

# HOUSE BILL REPORT

## SHB 1906

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### As Amended by Senate

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

**Brief Description:** Changing child care licensing definitions.

**Sponsors:** By House Committee on Children & Family Services (originally sponsored by Representatives Lambert and Cooke).

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/23/95, 2/28/95 [DPS].

**Floor Activity:**

Passed House: 3/13/95, 64-32.

Senate Amended.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell and Padden.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

**Staff:** David Knutson (786-7146).

**Background:** Current child care licensing statutes exempt relatives from complying with licensing requirements. People who care for a neighbor's or friend's children on a regular basis are required to be licensed to provide child care.

**Summary of Bill:** The definition of relatives is clarified to more specifically address the extended family members of an Indian child who are exempt from licensing. The relatives of non-Indian children who are exempt from licensing are described in greater detail. People who care for a neighbor's or friend's children on a regular basis are exempt from licensing.

**EFFECT OF SENATE AMENDMENT(S):**

Safeguarding the health, safety and well-being of children, expectant mothers and developmentally disabled persons is declared to be paramount over the right of any person to provide care. The Office of Administrative Hearings may not assign an administrative law judge to a hearing regarding a child care agency license, unless the judge receives training related to state and federal laws, and policies and procedures of the Department of Social and Health Services on child care issues.

A departmental decision regarding a foster family home license is upheld if there is reasonable cause to believe that the licensee is unsuitable, fails to comply with license requirements, or the conditions for issuing the license no longer exist. A departmental decision regarding any other child care agency license is upheld if it is supported by a preponderance of the evidence.

In addition to other penalties, the department can assess fines against child care agencies, except licensed foster homes, for failure to comply with license standards or for operating without a license. The maximum fine ranges from \$75 for a family day-care home, to \$250 for group homes and child day-care centers. Each day of violation may be considered an assessment of a separate penalty.

For disciplinary purposes, the department may issue a six-month probationary license to a licensee temporarily not in compliance with licensing standards. The probationary license may be extended for an additional six months. A probationary license is only issued if there is no immediate threat to the children, and the licensee has a plan to correct the noncompliance. The department must terminate a probationary license at any time the noncompliance creates an immediate threat to the children. The licensee does not have a right to an adjudicative proceeding on the probationary license, unless the licensee refuses probationary status and the department suspends, revokes or modifies the license.

In addition to current background checks, applicants and their employees who reside in Washington for less than three years must be fingerprinted, and the fingerprints are used to check for criminal history. The costs must be paid for by the licensee, who may not pass the cost on to the employee, unless the employee is determined to be unsuitable due to his or her criminal record. When foster family home licensees plead hardship, the department must pay the expense.

A foster home no longer under the supervision of the agency with which it is licensed ceases to have a valid license. Child care agency licenses are not transferable and apply only to the location stated in the application. For foster-family homes where the family remains intact and family day-care homes with

**acceptable records for care, the license remains in effect for two weeks after a move.**

**The term "day-care center" is changed to "child day-care center." The definition of "family day-care provider" is clarified. The definition of "agency" will not include a person who provides child care for a friend or neighbor and does not engage in business-related activities associated with child care. A "provisional" license is changed to an "initial" license.**

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** None.

**Testimony Against:** Encouraging unlicensed child care will put children at greater risk. Unlicensed day care providers will not have any liability insurance coverage.

**Testified:** Julie Nelson, Family Child Care Association (con); Jan Saylor (con); Kim Kelly (con); Stu Jacobson, King County Parents for Safe Day Care (con); and Karen Tvedt, Department of Social and Health Services (concerns).

**Votes on Final Passage:**

Yeas 64; Nays 32; Excused 2

**Nays:** Ballasiotes, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, G. Fisher, R. Fisher, Horn, Jacobsen, Kessler, Kremen, Mason, Mitchell, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Thibaudeau, Tokuda, Valle, Veloria, Wolfe

**Excused:** Blanton, Ogden