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## Children, Youth & Families Committee

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### HB 1454

**Brief Description:** Concerning illegal, unlicensed child care.

**Sponsors:** Representatives Gregerson, Leavitt, Lekanoff, Ormsby, Bronoske, Hackney and Harris-Talley.

#### Brief Summary of Bill

- Authorizes the Department of Children, Youth, and Families (DCYF) to take additional actions in response to child care providers operating without a license when licensure is required, including issuing a cease and desist order and posting a notice on the premises.
- Requires the DCYF, the Washington Association of Sheriffs and Police Chiefs, and the Washington Association of Prosecuting Attorneys to jointly develop a model policy related to responding to complaints alleging that someone is providing illegal, unlicensed child care.

**Hearing Date:** 2/8/21

**Staff:** Luke Wickham (786-7146).

#### **Background:**

##### *Child Care Licensure.*

Certain persons and entities that provide child care and early learning services outside a child's home are required to obtain a license from the Department of Children, Youth, and Families. Certain persons and entities are exempted from child care licensure requirements, such as:

- persons related to a child;
- persons caring for a neighbor's child where the person providing care for less than 24 hours does not conduct this activity on an ongoing, regularly scheduled basis for the

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- purpose of engaging in business;
- parents on a mutually cooperative basis exchanging care of one another's children;
- nursery schools where children attend four hours or less per day;
- schools that accept only school age children;
- seasonal camps lasting three or fewer months;
- facilities providing child care for periods of less than 24 hours when a parent remains on the premises of the facility for certain purposes;
- recreational or educational programming for school age children that meets certain requirements;
- government operated programs;
- programs on a federal military reservation; and
- programs offering early learning and support services, such as parent education.

#### *Illegal, Unlicensed Child Care.*

When the DCYF suspects that an agency is providing child care services without a license, the DCYF must send notice to that agency within 10 days. If the child care provider does not initiate licensing within 30 days of the date of this notice, the DCYF is required to post on its website that the agency is providing child care without a license.

The DCYF may assess civil penalties upon proof that a child care provider required to obtain licensure is operating without a license. These civil penalties cannot exceed \$150 per violation for a family day care home and \$250 for a child day care center.

A child care provider required to obtain licensure that is operating without a license is guilty of a misdemeanor offense.

#### **Summary of Bill:**

In response to child care providers operating without a license when a license is required, the Department of Children, Youth, and Families (DCYF) is authorized to:

- request that the person voluntarily provide the names of parents whose children received child care from the provider so that the DCYF can contact the parents to inform them about licensed child care providers in the area, the DCYF must waive any penalties against a provider that offers these names within 30 days and the:
  - provider is no longer operating without a license; and
  - no children were harmed while in the care of the provider;
- issue a cease and desist order; and
- post a notice on the premises of the child care provider indicating that child care services were provided without a license when licensure is required.

The DCYF, the Washington Association of Sheriffs and Police Chiefs (WASPC), and the Washington Association of Prosecuting Attorneys must jointly develop a model policy related to responding to complaints alleging that someone is providing illegal, unlicensed child care. This model policy must include the appropriate:

- roles for the DCYF and law enforcement in responding to these complaints;
- occasions when the DCYF should involve law enforcement; and
- criteria to use in determining whether civil penalties or criminal charges should be pursued.

The DCYF and the WASPC are required to submit a report based on the model policy described above by November 1, 2021.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2021.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.