
SENATE BILL 5157

State of Washington

63rd Legislature

2013 Regular Session

By Senators Carrell, Pearson, Schoesler, Hill, and Fain

Read first time 01/21/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to child care; amending RCW 74.20.040 and
2 74.20.330; reenacting and amending RCW 43.215.010 and 43.215.135; and
3 adding a new section to chapter 43.215 RCW.

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

5 **Sec. 1.** RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are
6 each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Agency" means any person, firm, partnership, association,
10 corporation, or facility that provides child care and early learning
11 services outside a child's own home and includes the following
12 irrespective of whether there is compensation to the agency:

13 (a) "Child day care center" means an agency that regularly provides
14 child day care and early learning services for a group of children for
15 periods of less than twenty-four hours;

16 (b) "Early learning" includes but is not limited to programs and
17 services for child care; state, federal, private, and nonprofit
18 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional
2 development for early learning professionals;

3 (c) "Family day care provider" means a child day care provider who
4 regularly provides child day care and early learning services for not
5 more than twelve children in the provider's home in the family living
6 quarters;

7 (d) "Nongovernmental private-public partnership" means an entity
8 registered as a nonprofit corporation in Washington state with a
9 primary focus on early learning, school readiness, and parental
10 support, and an ability to raise a minimum of five million dollars in
11 contributions;

12 (e) "Service provider" means the entity that operates a community
13 facility.

14 (2) "Agency" does not include the following:

15 (a) Except as provided in section 2 of this act, persons related to
16 the child in the following ways:

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

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

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

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

27 (b) Persons who are legal guardians of the child;

28 (c) Persons who care for a neighbor's or friend's child or
29 children, with or without compensation, where the person providing care
30 for periods of less than twenty-four hours does not conduct such
31 activity on an ongoing, regularly scheduled basis for the purpose of
32 engaging in business, which includes, but is not limited to,
33 advertising such care, except as provided in section 2 of this act;

34 (d) Parents on a mutually cooperative basis exchange care of one
35 another's children, except as provided in section 2 of this act;

36 (e) Nursery schools or kindergartens that are engaged primarily in
37 educational work with preschool children and in which no child is
38 enrolled on a regular basis for more than four hours per day;

1 (f) Schools, including boarding schools, that are engaged primarily
2 in education, operate on a definite school year schedule, follow a
3 stated academic curriculum, accept only school-age children, and do not
4 accept custody of children;

5 (g) Seasonal camps of three months' or less duration engaged
6 primarily in recreational or educational activities;

7 (h) Facilities providing child care for periods of less than
8 twenty-four hours when a parent or legal guardian of the child remains
9 on the premises of the facility for the purpose of participating in:

10 (i) Activities other than employment; or

11 (ii) Employment of up to two hours per day when the facility is
12 operated by a nonprofit entity that also operates a licensed child care
13 program at the same facility in another location or at another
14 facility;

15 (i) Any agency having been in operation in this state ten years
16 before June 8, 1967, and not seeking or accepting moneys or assistance
17 from any state or federal agency, and is supported in part by an
18 endowment or trust fund;

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

22 (k) An agency located on a federal military reservation, except
23 where the military authorities request that such agency be subject to
24 the licensing requirements of this chapter;

25 (l) An agency that offers early learning and support services, such
26 as parent education, and does not provide child care services on a
27 regular basis.

28 (3) "Applicant" means a person who requests or seeks employment in
29 an agency.

30 (4) "Conviction information" means criminal history record
31 information relating to an incident which has led to a conviction or
32 other disposition adverse to the applicant.

33 (5) "Department" means the department of early learning.

34 (6) "Director" means the director of the department.

35 (7) "Employer" means a person or business that engages the services
36 of one or more people, especially for wages or salary to work in an
37 agency.

1 (8) "Enforcement action" means denial, suspension, revocation,
2 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)
3 or assessment of civil monetary penalties pursuant to RCW
4 43.215.300(3).

