

# SENATE BILL REPORT

## ESB 6230

---

As Passed Senate, February 13, 1996

**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:** Human Services & Corrections: 1/16/96, 2/1/96 [DPS-WM].

Ways & Means: 2/5/96, 2/6/96 [DP2S].

Passed Senate, 2/13/96, 49-0.

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6230 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Smith and Thibaudeau.

**Staff:** Andrea McNamara (786-7483)

---

### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6230 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Cantu, Drew, Fraser, Kohl, Long, McDonald, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

**Staff:** Tim Yowell (786-7435)

**Background:** The Department of Social and Health Services licenses child care centers and family day care homes. It has been suggested that the public needs increased access to information about licensing actions taken and complaints filed against such centers in order to make better decisions regarding who should provide care to their children.

Currently, developmentally disabled persons, vulnerable adults, and businesses and organizations providing services to such persons or to children may obtain records from the Washington State Patrol criminal identification system on prospective employees. The background information consists of convictions for financial exploitation of a vulnerable adult; adjudications of child abuse; issuances of protective orders; and final decisions by disciplinary boards. However, such background information is only available at the time of the initial hiring decision, rather than on an ongoing basis.

**Summary of Bill:** The circumstances under which the Department of Social and Health Services (DSHS) is required to report complaints against child day care centers and family day care providers are specified. They include any adverse licensing actions that relate to the health and safety of children, and any complaints alleging serious issues affecting the health and safety of children that are determined to be well-founded or valid.

The timing and distribution for the required reports is also prescribed: DSHS must post a copy of the report at the facility and notify resource and referral agencies within two business days.

DSHS is further authorized to notify the general public or licensing agencies in other states of the above reports when necessary and appropriate to protect the health and safety of children. DSHS is also authorized to place a facility on non-referral status during a pending licensing action, investigation, or corrective action plan.

When a report is made in error or is later determined to be unjustified, DSHS is required to distribute a notice of public exoneration to the same people, and in the same manner, as the original report.

When requested, DSHS is required to disclose information about a specific child day care center or family day care provider, including the receipt, general nature, and resolution or current status of all complaints on file against the facility.

DSHS is required to compile annual reports analyzing all investigations, licensing actions, and reports made as a result of this act. The Child Care Coordinating Committee is directed to make recommendations to the Legislature based on the annual reports.

Definitions of "adverse licensing actions" and "serious issues affecting the health and safety of children," are included, and DSHS is directed to adopt rules necessary to implement the act.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 1996.

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

**Testimony For (Health & Long-Term Care):** Parents need access to relevant information in order to make good decisions when choosing child care providers. Resource and referral agencies also need this information to decide whether to include providers on their referral lists. The department has not been sufficiently forthcoming in a number of specific incidents, either to the parents affected or the general public. This bill would assist parents and referrals agencies in better protecting children by providing them information about serious issues affecting the health and safety of children.

**Testimony Against (Health & Long-Term Care):** None.

**Testified (Health & Long-Term Care):** Dick Anderson, Division of Children & Family Services, Department of Social and Health Services (concerns); Lonnie Johns-Brown,

Washington Association for the Education of Young Children (pro); Elizabeth Thompson, WA State Child Care Resource & Referral Network (pro); Dan Comsia, Lutheran Public Policy Office (pro); Michelle Hunt and Lorri Buxton, Concerned Citizens for Quality Child Care (pro); Cindy Neichin, parent (pro); Stu Jacobson, King County Parents for Safe Day Care (pro).

**Testimony For (Ways & Means):** Parents want and need information about complaints which have been filed against child care centers. The cost of litigation if families are not adequately informed would greatly exceed the cost of implementing this bill. Information about licensing actions and complaints is essential for parents to make wise decisions about their child's safety.

**Testimony Against (Ways & Means):** The bill needs to provide funding for the follow-up background checks if that provision is to be viable.

**Testified:** Lonnie Johns-Brown (pro w/concerns); Nina Auerbach, King County Resource and Referral Network (pro); Cindy Neichin (pro); Michelle Hunt, Concerned Citizens for Quality Child Care (pro); Stu Jacobsen, King County Parents for Safe Daycare (pro); Sharon Foster (pro).