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HOUSE BILL 1394

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Beck, R. King, Bowman, D. Sommers, Wynne, Moyer, Miller, Paris and Cole.

Read first time January 28, 1991. Referred to Committee on Human Services.

1            AN ACT Relating to day care licensing requirements; and amending  
2 RCW 74.15.020.

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

4            **Sec. 1.** RCW 74.15.020 and 1988 c 176 s 912 are each amended to  
5 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

1 placement of, or assists in the placement of children, expectant  
2 mothers, or persons with developmental disabilities for foster care or  
3 placement of children for adoption, and shall include the following  
4 irrespective of whether there is compensation to the agency or to the  
5 children, expectant mothers or persons with developmental disabilities  
6 for services rendered:

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

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

12 (c) "Maternity service" means an agency which provides or arranges  
13 for care or services to expectant mothers, before or during  
14 confinement, or which provides care as needed to mothers and their  
15 infants after confinement;

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

18 (e) "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 (f) "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 by blood or marriage to the child, expectant  
30 mother, or persons with developmental disabilities in the following

1 degrees: Parent, grandparent, brother, sister, stepparent,  
2 stepbrother, stepsister, uncle, aunt, and/or first cousin;

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

5 (c) Persons who care for a neighbor's or friend's child or  
6 children, with or without compensation, where the person does not  
7 engage in such activity on a regular basis, or where parents on a  
8 mutually cooperative basis exchange care of one another's children, or  
9 persons who have the care of an exchange student in their own home;

10 ~~((d))~~ ~~((Nursery schools or kindergartens which are engaged primarily  
11 in educational work with preschool children and in which no child is  
12 enrolled on a regular basis for more than four hours per day;~~

13 ~~((e))~~) Schools, including boarding schools, which are engaged  
14 primarily in education, operate on a definite school year schedule,  
15 follow a stated academic curriculum, accept only school-age children  
16 and do not accept custody of children;

17 ~~((f))~~) (e) Seasonal camps of three months' or less duration  
18 engaged primarily in recreational or educational activities;

19 ~~((g))~~) (f) Hospitals licensed pursuant to chapter 70.41 RCW when  
20 performing functions defined in chapter 70.41 RCW, nursing homes  
21 licensed under chapter 18.51 RCW and boarding homes licensed under  
22 chapter 18.20 RCW;

23 ~~((h))~~) (g) Licensed physicians or lawyers;

24 ~~((i))~~) (h) Facilities providing care to children for periods of  
25 less than twenty-four hours whose parents remain on the premises to  
26 participate in activities other than employment;

27 ~~((j))~~) (i) Facilities approved and certified under chapter 71A.22  
28 RCW;

29 ~~((k))~~) (j) Any agency having been in operation in this state ten  
30 years prior to June 8, 1967, and not seeking or accepting moneys or

1 assistance from any state or federal agency, and is supported in part  
2 by an endowment or trust fund;

3       (~~(l)~~) (k) Persons who have a child in their home for purposes of  
4 adoption, if the child was placed in such home by a licensed child-  
5 placing agency, an authorized public or tribal agency or court or if a  
6 replacement report has been filed under chapter 26.33 RCW and the  
7 placement has been approved by the court;

8       (~~(m)~~) (l) An agency operated by any unit of local, state, or  
9 federal government or an agency, located within the boundaries of a  
10 federally recognized Indian reservation, licensed by the Indian tribe;

11       (~~(n)~~) (m) An agency located on a federal military reservation,  
12 except where the military authorities request that such agency be  
13 subject to the licensing requirements of this chapter.

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