5 (9) "Negative action" means a court order, court judgment, or an
6 adverse action taken by an agency, in any state, federal, tribal, or
7 foreign jurisdiction, which results in a finding against the applicant
8 reasonably related to the individual's character, suitability, and
9 competence to care for or have unsupervised access to children in child
10 care. This may include, but is not limited to:

11 (a) A decision issued by an administrative law judge;

12 (b) A final determination, decision, or finding made by an agency
13 following an investigation;

14 (c) An adverse agency action, including termination, revocation, or
15 denial of a license or certification, or if pending adverse agency
16 action, the voluntary surrender of a license, certification, or
17 contract in lieu of the adverse action;

18 (d) A revocation, denial, or restriction placed on any professional
19 license; or

20 (e) A final decision of a disciplinary board.

21 (10) "Nonconviction information" means arrest, founded allegations
22 of child abuse, or neglect pursuant to chapter 26.44 RCW, or other
23 negative action adverse to the applicant.

24 (11) "Probationary license" means a license issued as a
25 disciplinary measure to an agency that has previously been issued a
26 full license but is out of compliance with licensing standards.

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

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215 RCW
30 to read as follows:

31 Child care may only be provided by persons exempt from licensing
32 under RCW 43.215.010(2) (a), (c), and (d) for one year from the date
33 child care is first provided. Thereafter, to continue to provide child
34 care the person must become licensed under this chapter.

35 **Sec. 3.** RCW 74.20.040 and 2012 1st sp.s. c 4 s 1 are each amended
36 to read as follows:

1 (1) Whenever the department receives an application for public
2 assistance on behalf of a child, or the department receives an
3 application for subsidized child care services or working connections
4 child care services, the department or the department of early learning
5 shall take appropriate action under the provisions of this chapter,
6 chapter 74.20A RCW, or other appropriate statutes of this state to
7 establish or enforce support obligations against the parent or other
8 persons owing a duty to pay support moneys.

9 (2) The secretary may accept a request for support enforcement
10 services on behalf of persons who are not recipients of public
11 assistance and may take appropriate action to establish or enforce
12 support obligations against the parent or other persons owing a duty to
13 pay moneys. Requests accepted under this subsection may be conditioned
14 upon the payment of a fee as required by subsection (6) of this section
15 or through regulation issued by the secretary. The secretary may
16 establish by regulation, reasonable standards and qualifications for
17 support enforcement services under this subsection.

18 (3) The secretary may accept requests for support enforcement
19 services from child support enforcement agencies in other states
20 operating child support programs under Title IV-D of the social
21 security act or from foreign countries, and may take appropriate action
22 to establish and enforce support obligations, or to enforce subpoenas,
23 information requests, orders for genetic testing, and collection
24 actions issued by the other agency against the parent or other person
25 owing a duty to pay support moneys, the parent or other person's
26 employer, or any other person or entity properly subject to child
27 support collection or information-gathering processes. The request
28 shall contain and be accompanied by such information and documentation
29 as the secretary may by rule require, and be signed by an authorized
30 representative of the agency. The secretary may adopt rules setting
31 forth the duration and nature of services provided under this
32 subsection.

33 (4) The department may take action to establish, enforce, and
34 collect a support obligation, including performing related services,
35 under this chapter and chapter 74.20A RCW, or through the attorney
36 general or prosecuting attorney for action under chapter 26.09, 26.18,
37 26.20, 26.21A, or 26.26 RCW or other appropriate statutes or the common
38 law of this state.

1 (5) Whenever a support order is filed with the Washington state
2 support registry under chapter 26.23 RCW, the department may take
3 appropriate action under the provisions of this chapter, chapter 26.23
4 or 74.20A RCW, or other appropriate law of this state to establish or
5 enforce the support obligations contained in that order against the
6 responsible parent or other persons owing a duty to pay support moneys.

7 (6) The secretary, in the case of an individual who has never
8 received assistance under a state program funded under part A and for
9 whom the state has collected at least five hundred dollars of support,
10 shall impose an annual fee of twenty-five dollars for each case in
11 which services are furnished, which shall be retained by the state from
12 support collected on behalf of the individual, but not from the first
13 five hundred dollars of support. The secretary may, on showing of
14 necessity, waive or defer any such fee or cost.

