

HOUSE BILL ANALYSIS

HB 2942

Title: An act relating to simplifying laws related to family day-care providers.

Brief Description: Simplifying family day-care laws.

Sponsors: Representatives Lambert and Benson.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: February 2, 2000.

Bill Analysis Prepared by: Deborah Frazier (786-7152).

Background: The Department of Social and Health Services (DSHS) licenses day care settings serving approximately 160,000 children.

Family child day care homes serve about 37 percent of all children in licensed day care. Each family day care is the provider's residence, and serves 12 or fewer children per home.

Child care centers serve about 63 percent of all children in licensed day care. Centers are not residences, and the number of children served is determined by the space available. The majority of centers serve 60 or fewer children.

Current statutes addressing day care recognize that several factors can influence the appropriate regulation of different day care settings. The secretary is given the authority, after consultation with the child care advisory committee and representatives of the various day care settings, to set different minimum standards for licensing.

Summary of Bill: House Bill 2942 establishes a new chapter specifically for family day care. An intent section states that to promote choice in day care settings, and to protect parental rights in child rearing, family day care providers shall be regulated only to protect the health and safety of the children served, and through the narrowest means possible. The bill also amends the current chapter to delete any explicit references to family day cares.

The bill restates the existing statutes and restates the new requirement of narrow construction of regulations throughout. Substantive changes in the existing statutes include:

- requires a public hearing prior to the issuance of minimum requirements;

- eliminates the role of the children's services advisory committee;
- removes references to the suitability of the facility, plan of operation and financial ability of the provider to comply with requirements; removes references to the character and suitability of providers and others directly responsible for the care of children;
- replaces department investigations of alleged child abuse and neglect with a requirement to report such allegations immediately to law enforcement, which will investigate and determine whether to involve child protective services;
- provides for the automatic renewal of licenses unless the department establishes by a preponderance of the evidence that the licensee cannot protect children from harm;
- in adjudicative proceedings, requires that the department prove action related to a license was necessary to protect children from harm and was the least intrusive means to ensure safety; eliminates civil monetary penalties; and replaces the requirement that administrative law judges presiding over licensing disputes be trained in child development and parenting skills with a requirement to be trained in the fundamental rights of parents to autonomy in child rearing decisions; and
- revises the provision making unlicensed family day care providers guilty of a misdemeanor. Requires that a written notice to cease and desist be delivered first, and allowing for the application for a license after the written notice. If the provider has failed to cease and desist after 30 days, or has been denied a license and has failed to cease and desist 30 days after the denial, then the provider is guilty of a misdemeanor.

Appropriation: None.

Fiscal Note: None.

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