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SENATE BILL 5936

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State of Washington

54th Legislature

1995 Regular Session

By Senator Hochstatter

Read first time 02/15/95. Referred to Committee on Human Services & Corrections.

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

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

4 **Sec. 1.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to read  
5 as follows:

6 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
7 otherwise clearly indicated by the context thereof, the following terms  
8 shall mean:

9 (1) "Department" means the state department of social and health  
10 services;

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

12 (3) "Agency" means any person, firm, partnership, association,  
13 corporation, or facility which receives children, expectant mothers, or  
14 persons with developmental disabilities for control, care, or  
15 maintenance outside their own homes, or which places, arranges the  
16 placement of, or assists in the placement of children, expectant  
17 mothers, or persons with developmental disabilities for foster care or  
18 placement of children for adoption, and shall include the following  
19 irrespective of whether there is compensation to the agency or to the

1 children, expectant mothers or persons with developmental disabilities  
2 for services rendered:

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

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

8 (c) "Maternity service" means an agency which provides or arranges  
9 for care or services to expectant mothers, before or during  
10 confinement, or which provides care as needed to mothers and their  
11 infants after confinement;

12 (d) "Day-care center" means an agency which regularly provides care  
13 for a group of children for periods of less than twenty-four hours;

14 (e) "Family day-care provider" means a licensed day-care provider  
15 who regularly provides day care for not more than twelve children in  
16 the provider's home in the family living quarters;

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

23 (g) "Crisis residential center" means an agency which is a  
24 temporary protective residential facility operated to perform the  
25 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
26 74.13.032 through 74.13.036.

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

28 (a) Persons related by blood or marriage to the child, expectant  
29 mother, or persons with developmental disabilities in the following  
30 degrees: Parent, grandparent, brother, sister, stepparent,  
31 stepbrother, stepsister, uncle, aunt, and/or first cousin;

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

34 (c) Persons who care for a neighbor's or friend's child or  
35 children, with or without compensation, (~~where the person does not~~  
36 ~~engage in such activity on a regular basis, or where~~) parents who on  
37 a mutually cooperative basis exchange care of one another's children,  
38 (~~or~~) persons who have the care of an exchange student in their own  
39 home, or persons who care for fewer than five children;

1 (d) A person, partnership, corporation, or other entity that  
2 provides placement or similar services to exchange students or  
3 international student exchange visitors;

4 (e) Nursery schools or kindergartens which are engaged primarily in  
5 educational work with preschool children and in which no child is  
6 enrolled on a regular basis for more than four hours per day;

7 (f) Schools, including boarding schools, which are engaged  
8 primarily in education, operate on a definite school year schedule,  
9 follow a stated academic curriculum, accept only school-age children  
10 and do not accept custody of children;

11 (g) Seasonal camps of three months' or less duration engaged  
12 primarily in recreational or educational activities;

13 (h) Hospitals licensed pursuant to chapter 70.41 RCW when  
14 performing functions defined in chapter 70.41 RCW, nursing homes  
15 licensed under chapter 18.51 RCW and boarding homes licensed under  
16 chapter 18.20 RCW;

17 (i) Licensed physicians or lawyers;

18 (j) Facilities providing care to children for periods of less than  
19 twenty-four hours whose parents remain on the premises to participate  
20 in activities other than employment;

21 (k) Facilities approved and certified under chapter 71A.22 RCW;

22 (l) Any agency having been in operation in this state ten years  
23 prior to June 8, 1967, and not seeking or accepting moneys or  
24 assistance from any state or federal agency, and is supported in part  
25 by an endowment or trust fund;

26 (m) Persons who have a child in their home for purposes of  
27 adoption, if the child was placed in such home by a licensed child-  
28 placing agency, an authorized public or tribal agency or court or if a  
29 replacement report has been filed under chapter 26.33 RCW and the  
30 placement has been approved by the court;

31 (n) An agency operated by any unit of local, state, or federal  
32 government or an agency, located within the boundaries of a federally  
33 recognized Indian reservation, licensed by the Indian tribe;

34 (o) An agency located on a federal military reservation, except  
35 where the military authorities request that such agency be subject to  
36 the licensing requirements of this chapter.

37 (5) "Requirement" means any rule, regulation or standard of care to  
38 be maintained by an agency.

1        NEW SECTION.   **Sec. 2.**   The department of social and health services  
2 shall adopt rules and seek the necessary federal waivers to allow  
3 public funds to provide for the care of children by unlicensed family  
4 day care providers who care for fewer than five children.

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