

Laws on the Use of Cameras in Child Care Facilities

By: Michelle Kirby, Senior Legislative Attorney
January 2, 2024 | 2024-R-0008

Issue

This report answers several questions about state laws on (1) the use of cameras or video surveillance in child care facilities and (2) other policies used to prevent child abuse in these settings.

What is the current law in Connecticut regarding use of cameras in child care facilities?

State law neither mandates nor expressly permits the use of cameras or video surveillance at these facilities. However it requires that, among other things, Office of Early Childhood (OEC) regulations specify that if a child care center or group or family child care home (see definitions below) uses video surveillance, it must maintain the video recordings for at least 30 days and make them immediately available upon OEC's request ([CGS §§ 19a-79\(a\)\(11\) & 19a-87b\(f\)\(7\)](#)). (Under Connecticut law, the OEC commissioner must adopt regulations to ensure that these facilities meet the health, educational, and social needs of children using them.)

There are other laws that address the use of surveillance cameras in residential areas which could be applicable depending on the circumstances. The primary statute is the voyeurism law, which generally makes it a punishable crime to watch or record others in a private setting without their knowledge. Depending on the circumstances, voyeurism is a class D or class C felony (see below). However, under state law, residential areas that are in plain view and where the occupant would have no reasonable expectation of privacy generally do not fall under the voyeurism statutes ([CGS § 53a-189a\(a\)\(1 & 2\)](#)).

A first offense of voyeurism is a class D felony. The penalty increases to a class C felony for subsequent offenses or when the intended subject is a minor under age 16, or the offender has been previously convicted of certain sexual assault crimes ([CGS § 53a-189a\(c\)](#)). It is an additional class D felony to disseminate voyeuristic materials ([CGS § 53a-189b](#)). A class D felony is punishable by up to five years in prison, a fine up to \$5,000, or both. A class C felony is punishable 1 to 10 years in prison, a fine up to \$10,000, or both.

Definitions of Child Care Facilities. By law, a “child care center” is one that offers or provides supplementary care to more than 12 children outside their own homes on a regular basis.

A “group child care home” is one that (1) offers or provides supplementary care to at least seven and up to 12 children on a regular basis or (2) meets the “family child care home” definition, but does not operate in a private family home.

A “family child care home” generally is a private family home where care is provided on a regularly recurring basis to up to six children, including the provider’s own children not in school full time, where the children are cared for at least three but no more than 12 hours during a 24-hour period. There are exceptions, including for cases involving extended care or intermittent short-term overnight care ([CGS § 19a-77](#)).

Has the Connecticut General Assembly considered legislation in the past 15 years to mandate the use of cameras and video surveillance in these facilities?

We identified only one related proposal in the past 15 years. Proposed [HB 5397](#) (2015) would have mandated the use of video surveillance in child day care facilities to increase security in licensed child day care facilities. It was referred to the Education Committee, which took no action on the bill.

Do any states require cameras in daycare and childcare facilities?

According to the National Conference of State Legislatures (NCSL), there are no states that require cameras or video monitoring in child care settings. NCSL stated that it found no such mandate after searching state statutes in Westlaw, state child care licensing requirements in the National Database of Child Care Licensing Regulations, and state legislation in their Early Childhood Legislative Database.

According to NCSL, from 2009 to present, in addition to Connecticut, seven other states (Florida, Kentucky, Louisiana, Maryland, Pennsylvania, South Carolina, and Texas) have considered, but failed to enact, legislation mandating the use of video surveillance in child care facilities.

Are there any states currently considering this legislation?

We identified at least one state. During its 2023-2024 legislative session, the Pennsylvania legislature introduced [HB 820](#) that requires child care centers to install video camera surveillance systems. The bill was referred to the Human Services Committee on April 3, 2023, and is still pending in committee. (According to NCSL, identical bills were introduced in 2013, 2015, 2017, and 2021.)

What states expressly allow the use of cameras and video surveillance in child care facilities?

We have identified three states, New York, Maryland, and Texas, with state laws or regulations that specifically reference the use of cameras, video surveillance, or electronic monitoring in certain child care facilities. In the case of New York and Texas, the laws are permissive with specific requirements for facilities opting to use any of these devices. Maryland law generally prohibits their use on private residential property, but creates an exception for family child care homes. Table 1 briefly describes each statute or regulation.

