

THIRD READING

Bill No: SB 1200
Author: Menjivar (D), et al.
Introduced: 2/19/26
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-0, 4/20/26

AYES: Becker, Niello, Laird, Weber Pierson

NO VOTE RECORDED: Pérez

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Family daycare homes

SOURCE: Save California Family Child Care

DIGEST: This bill defines an “infant” in a family child care home as a child under 18 months of age.

ANALYSIS:

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. (HSC § 1596.78)

- 3) Establishes requirements related to licensure for family daycare homes including, but not limited to, the following: licensure application processes, health and safety precautions, and liability insurance. (HSC § 1597.30 et seq.)
- 4) 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. (22 California Code of Regulations [CCR] § 102352(i))
- 5) Authorizes a small family daycare home to provide care for more than six and up to eight children, without an additional adult, if certain conditions are met. Specifies the maximum number of children for whom care may be provided based on age classifications. (HSC § 1597.44; 22 CCR § 102416.5(b))
- 6) Authorizes a large family daycare home to provide care for more than 12 children and up to and including 14 children if certain conditions are met. (HSC § 1597.465)
- 7) Provides that, for the purpose of meeting the criteria for family daycare home ratios and capacity, “school age child” means a child who is enrolled in and attending kindergarten, including transitional kindergarten, or elementary school; or is at least six years of age. (22 CCR § 102416.5(i))

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

Background

Purpose of this 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:

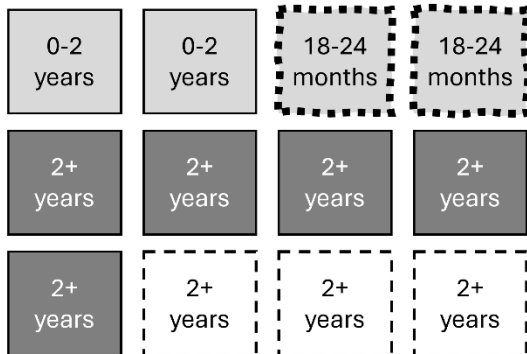
- Two adults to 12 children, with up to four infants.
- Two adults to 14 children, with two school-age children and up to three infants.

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 (see following page), 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).

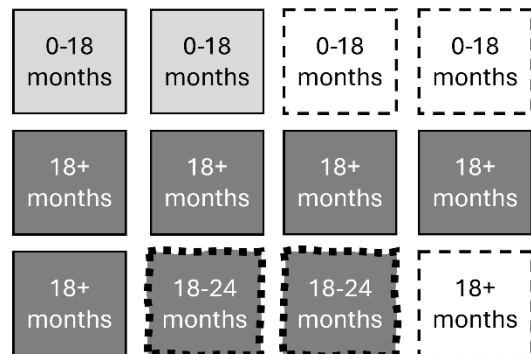
Current Law

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 reclassifies the two 18- to 24-month-olds as preschoolers (dark gray boxes) rather than infants. This results 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.” 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.”

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 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 children. 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

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 allows 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 helps 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 does not allow a family child care provider to serve more children in total. Instead, changing the infant age cutoff reconfigures the maximum number of children allowed within each age bracket. This increases the proportion of young children in a family child care home within existing capacity limits.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (5/14/26)

Save California Family Child Care (Sponsor)

Alicia Rich Ceeshas Childcare

Aljanabi Family Child Care

All Through a Child's Eye

Angel Day Care

Caterpillar Daycare

Cleide Lopes Family Child Care

Eliana Moore Family Child Care

Fannie's Family Child Care

Foursha Family Daycare

Growing Minds

Jacobson Family Child Care

Ladybug Childcare

Les Petit Papillons

Little Blue Dolphins

Little Bubbles Daycare

Little Lion Preschool and Childcare

Little Monkey Preschool and Daycare

Little Shop of Learning

Little Sprouts Family Child Care

Littlesteps/bigsteps Family Daycare

Magic Time Daycare

Marin Family Child Care Association
Mika Little Cottage
Miller's Preschool
New Look Painting and Decorating INC
Paco Family Childcare Home
Parkview Daycare and Preschool
Perfect Start Learning
Precious Treasures Daycare
Re'optima Family Child Care
San Francisco Child Care Planning & Advisory Council
San Francisco Child Care Planning and Advisory Council
Shaver Family Child Care
Stacia Watson's Family Child Care
Teeny Tots Preschool
Thriving Families CA Foundation
Tui Daycare
Vanessa Kahn Family Child Care
Woodcreek Montessori
Yaya's Daycare

OPPOSITION: (5/14/26)

None received

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