A Study of Family Day Care Providers: Attitudes Toward Regulation

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ABSTRACT: This study seeks to fill a gap in the existing literature concerning family day care by exploring the issue of regulation from the perspective of both regulated and unregulated providers. The study draws on data collected from questionnaires distributed to 235 regulated and 110 unregulated family day care providers, and interviews conducted with 30 regulated and 40 unregulated providers, in Vermont. The data from the two sets of questionnaires reveal significant differences in demographic variables, working conditions, and career orientations between the two groups. Regulated providers choose to comply with regulation because they perceive it to be their legal obligation and because they desire the benefits that are associated with doing so. The primary reasons given for failure to register among unregistered providers included a belief that it was not required of them and a belief that regulation conferred no benefits. Although many unregulated providers had only partial information about regulatory requirements, many of them were offering services in a manner that would enable them to become registered if this were their choice. The implications of the findings for regulatory strategies are discussed.

Family day care, defined as “non-residential child care provided in a private home other than the child’s own” (Fosburg, 1981:1), is a prevalent site for the care of young children in this country, accounting for the primary daily location of approximately 40 percent of children under the age of one, 38 percent of children aged one or two, and 15 percent of children between three and five (U.S. Bureau of the Census, 1987). It is also a largely unregulated form of child care. In 1975 the National Day Care Home Study (NDCHS) estimated that only 6 percent of family day care was provided in homes formally licensed or registered with a regulatory agency (Fosburg, 1981). More recently observers estimate that although almost every state now has some system of licensing or registration on the books, upward of 50 percent of family day care continues to be unregulated in fact (Corsini et al., 1988).

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Testimony in congressional hearings about child care legislation (U.S. Senate, 1987), news stories (New York Times, 1988; Ravo, 1986; Trost, 1988), and publications of child care advocates (Children's Defense Fund, 1988) bring to public attention examples of abuse in this form of care. Unregulated family day care providers thus become easy targets and stand as icons for the failure of our licensed child care system to serve all children. This kind of negative appraisal may, in fact, compound the problem of bringing such persons into a regulatory net since they may have little reason to want to be incorporated into a system that views them with uneasiness and suspicion.

Yet, little is actually known about the individuals who offer unregulated care; by definition they evade scrutiny and accurate assessment. Although the NDCHS looked extensively at this population, it is one of the few studies to have done so (Fosburg, 1981; see also Pence and Goelman, 1987). By now the data collected in that study are over fifteen years old; they were also collected only in urban areas. Many other studies of family day care ignore unregulated providers altogether.

The NDCHS found that in comparison with regulated providers, unregulated providers were less likely to be married, younger, more likely to be offering care to a related child, had lower family incomes, and were less well educated. The study also found that unregulated providers cared for fewer nonresident children, charged less for the care of each child, and were less likely to still be providing care one year later (Fosburg, 1981). Pence and Goelman (1987) found similar differences between licensed and unlicensed family day care providers in Canada.

It is generally assumed that family day care providers become regulated when they perceive there to be benefits associated with doing so (Kahn and Kamerman, 1987). Those studies that consider the reasons for evasion of regulatory procedures draw conclusions based on data collected from regulated providers (Anderson, 1986), rely on very small samples (Enarson, 1990), or use information obtained from Information and Referral agencies and family day care administrators (Kahn and Kamerman, 1987). This research has produced conflicting analyses. Adams (1984) argues that failure to comply with regulation is the result of simple ignorance of the existence of a law requiring it. Anderson (1986) and Kahn and Kamerman (1987) locate resistance in attitudes towards regulation per se as unwelcome governmental intrusion and hassle. Some suggest as well that evasion is motivated by fear of the effects of regulation (Sale, 1980), including the fear that regulation will entail the costs of reporting income or of income foregone (Anderson, 1986) and the fear that regulation will have a deleterious effect on relationships between clients and providers or on the