
SUBSTITUTE HOUSE BILL 1906

State of Washington

54th Legislature

1995 Regular Session

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

Read first time 03/01/95.

1 AN ACT Relating to child care licensing; amending RCW 74.15.020;
2 and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that there is an acute
5 shortage of day care in Washington state. It is the intent of the
6 legislature to increase the availability of day care by allowing
7 families to creatively meet their day care needs. The legislature also
8 finds that any person who is involved in the day care business,
9 licensed or unlicensed, is obligated to pay all usual and customary
10 taxes.

11 **Sec. 2.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to read
12 as follows:

13 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
14 otherwise clearly indicated by the context thereof, the following terms
15 shall mean:

16 (1) "Department" means the state department of social and health
17 services;

18 (2) "Secretary" means the secretary of social and health services;

1 (3) "Agency" means any person, firm, partnership, association,
2 corporation, or facility which receives children, expectant mothers, or
3 persons with developmental disabilities for control, care, or
4 maintenance outside their own homes, or which places, arranges the
5 placement of, or assists in the placement of children, expectant
6 mothers, or persons with developmental disabilities for foster care or
7 placement of children for adoption, and shall include the following
8 irrespective of whether there is compensation to the agency or to the
9 children, expectant mothers or persons with developmental disabilities
10 for services rendered:

11 (a) "Group-care facility" means an agency, other than a foster-
12 family home, which is maintained and operated for the care of a group
13 of children on a twenty-four hour basis;

14 (b) "Child-placing agency" means an agency which places a child or
15 children for temporary care, continued care, or for adoption;

16 (c) "Maternity service" means an agency which provides or arranges
17 for care or services to expectant mothers, before or during
18 confinement, or which provides care as needed to mothers and their
19 infants after confinement;

20 (d) "Child day-care center" means an agency which regularly
21 provides care for a group of children for periods of less than twenty-
22 four hours;

23 (e) "Family day-care provider" means a (~~licensed~~) child day-care
24 provider who regularly provides child day care for not more than twelve
25 children in the provider's home in the family living quarters;

26 (f) "Foster-family home" means an agency which regularly provides
27 care on a twenty-four hour basis to one or more children, expectant
28 mothers, or persons with developmental disabilities in the family abode
29 of the person or persons under whose direct care and supervision the
30 child, expectant mother, or person with a developmental disability is
31 placed;

32 (g) "Crisis residential center" means an agency which is a
33 temporary protective residential facility operated to perform the
34 duties specified in chapter 13.32A RCW, in the manner provided in RCW
35 74.13.032 through 74.13.036.

36 (4) "Agency" shall not include the following:

37 (a) ~~Persons related ((by blood or marriage to the child, expectant~~
38 ~~mother, or persons with developmental disabilities in the following~~
39 ~~degrees: Parent, grandparent, brother, sister, stepparent,~~

1 ~~stepbrother, stepsister, uncle, aunt, and/or first cousin))~~ to the
2 child, expectant mother, or person with developmental disability in the
3 following ways:

4 (i) Any blood relative, including those of half-blood, and
5 including first cousins, nephews or nieces, and persons of preceding
6 generations as denoted by prefixes of grand, great, or great-great;

7 (ii) Stepfather, stepmother, stepbrother, and stepsister;

8 (iii) A person who legally adopts a child or the child's parent as
9 well as the natural and other legally adopted children of such persons,
10 and other relatives of the adoptive parents in accordance with state
11 law;

12 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
13 subsection (4)(a), even after the marriage is terminated; or

14 (v) "Extended family members," as defined by the law or custom of
15 the Indian child's tribe or, in the absence of such law or custom, a
16 person who has reached the age of eighteen and who is the Indian
17 child's grandparent, aunt or uncle, brother or sister, brother-in-law
18 or sister-in-law, niece or nephew, first or second cousin, or
19 stepparent who provides care in the family abode on a twenty-four-hour
20 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

21 (b) Persons who are legal guardians of the child, expectant mother,
22 or persons with developmental disabilities;

23 (c) Persons who care for a neighbor's or friend's child or
24 children, with or without compensation, where the person does not
25 engage in such activity on a regular basis, or where parents on a
26 mutually cooperative basis exchange care of one another's children, or
27 persons who have the care of an exchange student in their own home;

28 (d) A person who, in his or her home and on a regular basis, cares
29 for a neighbor's or friend's child or children;

30 (e) A person, partnership, corporation, or other entity that
31 provides placement or similar services to exchange students or
32 international student exchange visitors;

33 ~~((+e))~~ (f) Nursery schools or kindergartens which are engaged
34 primarily in educational work with preschool children and in which no
35 child is enrolled on a regular basis for more than four hours per day;

36 ~~((+f))~~ (g) Schools, including boarding schools, which are engaged
37 primarily in education, operate on a definite school year schedule,
38 follow a stated academic curriculum, accept only school-age children
39 and do not accept custody of children;

1 (~~(g)~~) (h) Seasonal camps of three months' or less duration
2 engaged primarily in recreational or educational activities;
3 (~~(h)~~) (i) Hospitals licensed pursuant to chapter 70.41 RCW when
4 performing functions defined in chapter 70.41 RCW, nursing homes
5 licensed under chapter 18.51 RCW and boarding homes licensed under
6 chapter 18.20 RCW;
7 (~~(i)~~) (j) Licensed physicians or lawyers;
8 (~~(j)~~) (k) Facilities providing care to children for periods of
9 less than twenty-four hours whose parents remain on the premises to
10 participate in activities other than employment;
11 (~~(k)~~) (l) Facilities approved and certified under chapter 71A.22
12 RCW;
13 (~~(l)~~) (m) Any agency having been in operation in this state ten
14 years prior to June 8, 1967, and not seeking or accepting moneys or
15 assistance from any state or federal agency, and is supported in part
16 by an endowment or trust fund;
17 (~~(m)~~) (n) Persons who have a child in their home for purposes of
18 adoption, if the child was placed in such home by a licensed child-
19 placing agency, an authorized public or tribal agency or court or if a
20 replacement report has been filed under chapter 26.33 RCW and the
21 placement has been approved by the court;
22 (~~(n)~~) (o) An agency operated by any unit of local, state, or
23 federal government or an agency, located within the boundaries of a
24 federally recognized Indian reservation, licensed by the Indian tribe;
25 (~~(o)~~) (p) An agency located on a federal military reservation,
26 except where the military authorities request that such agency be
27 subject to the licensing requirements of this chapter.
28 (5) "Requirement" means any rule, regulation, or standard of care
29 to be maintained by an agency.

--- END ---