

# SENATE BILL REPORT

## SHB 2169

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As Reported By Senate Committee On:  
Human Services & Corrections, March 31, 2005

**Title:** An act relating to licensing of family day care.

**Brief Description:** Creating a pilot project authorizing small counties to regulate day care.

**Sponsors:** House Committee on Children & Family Services (originally sponsored by Representatives Walsh, Grant, Buri, Cox and Haler).

**Brief History:** Passed House: 3/15/05, 89-7.

**Committee Activity:** Human Services & Corrections: 3/28/05, 3/31/05 [DPA, DNP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

**Minority Report:** Do not pass.

Signed by Senator Thibaudeau.

**Staff:** Edith Rice (786-7444)

**Background:** Current state law requires that agencies or individuals which provide care for children outside their own home must be licensed by the state Department of Social and Health Services. Licensing requires that all providers meet certain minimum standards in order to safeguard children's health and safety while they are in care. The state can license child care centers which can provide care for children for periods of less than 24 hours, and family day care providers who provide child day care for not more than 12 children in the provider's home in the family living quarters.

**Summary of Amended Bill:** Counties with a population of 3,000 or less may adopt and enforce ordinances and regulations for family daycare providers as a 12-month pilot project. Counties which choose this option must adopt ordinances and regulations that address issues including: size of the premises, competence of providers, staffing, education and recreation opportunities, and records maintenance. A county intending to regulate family day-care providers must notify DSHS sixty days prior to adoption of the family day-care regulations and indicate their effective date. County regulation is limited to the 12-months from the effective date of the regulations, during which time DSHS must not regulate these activities. However, DSHS is not civilly liable for family day-care licensing regulated by the county in the 12-month pilot program. Once the 12-month pilot period has expired, the county is required to report to the Governor and the Legislature. The report must include the county ordinances and regulations which were adopted and how they address the specific areas of regulation.

**Amended Bill Compared to Original Bill:** DSHS must not bear any civil liability for family day-care licensing regulated by the county in the 12-month pilot program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** The safety net for childcare is really within our town citizens, not state regulations which make childcare unaffordable. There are barriers between the state agency and the community that have caused the agency to lose credibility. We need more flexibility to solve this problem. There is no childcare in the entire county. We would like to be able to work with DSHS to resolve this. Garfield County is willing to assume legal liability to accomplish this.

There is too much detail in the regulations that goes beyond health and safety issues.

**Testimony Against:** Current law requires that childcare providers be licensed. Standards set by DSHS are based on research and best practices. If these standards are not enforced or are changed we create a double standard, or no standard at all. This creates a liability without any controls.

**Who Testified:** PRO: Representative Maureen Walsh, Representative Don Cox, prime sponsors; Dean Burton, Garfield County Commissioner; Jim Kowalkowski, Pomeroy School District; Rachel Gwinn, Pomeroy School District; Lonnie Johns-Brown, Child Care Collaborative.

CON: Rachel Langen, Division of Child Care and Early Learning; Rene Tomisser, Attorney General Office, Torts.