



Key Message

In many cases, in-home child care providers who live off a military installation must be licensed by both the state and the Defense Department, even when only caring for eligible DOD-affiliated children. By exempting in-home child care providers certified by the DOD from state licensure requirements, states can improve access to family child care for military families.

Analysis

By exempting family child care providers from licensure and registration that is duplicative of the certification they receive from the military services, states enhance the quality of life and economic security of both the providers and military families seeking qualified child care options.

Best Practices

1. Exemption from licensing standards

EXAMPLE:

New Mexico HB 302, Section 1

<https://www.nmlegis.gov/Sessions/24%20Regular/final/HB0302.pdf>

"LICENSE-EXEMPT CHILD CARE FACILITIES--MILITARY FACILITIES.--A program or a facility certified as a family child care provider by a branch of the United States department of defense or by the United States coast guard shall be exempt from child care facility licensure requirements provided pursuant to state law. This section does not apply to family child care providers who also provide child care services to children not affiliated with a branch of the United States department of defense or the United States coast guard."

2. Exemptions from licensure requirements

EXAMPLES:

Connecticut House Bill 5049, Section 1

<https://www.cga.ct.gov/2023/act/Pa/pdf/2023PA-00029-R00HB-05049-PA.PDF>

"(b) For licensing requirement purposes, child care services shall not include such services which are: [...]

(14) Programs that exclusively provide care for children of members of the United States Coast Guard or any branch of the military under the United States Department of Defense and that are (A) administered by the federal government or on federal property, or (B) administered by a person certified as a family child care provider by the United States Coast Guard or a branch of the military under the United States Department of Defense."

**Alaska Administrative Code, Title 7, Chapter 57, Section 15 (a)(2)**

<https://www.akleg.gov/basis/aac.asp#7.57.015>

The Alaska Administrative Code provides for exemption from Alaskan child care requirements for “a facility located on a United States Department of Defense or United States Coast Guard installation that is located on federal property, or a facility certified as a family child care provider by a branch of the United States Department of Defense or by the United States Coast Guard;”

Montana Code Annotated 2023, Title 52, Chapter 2, Part 7, Section 52-2-721

https://archive.legmt.gov/bills/mca/title_0520/chapter_0020/part_0070/section_0210/0520-0020-0070-0210.html

“(8) The department shall recognize the status of and may not require a state license for a facility that is licensed as a family child care provider or child care facility by a branch of the United States armed forces, including the United States coast guard.”

Oklahoma Senate Bill 1286

https://www.oklegislature.gov/cf_pdf/2021-22%20ENR/SB/SB1286%20ENR.PDF

“SECTION 1. AMENDATORY 10 O.S. 2021, Section 403, is amended to read as follows:

Section 403. A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to: [...]

17. A program on a military base or federal property, or a facility licensed as a family child care provider by a branch of the United States Department of Defense or by the United States Coast Guard.”

Note: The Oklahoma Department of Human Services requested the language in Senate Bill 1286 be changed from “facility certified” to “facility licensed” to align with Oklahoma code. As part of the discussions leading up to passage of SB 1286, the Oklahoma Department of Human Services acknowledged that the Defense Department-certification process was equivalent to the Oklahoma licensing process and would exempt DOD-certified family child care providers from the Oklahoma Child Care Facilities Licensing Act.

Maine Chapter 101 of Public Law 2025, Section 1, Title 22 of the Maine Revised Statutes Annotated, Section 8301-A

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=118102>

“10. Exemption from duplicative licensure. Notwithstanding any provision of this chapter to the contrary, a child care facility or family child care provider on a military installation or a facility licensed or certified as a family child care provider by the United States Department of Defense or by the United States Coast Guard that provides care only for children of parents or guardians who are active duty military members is exempt from the requirements of this chapter.”