heard by this Committee, would have required the CDSS, in collaboration with the California Department of Education, to consider adopting regulations to support child care providers impacted by the expansion of Transitional Kindergarten and would have requested the University of California to study the impact of Transitional Kindergarten on the early child care and education ecosystem.

AB 22 (McCarty, Chapter 901, Statutes of 2022) required the California Department of Education to collect specified student-level data relative to enrollment in State Preschool Programs. An earlier version of the bill, as heard by this Committee, would have established a phased in eligibility schedule for 4-year-olds to enroll in Transitional Kindergarten. This proposal was adopted in the state budget.

COMMENTS

² <https://www.zerotothree.org/wp-content/uploads/2025/02/ZTT-FCC-Ratios-Brief-Draft-9-25-25-2.pdf>

³ https://acf.gov/sites/default/files/documents/ecc/caring_for_our_children_basics.pdf

This bill seeks to address the shrinking population of children enrolling in child care programs and families' need for more infant care spaces. This bill would allow a family child care provider to repurpose infant slots serving children 18- to 24-month-olds to instead serve more 0- to 18-month-olds. The 18- to 24-month-olds would be counted toward the preschool-age ratio. This would help providers fill their preschool-age spaces and open up infant spaces for very young children. Filling unused spaces would maximize enrollment, which would result in higher reimbursement for providers. This bill would not allow a family child care provider to serve more children in total. Instead, changing the infant age cutoff would reconfigure the maximum number of children allowed within each age bracket. This would increase the proportion of young children in a family child care home within existing capacity limits.

POSITIONS

Support:

Save California Family Child Care

Oppose:

None Received

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