
HOUSE BILL 2169

State of Washington 59th Legislature 2005 Regular Session

By Representatives Walsh, Grant, Buri, Cox and Haler

Read first time 02/21/2005. Referred to Committee on Children & Family Services.

1 AN ACT Relating to licensing of family day care; reenacting and
2 amending RCW 74.15.030; and adding a new section to chapter 74.15 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.15 RCW
5 to read as follows:

6 (1) Notwithstanding RCW 74.15.030, counties with a population of
7 five thousand or less may adopt and enforce ordinances and regulations
8 as provided in this subsection for family day-care providers as defined
9 in RCW 74.15.020(1)(f). Before a county may regulate family day-care
10 providers in accordance with this section, it shall adopt ordinances
11 and regulations that address, at a minimum, the following: (a) The
12 size, safety, cleanliness, and general adequacy of the premises; (b)
13 the plan of operation; (c) the character, suitability, and competence
14 of a family day-care provider and other persons associated with a
15 family day-care provider directly responsible for the care of children
16 served; (d) the number of qualified persons required to render care;
17 (e) the provision of necessary care, including food, clothing,
18 supervision, and discipline; (f) the physical, mental, and social well-

1 being of children served; (g) educational and recreational
2 opportunities for children served; and (h) the maintenance of records
3 pertaining to children served.

4 (2) The county shall notify the department in writing sixty days
5 prior to adoption of the family day-care regulations required pursuant
6 to this section. The transfer of jurisdiction shall not occur until
7 the county has notified the department in writing of the effective date
8 of the regulations. Regulation by counties of family day-care
9 providers as provided in this section shall be administered and
10 enforced by those counties. The department shall not regulate these
11 activities under this chapter. Upon request, the department shall
12 provide technical assistance to any county that is in the process of
13 adopting the regulations required by this section, and after the
14 regulations become effective.

15 **Sec. 2.** RCW 74.15.030 and 2000 c 162 s 20 and 2000 c 122 s 40 are
16 each reenacted and amended to read as follows:

17 The secretary shall have the power and it shall be the secretary's
18 duty:

19 (1) In consultation with the children's services advisory
20 committee, and with the advice and assistance of persons representative
21 of the various type agencies to be licensed, to designate categories of
22 facilities for which separate or different requirements shall be
23 developed as may be appropriate whether because of variations in the
24 ages, sex and other characteristics of persons served, variations in
25 the purposes and services offered or size or structure of the agencies
26 to be licensed hereunder, or because of any other factor relevant
27 thereto;

28 (2) In consultation with the children's services advisory
29 committee, and with the advice and assistance of persons representative
30 of the various type agencies to be licensed, to adopt and publish
31 minimum requirements for licensing applicable to each of the various
32 categories of agencies to be licensed except as limited by section 1 of
33 this act.

34 The minimum requirements shall be limited to:

35 (a) The size and suitability of a facility and the plan of
36 operation for carrying out the purpose for which an applicant seeks a
37 license;

1 (b) The character, suitability and competence of an agency and
2 other persons associated with an agency directly responsible for the
3 care and treatment of children, expectant mothers or developmentally
4 disabled persons. In consultation with law enforcement personnel, the
5 secretary shall investigate the conviction record or pending charges
6 and dependency record information under chapter 43.43 RCW of each
7 agency and its staff seeking licensure or relicensure. No unfounded
8 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
9 disclosed to a child-placing agency, private adoption agency, or any
10 other provider licensed under this chapter. In order to determine the
11 suitability of applicants for an agency license, licensees, their
12 employees, and other persons who have unsupervised access to children
13 in care, and who have not resided in the state of Washington during the
14 three-year period before being authorized to care for children shall be
15 fingerprinted. The fingerprints shall be forwarded to the Washington
16 state patrol and federal bureau of investigation for a criminal history
17 records check. The fingerprint criminal history records checks will be
18 at the expense of the licensee except that in the case of a foster
19 family home, if this expense would work a hardship on the licensee, the
20 department shall pay the expense. The licensee may not pass this cost
21 on to the employee or prospective employee, unless the employee is
22 determined to be unsuitable due to his or her criminal history record.
23 The secretary shall use the information solely for the purpose of
24 determining eligibility for a license and for determining the
25 character, suitability, and competence of those persons or agencies,
26 excluding parents, not required to be licensed who are authorized to
27 care for children, expectant mothers, and developmentally disabled
28 persons. Criminal justice agencies shall provide the secretary such
29 information as they may have and that the secretary may require for
30 such purpose;

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

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

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

1 (f) The financial ability of an agency to comply with minimum
2 requirements established pursuant to chapter 74.15 RCW and RCW
3 74.13.031; and

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

6 (3) To investigate any person, including relatives by blood or
7 marriage except for parents, for character, suitability, and competence
8 in the care and treatment of children, expectant mothers, and
9 developmentally disabled persons prior to authorizing that person to
10 care for children, expectant mothers, and developmentally disabled
11 persons. However, if a child is placed with a relative under RCW
12 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
13 and competent to provide care and treatment the criminal history
14 background check required by this section need not be completed before
15 placement, but shall be completed as soon as possible after placement;

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

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

25 (6) To prescribe the procedures and the form and contents of
26 reports necessary for the administration of chapter 74.15 RCW and RCW
27 74.13.031 and to require regular reports from each licensee;

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

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

36 (9) To consult with public and private agencies in order to help

1 them improve their methods and facilities for the care of children,
2 expectant mothers and developmentally disabled persons.

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