15 (7) Fees, due and owing, may be retained from support payments
16 directly or collected as delinquent support moneys utilizing any of the
17 remedies in this chapter (~~(74.20—RCW)~~), chapter 74.20A RCW, chapter
18 26.21A RCW, or any other remedy at law or equity available to the
19 department or any agencies with whom it has a cooperative or
20 contractual arrangement to establish, enforce, or collect support
21 moneys or support obligations.

22 (8) The secretary may waive the fee, or any portion thereof, as a
23 part of a compromise of disputed claims or may grant partial or total
24 charge off of said fee if the secretary finds there are no available,
25 practical, or lawful means by which said fee may be collected or to
26 facilitate payment of the amount of delinquent support moneys or fees
27 owed.

28 (9) The secretary shall adopt rules conforming to federal laws,
29 including but not limited to complying with section 7310 of the federal
30 deficit reduction act of 2005, 42 U.S.C. Sec. 654, and rules and
31 regulations required to be observed in maintaining the state child
32 support enforcement program required under Title IV-D of the federal
33 social security act. The adoption of these rules shall be calculated
34 to promote the cost-effective use of the agency's resources and not
35 otherwise cause the agency to divert its resources from its essential
36 functions.

1 **Sec. 4.** RCW 74.20.330 and 2012 1st sp.s. c 4 s 2 are each amended
2 to read as follows:

3 (1) Whenever public assistance is paid under a state program funded
4 under Title IV-A of the federal social security act as amended by the
5 personal responsibility and work opportunity reconciliation act of
6 1996, and the federal deficit reduction act of 2005, each applicant or
7 recipient is deemed to have made assignment to the department of any
8 rights to a support obligation from any other person the applicant or
9 recipient may have in his or her own behalf or in behalf of any other
10 family member for whom the applicant or recipient is applying for or
11 receiving public assistance, including any unpaid support obligation or
12 support debt which has accrued at the time the assignment is made.

13 (2) Payment of public assistance under a state-funded program, or
14 a program funded under Title IV-A, IV-E, or XIX of the federal social
15 security act as amended by the personal responsibility and work
16 opportunity reconciliation act of 1996 shall:

17 (a) Operate as an assignment by operation of law; and

18 (b) Constitute an authorization to the department to provide the
19 assistance recipient with support enforcement services.

20 (3) Payment for subsidized child care services or working
21 connections child care services shall constitute an authorization to
22 the department to provide the recipient of the subsidy with support
23 enforcement services. The department is authorized to collect, but not
24 retain, child support payments under this subsection.

25 (4) Effective October 1, 2008, whenever public assistance is paid
26 under a state program funded under Title IV-A of the federal social
27 security act as amended by the personal responsibility and work
28 opportunity reconciliation act of 1996, and the federal deficit
29 reduction act of 2005, a member of the family is deemed to have made an
30 assignment to the state any right the family member may have, or on
31 behalf of the family member receiving such assistance, to support from
32 any other person, not exceeding the total amount of assistance paid to
33 the family, which accrues during the period that the family receives
34 assistance under the program.

35 **Sec. 5.** RCW 43.215.135 and 2012 c 253 s 5 and 2012 c 251 s 1 are
36 each reenacted and amended to read as follows:

37 (1) The department shall establish and implement policies in the

1 working connections child care program to promote stability and quality
2 of care for children from low-income households. Policies for the
3 expenditure of funds constituting the working connections child care
4 program must be consistent with the outcome measures defined in RCW
5 74.08A.410 and the standards established in this section intended to
6 promote continuity of care for children.

7 (2) As a condition of receiving a child care subsidy or a working
8 connections child care subsidy, the applicant or recipient must seek
9 child support enforcement services from the department of social and
10 health services, division of child support, unless the department finds
11 that the applicant or recipient has good cause not to cooperate.

12 (3) Beginning in fiscal year 2013, authorizations for the working
13 connections child care subsidy shall be effective for twelve months
14 unless a change in circumstances necessitates reauthorization sooner
15 than twelve months. The twelve-month certification applies only if the
16 enrollments in the child care subsidy or working connections child care
17 program are capped.

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