

# SENATE BILL REPORT

## SB 5157

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As Reported by Senate Committee On:  
Human Services & Corrections, February 5, 2013

**Title:** An act relating to child care.

**Brief Description:** Regulating provision of child care.

**Sponsors:** Senators Carrell, Pearson, Schoesler, Hill and Fain.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/21/13, 2/05/13 [DPS, w/oRec].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Padden.

**Staff:** Shani Bauer (786-7468)

**Background:** Most persons providing child care must be licensed by the Department of Early Learning (DEL). The following are exempt from licensing:

- any blood relative;
- a stepfather, stepmother, stepbrother, or stepsister;
- an adoptive parent or their natural or legally adopted children, and other relatives of the adoptive parents;
- spouses of the persons previously mentioned;
- legal guardians of the child;
- persons who care for a neighbor or friend's child where the person provides care for periods of less than 24 hours and does not conduct such activity on an ongoing basis;
- parents who, on a mutually cooperative basis, exchange care of one another's children;
- nursery schools or kindergartens engaged primarily in educational work with preschool children where no child is enrolled for more than 4 hours per day;

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- schools that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school age children, and do not accept custody of children;
- seasonal camps of 3 months or less engaged primarily in recreational or educational activities;
- facilities providing care for periods of less than 24 hours when a parent or legal guardian remains on the premises to participate in non-employment activities or employment up to 2 hours per day when the facility also operates a licensed child care program at the same facility in another location or at another facility;
- an agency operated by local, state, federal or tribal government;
- an agency operated on a federal military reservation; or
- an agency that offers early learning and support services.

The Working Connections Child Care (WCCC) provides state-subsidized child care to eligible persons. It is not a condition of eligibility that the recipient assist the Department of Social and Health Services (DSHS) in collecting child support or otherwise seek child support services from DSHS.

**Summary of Bill (Recommended Substitute):** The first time a child care provider receives a subsidy to which they should have known they were not entitled to, DEL must work with the child care provider to ensure they understand the rules regarding subsidy payments. The second time an unauthorized subsidy payment is received, the provider is prohibited from receiving future subsidy payments.

As a condition of receiving WCCC, the applicant must seek child support enforcement services from DSHS, unless there is good cause not to. The payment for WCCC constitutes an authorization for DSHS to provide the WCCC recipient with child support services. DSHS is authorized to collect, but not retain, child support payments.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** The provisions requiring a person who is exempt from child care licensing provisions to obtain a license one year after starting to provide child care are removed. Instead, the first time a child care provider receives a subsidy to which they should have known they were not entitled to, DEL must work with the child care provider to ensure they understand the rules regarding subsidy payments. The second time an unauthorized subsidy payment is received, the provider is prohibited from receiving subsidy payments.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony on Original Bill:** CON: The family, friend, and neighbor child care provisions allow the provision of care without having to open a business

to do so. This is especially important when caring for children with special needs. As a retired child therapist watches her two grandchildren, she provides care that one of her grandchildren, who has special needs, would not have otherwise gotten in another kind of child care. She does not want to become a licensed child care provider and small business owner; she just wants to provide care to her grandkids.

OTHER: Families who receive WCCC subsidy may choose from a variety of child care, licensed child care centers or family child care homes, or license exempt providers. Families may choose license-exempt providers for a number of reasons including:

- existing bonds of love and trust with a family member, friend, or neighbor;
- shared language, culture, and values;
- a better match for their child and family when the child has special needs; or
- greater flexibility to meet non-traditional work hours.

The federal Child Care and Development Fund grant requires states to allow parental choice of child care providers. This bill would place some limitations on a parents' choice at one year.

**Persons Testifying:** CON: Susan Bauers, Lani Todd, SEIU 925.

OTHER: Amy Blondin, DEL.