
SUBSTITUTE HOUSE BILL 2516

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Lambert, Cooke, McMorris, Stevens, Johnson, Sherstad, Pennington and Silver)

Read first time 02/02/96.

1 AN ACT Relating to registration of child day-care facilities;
2 reenacting and amending RCW 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 1995 c 311 s 18 and 1995 c 302 s 3 are
5 each reenacted and amended to read 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) "Child day-care center" means an agency which regularly
13 provides care for a group of children for periods of less than twenty-
14 four hours;

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

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

24 (g) "Crisis residential center" means an agency which is a
25 temporary protective residential facility operated to perform the
26 duties specified in chapter 13.32A RCW, in the manner provided in RCW
27 74.13.032 through 74.13.036.

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

29 (a) Persons related to the child, expectant mother, or person with
30 developmental disability in the following ways:

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

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

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

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

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

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

12 (c) Persons who care for a neighbor's or friend's child or
13 children, with or without compensation, where: (i) The person
14 (~~providing care for periods of less than twenty-four hours does not~~
15 ~~conduct such activity on an ongoing, regularly scheduled basis for the~~
16 ~~purpose of engaging in business, which includes, but is not limited to,~~
17 ~~advertising such care)) does not provide regularly scheduled day care
18 for more than one family's children nor advertise child day care
19 services; or (ii) the parent and person providing care on a twenty-
20 four-hour basis have agreed to the placement in writing and the state
21 is not providing any payment for the care;~~

22 (~~Parents on a mutually cooperative basis exchange care of one~~
23 ~~another's children)) To encourage cooperative arrangements between
24 parents and to facilitate parental choice and flexibility in making
25 arrangements for the care of their own children, parents who on a
26 mutually cooperative basis exchange care of one another's children.
27 The exchange of care does not have to be on a quid pro quo basis;~~

28 (e) A person, partnership, corporation, or other entity that
29 provides placement or similar services to exchange students or
30 international student exchange visitors or persons who have the care of
31 an exchange student in their home;

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

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

1 (h) Seasonal camps of three months' or less duration engaged
2 primarily in recreational or educational activities;

3 (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 (j) Licensed physicians or lawyers;

8 (k) Facilities providing care to children for periods of less than
9 twenty-four hours whose parents remain on the premises to participate
10 in activities other than employment;

11 (l) Facilities approved and certified under chapter 71A.22 RCW;

12 (m) Any agency having been in operation in this state ten years
13 prior to June 8, 1967, and not seeking or accepting moneys or
14 assistance from any state or federal agency, and is supported in part
15 by an endowment or trust fund;

16 (n) Persons who have a child in their home for purposes of
17 adoption, if the child was placed in such home by a licensed child-
18 placing agency, an authorized public or tribal agency or court or if a
19 replacement report has been filed under chapter 26.33 RCW and the
20 placement has been approved by the court;

21 (o) An agency operated by any unit of local, state, or federal
22 government or an agency, located within the boundaries of a federally
23 recognized Indian reservation, licensed by the Indian tribe;

24 (p) An agency located on a federal military reservation, except
25 where the military authorities request that such agency be subject to
26 the licensing requirements of this chapter.

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

29 (6) "Probationary license" means a license issued as a disciplinary
30 measure to an agency that has previously been issued a full license but
31 is out of compliance with licensing standards.

32 NEW SECTION. **Sec. 2.** The department of social and health services
33 shall compile the incidents of reported child abuse and neglect and
34 reports alleging threats to child health and safety associated with
35 unlicensed child care programs and arrangements. The department of
36 social and health services shall report its findings and conclusions,

1 together with any recommendations, to the appropriate legislative
2 committees by January 1, 1997.

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