
HOUSE BILL 2941

State of Washington

56th Legislature

2000 Regular Session

By Representatives Lambert, Benson and Boldt

Read first time 01/24/2000. Referred to Committee on Children & Family Services.

1 AN ACT Relating to training requirements for persons associated
2 with the operation of family day-care services; and amending RCW
3 74.15.030.

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

5 **Sec. 1.** RCW 74.15.030 and 1997 c 386 s 33 are each amended to read
6 as follows:

7 The secretary shall have the power and it shall be the secretary's
8 duty:

9 (1) In consultation with the children's services advisory
10 committee, and with the advice and assistance of persons representative
11 of the various type agencies to be licensed, to designate categories of
12 facilities for which separate or different requirements shall be
13 developed as may be appropriate whether because of variations in the
14 ages, sex and other characteristics of persons served, variations in
15 the purposes and services offered or size or structure of the agencies
16 to be licensed hereunder, or because of any other factor relevant
17 thereto;

18 (2) In consultation with the children's services advisory
19 committee, and with the advice and assistance of persons representative

1 of the various type agencies to be licensed, to adopt and publish
2 minimum requirements for licensing applicable to each of the various
3 categories of agencies to be licensed.

4 The minimum requirements shall be limited to:

5 (a) The size and suitability of a facility and the plan of
6 operation for carrying out the purpose for which an applicant seeks a
7 license;

8 (b) The character, suitability and competence of an agency and
9 other persons associated with an agency directly responsible for the
10 care and treatment of children, expectant mothers or developmentally
11 disabled persons. In consultation with law enforcement personnel, the
12 secretary shall investigate the conviction record or pending charges
13 and dependency record information under chapter 43.43 RCW of each
14 agency and its staff seeking licensure or relicensure. In order to
15 determine the suitability of applicants for an agency license,
16 licensees, their employees, and other persons who have unsupervised
17 access to children in care, and who have not resided in the state of
18 Washington during the three-year period before being authorized to care
19 for children shall be fingerprinted. The fingerprints shall be
20 forwarded to the Washington state patrol and federal bureau of
21 investigation for a criminal history records check. The fingerprint
22 criminal history records checks will be at the expense of the licensee
23 except that in the case of a foster family home, if this expense would
24 work a hardship on the licensee, the department shall pay the expense.
25 The licensee may not pass this cost on to the employee or prospective
26 employee, unless the employee is determined to be unsuitable due to his
27 or her criminal history record. The secretary shall use the
28 information solely for the purpose of determining eligibility for a
29 license and for determining the character, suitability, and competence
30 of those persons or agencies, excluding parents, not required to be
31 licensed who are authorized to care for children, expectant mothers,
32 and developmentally disabled persons. Criminal justice agencies shall
33 provide the secretary such information as they may have and that the
34 secretary may require for such purpose;

35 Competence of the licensee, assistant, volunteer, and other persons
36 associated with the operation of a family day-care shall be evaluated
37 with respect to required training. The number of hours of required
38 annual training shall decrease after the licensee, assistant,
39 volunteer, and other persons associated with the operation of a family

1 day-care have achieved five years' experience in the family day-care
2 setting; the number of hours of required annual training shall decrease
3 again after the licensee, assistant, volunteer, and other persons
4 associated with the operation of a family day-care have achieved ten
5 years' experience in the family day-care setting.

6 (c) The number of qualified persons required to render the type of
7 care and treatment for which an agency seeks a license;

8 (d) The safety, cleanliness, and general adequacy of the premises
9 to provide for the comfort, care and well-being of children, expectant
10 mothers or developmentally disabled persons;

11 (e) The provision of necessary care, including food, clothing,
12 supervision and discipline; physical, mental and social well-being; and
13 educational, recreational and spiritual opportunities for those served;

14 (f) The financial ability of an agency to comply with minimum
15 requirements established pursuant to chapter 74.15 RCW and RCW
16 74.13.031; and

17 (g) The maintenance of records pertaining to the admission,
18 progress, health and discharge of persons served;

19 (3) To investigate any person, including relatives by blood or
20 marriage except for parents, for character, suitability, and competence
21 in the care and treatment of children, expectant mothers, and
22 developmentally disabled persons prior to authorizing that person to
23 care for children, expectant mothers, and developmentally disabled
24 persons. However, if a child is placed with a relative under RCW
25 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
26 and competent to provide care and treatment the criminal history
27 background check required by this section need not be completed before
28 placement, but shall be completed as soon as possible after placement;

29 (4) On reports of alleged child abuse and neglect, to investigate
30 agencies in accordance with chapter 26.44 RCW, including child day-care
31 centers and family day-care homes, to determine whether the alleged
32 abuse or neglect has occurred, and whether child protective services or
33 referral to a law enforcement agency is appropriate;

34 (5) To issue, revoke, or deny licenses to agencies pursuant to
35 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
36 category of care which an agency is authorized to render and the ages,
37 sex and number of persons to be served;

1 (6) To prescribe the procedures and the form and contents of
2 reports necessary for the administration of chapter 74.15 RCW and RCW
3 74.13.031 and to require regular reports from each licensee;

4 (7) To inspect agencies periodically to determine whether or not
5 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
6 requirements adopted hereunder;

7 (8) To review requirements adopted hereunder at least every two
8 years and to adopt appropriate changes after consultation with the
9 child care coordinating committee and other affected groups for child
10 day-care requirements and with the children's services advisory
11 committee for requirements for other agencies; and

12 (9) To consult with public and private agencies in order to help
13 them improve their methods and facilities for the care of children,
14 expectant mothers and developmentally disabled persons.

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