

§ 110-106.3. Exemption for certain Department of Defense family child care homes from child care licensure requirements.

(a) The provisions of this Article shall not apply to a family child care home operating in this State and located outside of the boundaries of a military installation if the family child care home has a certificate issued by the United States Department of Defense (DOD) or the United States Coast Guard to provide child care and has completed background screening by the DOD pursuant to 34 U.S.C. § 20351 and 32 C.F.R. Part 86 and received a favorable suitability and fitness determination. This exemption applies to DOD family child care home operators providing child care exclusively to children eligible for care under the DOD Instruction 6060.02.

(b) A family child care home seeking to operate pursuant to this section shall register with the Department. The individual at each military installation who provides oversight of family child care homes shall be responsible for registering the family child care home operating under this section with the Department. The Department shall establish and maintain a registry in accordance with this section, and the registry shall be used for the following limited purposes:

- (1) Ensuring the DOD family child care home is fully compliant with all DOD requirements to operate the family child care home.
- (2) Certifying that the following State safety provisions are met for the dwelling unit in which the DOD family child care home is located:
 - a. Rooms and areas within a family child care home where occupants receive care are located on the same level of exit discharge.
 - b. Rooms and areas within a family child care home where occupants receive care are located on the same level with, and within a maximum of 40 feet travel distance to, at least one 2A:10B:C fire extinguisher.
 - c. The family child care home has and maintains a Fire Safety, Evacuation, and Lockdown Plan compliant with Section 404 of the North Carolina Fire Code.
 - d. The family child care home has carbon monoxide alarm and detection systems compliant with Section R315 of the North Carolina Residential Code.
 - e. The family child care home has smoke alarms compliant with Section 51 R314 of the North Carolina Residential Code.
- (3) Receiving confirmation from the person operating the DOD family child care home that the family child care home is within the same dwelling unit occupied by the operator.
- (4) Confirming inquiries regarding a DOD family child care home are directed to the appropriate regulatory authority having oversight of family child care homes for the respective military installation.

(c) The regulatory authority having oversight of family child care homes for the respective military installation shall provide the Department with any updates to the registry on a quarterly basis. The regulatory authority having oversight of family child care homes for the respective military installation shall immediately notify the Department when the DOD adds or removes a family child care home operating under this section from the registry or closes a family child care home for cause.

(d) A DOD family child care home that meets the requirements of this section shall be exempt from all other requirements of this Article and shall not be subject to licensure.

(e) In the event the program's certification as a family child care home operator is suspended or terminated due to noncompliance with the health, safety, or licensing standards or there is substantiated evidence of child abuse, neglect, or endangerment, the operator shall be ineligible to apply for a child care license pursuant to this Article and, if voluntarily licensed by the Department under this Article, shall be subject to an administrative action revoking its child

care license. Further, if the DOD or United States Coast Guard substantiates child abuse, neglect, or endangerment, the operator shall have the operator's name placed on the North Carolina Child Maltreatment Registry and shall not be a caregiver pursuant to G.S. 110-105.5. (2025-36, s. 14.)