

HOUSE BILL REPORT

ESB 6230

As Reported By House Committee On:
Children & Family Services
Appropriations

Title: An act relating to out-of-home care.

Brief Description: Requiring reporting of actions taken against out-of-home care providers.

Sponsors: Senators Kohl, Fairley and Thibaudeau.

Brief History:

Committee Activity:

Children & Family Services: 2/20/96, 2/23/96 [DPA];
Appropriations: 2/26/96 [DPA(APP w/o CFS)s].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Tokuda, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Buck; Carrell; Dickerson; Patterson and Sterk.

Minority Report: Do not pass. Signed by 2 members: Representatives Stevens, Vice Chairman; and Boldt.

Staff: Douglas Ruth (786-7134).

Background: Allegations of licensing violations by child care agencies and complaints against child care agencies are investigated by the Office of Child Care Policy. Whenever the office receives a report of a complaint or of a licensing violation, a licensor from the office conducts an investigation of the report, including on-sight inspection of the agency. If the licensor determines that the report is valid, the office has the authority to respond to the report in several ways. It may require the child care agency to take corrective action; it may levy fines on the agency; it may suspend, revoke, or place on probation the child care agency's license; or it may apply for a court injunction against the agency. In addition, the office alerts resource and referral agencies to any action taken by the office against a child care agency and informs them of which agencies are no longer in good standing with the office. An

agency may appeal a revocation or suspension decision by the office and is entitled to an administrative hearing.

In addition to investigating reports and complaints against child care agencies, the office attempts to perform annual unannounced inspections of agencies. The office's workload, however, restricts it from performing frequent spot inspections, and the office must depend on reports made by the general public or through related federal and state agencies. In January of this year, the office handled 78 complaints against child care centers and 104 complaints against family home agencies statewide.

Currently, there is no general system of public notification for complaints and licensing actions taken against a child care agency. Regulations mandate only that an agency whose license has been placed on probation post the license. The office, if requested, will also inform members of the public of any valid licensing actions or complaints filed against a particular child care agency.

Summary of Amended Bill: The department is required to post at a child care facility a notice of any founded and valid complaints against the facility, or any denial, suspension, revocation, or nonrenewal of the child care facility's license. The complaint or licensing action taken against the facility must concern "serious issues of health and safety." This phrase is defined as conduct that places children at imminent serious risk of harm. This type of conduct includes both allegations of child abuse or neglect, as well as allegations of licensing violations related to supervision problems, excessive discipline, mistreatment, or safety or health hazards. The notice is to be posted for two weeks at the facility and must include a description of the grounds for the complaint or the adverse licensing action.

In addition to posting notices, the department is given the authority to disseminate information by several other means. When a complaint or licensing violation concerns a serious risk of harm, the department is required to notify public and private referral agencies of the complaint or violation and may classify the provider as a "nonreferral facility." Similarly, when requested, the department is required to disclose the status of all complaints on record against a child care facility.

If a public notice of a complaint or alleged violation is posted in error, or is later found to be without basis, the department must notify the public of the error or of its exculpatory findings. This notice of exoneration is also placed in the department's record. Complaints and adverse licensing actions that are found to be invalid are removed from the department's records.

Annually, the department is required to analyze the number and nature of the investigations conducted by the department during the past year and report the data to the Legislature, the Child Care Coordinating Committee, and to child care referral agencies.

Amended Bill Compared to Engrossed Bill: Several provisions of the original bill were eliminated and the bill's definitions were slightly modified. The original bill required child care agencies that were the subject of valid complaints or adverse licensing actions to provide the department with a clientele list. This requirement was eliminated. Also removed was a provision authorizing the department to disclose licensing actions and complaints to the general public and to licensing departments in other states. In the amended bill the department's authority to disclose information is limited to valid or founded complaints.

The definition of "adverse licensing action" was clarified to require department action to deny, suspend, or revoke a license. In the definition of "serious issues affecting the health and safety of children," one illustration of what constitutes this type of issue, "accidental injuries," was eliminated.

Finally, the original bill added three new members to the Child Care Coordinating Committee, required the committee to review the department's annual report, and directed the committee to provide recommendations to the Legislature for ways to improve the flow of information from the department to parents. These provisions were eliminated.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Notification gives parents the ability to make decisions about where to leave their children. It is the department's policy to give information regarding valid or substantiated complaints, but parents have reported that they do not receive sufficient information to identify which child care agencies are safe. Parents regularly request that referral agencies provide more information. The Office of Child Care Policy is limited in the amount of information it may provide.

Testimony Against: None presented.

Testified: (Pro) Karen Tvedt, Department of Social and Health Services; Cindy Neichin, parent; Sty Jacobson, King County Parents for Safe Day Care; Nina Auerbach, Washington State Child Care Resource and Referral Network; and Michelle Hunt and Lorri Buxton, Concerned Citizens for Quality Child Care.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Children & Family Services. Signed by 29 members: Representatives Huff, Chairman; Clements, Vice Chairman; H. Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Dyer; Foreman; Grant; Hickel; Jacobsen; Kessler; Lambert; Linville; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Silver; Smith; Talcott and Wolfe.

Staff: Beth Redfield (786-7130).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services: The membership of the Child Care Coordinating Committee is expanded. The report to the Legislature is eliminated. The bill is made null and void if not specifically referenced in the supplemental appropriations act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: Posting the notice at the child care service provider is important because resource and referral agencies are not always notified. The bill may limit state liability.

Testimony Against: None.

Testified: Nina Auerbach, King County Child Care Resource & Referral.