Table 1: State Laws that Expressly Permit Camera or Video Surveillance in Child Care Facilities

State	Brief Description
<p style="text-align: center;">New York</p> <p>(N.Y. Comp. Codes R. & Regs. tit. 18, §§ 417.15(b)(9), 418-1.15(b)(9), & 418-2.15(b)(9))</p>	<p>Applies to family day care; child day care centers; small day care centers (“day care”):</p> <ul style="list-style-type: none"> • The parents of all children receiving care in a day care equipped with electronic monitoring devices or surveillance cameras installed to allow parents to view their children over the Internet must be informed that cameras will be used for this purpose. The day care’s assistants and employees must also be informed if electronic monitoring devices or surveillance cameras will be used for this purpose. • Parents, staff, and volunteers must be notified (1) of the locations of all electronic monitoring devices or surveillance cameras used and (2) when they are used. • Day cares opting to install and use electronic monitoring devices or surveillance cameras must comply with all applicable state and federal laws. • Electronic monitoring devices and surveillance cameras may not be used as a substitute for competent direct supervision of children.

Table 1 (continued)

State	Brief Description
	<ul style="list-style-type: none"> • Electronic monitoring devices or surveillance cameras are permitted to transmit images of children in common rooms, hallways, and play areas only. Bathrooms and changing areas must remain private and free of all electronic monitoring devices and surveillance cameras. • Day cares that use electronic monitoring devices or surveillance cameras must allow access to the equipment and viewing privileges to the state’s Office of Children and Family Services. • Day cares opting to allow parents to view their children in the day care setting over the Internet or other electronic means must always use and maintain adequate security measures and advise parents of the importance of security and the privacy rights of other children who may be viewed.
<p>Maryland</p> <p>(Md. Code Ann., Crim. Law § 3-903(a), (b)(6), & (c))</p>	<p>Applies to family child care homes:</p> <ul style="list-style-type: none"> • The law prohibits anyone from placing or procuring another person to place a camera on real property where a private residence is located to conduct deliberate surreptitious observation of an individual inside the private residence. • It explicitly exempts from this prohibition, any part of a private residence used for business purposes, including any part of a private residence used as a family child care home for the care and custody of a child. • “Camera” includes any electronic device that can be used surreptitiously to observe an individual.
<p>Texas</p> <p>(26 Tex. Admin. Code § 746.3705)</p> <p>(Tex. Hum. Res. Code Ann. § 42.04271(b)(8))</p>	<p>Applies to day care centers; group day care homes; before-, after-, and school-age programs; and registered family homes (“child care facilities”):</p> <p>Although permissible, child care facilities are not required to have a video or audio monitoring system.</p> <p>Among other things, a parent or guardian of a child at a child care facility has the right to inspect any video recordings of an alleged incident of abuse or neglect involving the parent’s or guardian’s child, provided that:</p> <ul style="list-style-type: none"> • video recordings of the alleged incident are available, • the parent or guardian of the child is not allowed to retain any part of the video recording depicting a child who is not the parent’s or guardian’s child, and • the parent or guardian of any other child captured in the video recording receives notice the center must provide under law.

What are examples of other policies Connecticut and other states have enacted to prevent and safeguard against child abuse in child care facilities?

Connecticut and other states have enacted a range of policies to safeguard against child abuse in child care facilities or prevent its reoccurrence, including the following:

1. establishing licensure requirements and direct agency oversight (in Connecticut, OEC has direct oversight of [child care centers](#), [group child care homes](#), and [family child care homes](#));
2. expanding mandated reporter laws, requiring certain employees to report suspected cases of child abuse and penalizing failure to report (in Connecticut, anyone who is paid to care for a child in any public or private facility, child day care center, group day care home, or family day care home which is licensed by the state is a mandated reporter ([CGS § 17a-101\(b\)\(32\)](#)));
3. using multidisciplinary investigation teams (e.g., a team comprising the Department of Children and Families, prosecutors, police, and health and mental health professionals);
4. creating the role of a child advocate (in Connecticut, the [Office of the Child Advocate](#) is authorized to initiate or intervene in court cases on behalf of children, obtain access to any records necessary, subpoena witnesses, records and documents needed to carry out an investigation);
5. increasing penalties and statute of limitations for certain crimes against children; and
6. increasing public awareness and providing a mechanism for complaints to be filed.

MK:kl