

SENATE BILL REPORT

SHB 1906

As Reported By Senate Committee On:
Human Services & Corrections, March 30, 1995

Title: An act relating to child care licensing.

Brief Description: Changing child care licensing definitions.

Sponsors: House Committee on Children & Family Services (originally sponsored by Representatives Lambert and Cooke).

Brief History:

Committee Activity: Human Services & Corrections: 3/28/95, 3/30/95 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Palmer and Schow.

Staff: Dennis Martin (786-7403)

Background: Current child care agency licensing statutes include certain exemptions from complying with licensing requirements. Exemptions include: (1) persons related to the child receiving care; and (2) persons who care for a neighbor's or friend's children, with or without compensation, where the person does not engage in the activity on a regular basis.

Summary of Amended Bill: Safeguarding the health, safety and well-being of children, expectant mothers and developmentally disabled persons is declared to be paramount over the right of any person to provide care. The Office of Administrative Hearings may not assign an administrative law judge to a hearing regarding a child care agency license, unless the judge receives training related to state and federal laws, and policies and procedures of the Department of Social and Health Services on child care issues.

A person may not care for a neighbor's or friend's child for periods of less than 24 hours on an ongoing, regular basis without a license if the care is provided for the purpose of engaging in business which includes, but is not limited to, advertising such care. A person may provide 24-hour care for a neighbor's or friend's child without an license, if there is an agreement in writing between the parent and person providing the care.

The exemption for "relatives" is altered to clarify the definition of exempt family members. The definition of "day-care center" is changed to "child day-care center" and the definition of "family day-care provider" is clarified.

A departmental decision regarding a foster family home license is upheld if there is reasonable cause to believe that the licensee is unsuitable, fails to comply with license

requirements, or the conditions for issuing the license no longer exist. A departmental decision regarding any other child care agency license is upheld if it is supported by a preponderance of the evidence.

In addition to other penalties, the department can assess fines against child care agencies, except licensed foster homes, for failure to comply with license standards or operating without a license. The maximum fine ranges from \$75 for a family day-care home, to \$250 for group homes and child day-care centers. Each day of violation may be considered an assessment of a separate penalty.

For disciplinary purposes, the department may issue a six-month probationary license to a licensee temporarily not in compliance with licensing standards. The probationary license may be extended for an additional six months. A probationary license is only issued if there is no immediate threat to the children, and the licensee has a plan to correct the noncompliance. The department must terminate a probationary license at any time the noncompliance creates an immediate threat to the children. The licensee does not have a right to an adjudicative proceeding on the probationary license, unless the licensee refuses probationary status and the department suspends, revokes or modifies the license.

In addition to current background checks, applicants and their employees who reside in Washington for less than three years must be fingerprinted, and the fingerprints are used to check for criminal history. The costs must be paid for by the licensee, who may not pass the cost on to the employee, unless the employee is determined to be unsuitable due to his or her criminal record. When foster family home licensees plead hardship, the department must pay the expense.

A foster home no longer under the supervision of the agency with which it is licensed ceases to have a valid license. Child care agency licenses are not transferable and apply only to the location stated in the application. For foster-family homes where the family remains intact and family day-care homes with acceptable records for care, the license remains in effect for two weeks after a move.

Amended Bill Compared to Substitute Bill: The amended bill alters the license exemption regarding the provision of child care on a regular basis; changes the intent language, provides for safeguarding the welfare of children being served, requires training for administrative law judges, provides that the Department of Social and Health Services may issue fines for license violations and place licensees on probation, requires fingerprint checks for applicants who are new residents, alters the standard of proof regarding license violations, and clarifies that child care agency licenses are non-transferrable and apply only to the address stated in the application.

Appropriation: None.

Fiscal Note: Requested on March 20, 1995.

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

Testimony For: There is a shortage of available day care and efforts must be made to provide child care services.

Testimony Against: The exemption for providing care on a regular basis without a license is too broad and needs to be clarified. Current license requirements are not burdensome on providers and not a deterrent to providing care. The number of children that a family day care provider can care for should be reduced.

Testified: Julie Nelson, WA State Family Child Care Assn. (con); Lonnie Johns-Brown, WAEYC (con); Karen Tvedt, DSHS (con); Ann Simons; Dean Snyder; Rep. Lambert (pro).