

MEMO



NATIONAL CENTER ON Early Childhood Quality Assurance

| | |
|----------------|--|
| Date | November 3, 2021 |
| To | Lisa Brochard, Deputy Assistant Superintendent – Early Childhood Operations, Louisiana Department of Education |
| From | Sheri Fischer, National Center on Early Childhood Quality Assurance |
| Subject | Threshold of Licensed Family Child Care |

Each state has a minimum number of children in care (i.e., threshold) that determines when a license is required for child care in a residential setting. The following table shows that 10 states require family child care (FCC) homes to be licensed if there is just one child in care that is not related to the provider. The remaining 41 states allow some number of children to be in FCC that is not covered by licensing. Most states set the licensing threshold at three or four children. This information was compiled from the [National Database of Child Care Licensing Regulations](#).

| No. of Children | 1 Child | 2 Children | 3 Children | 4 Children | 5 Children | 6 Children | 7 Children | FCC Not Licensed |
|-----------------|--|---------------------------------|--|---|--|----------------------|----------------|--|
| States | AL CT DC DE KS MA MD MI OK WA | CA* CO* FL* MN* SC* | GA HI ME MT NC NY VT ¹ WY* | IL* KY ² ND ³ NE NH OR* PA RI TX ⁴ WI WV | AK AZ NM NV TN UT VA | AR IA IN MS | ID MO OH | LA ⁵ NJ ⁶ SD |
| | 10 | 5 | 8 | 11 | 7 | 4 | 3 | 3 |

Notes:

For the purposes of this document, a **licensed** program is required to have permission from the state to operate and must meet specified family child care standards. Some states may call their regulatory processes **certification** or **registration**; the term **licensed** is used to represent all regulatory processes. Several states have county or city licensing regulations that may supersede state requirements; this table does not include such regulations.

State Notes: The information for these notes was compiled from the states' child care licensing regulations. Each note contains a link to access the regulations on the NRC Web site.

*According to their regulations, California, Colorado, Florida, Illinois, Minnesota, Oregon, South Carolina, and Wyoming exclude child care that is provided for the children of only one family.

¹**Vermont:** State excludes child care that is provided for the children of one or two families.

²**Kentucky:** The state also has licensed Type II Child Care Centers. Information reported in the table is about certified FCC homes. In Kentucky's regulations, 922 KAR 2:090—*Child-care Center Licensure*, a Type II Child Care Center is defined as “the primary residence of the licensee in which child care is regularly provided for seven (7), but not more than twelve (12), children including children related to the licensee.”

³**North Dakota:** Homes must be licensed if they care for four or more children ages 24 months and younger, or six or more children at one time.

⁴**Texas:** The state has three types for regulatory processes for family child care homes depending on the number of children in care. Providers that care for one to three children must be listed with the state. Providers who care for four to six children are registered, and those that care for more than six are licensed. Additional information is available in Applicant's *Guide to Listed, Registered, and Licensed Child Care*, by the Texas Department of Family and Protective Services, at <http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?Name=CCL-ApplicantsGuide-Letter.pdf>.

⁵**Louisiana:** Any place or facility that cares for seven or more children is considered a *center* and is required to follow the state's child care center licensing regulations.

⁶**New Jersey:** Programs serving six or more children younger than the age of 13 are licensed as centers.