

Department of Early Learning

10.4.1

Unlicensed Care Procedure

1. DEL licensing staff will encourage the referent to call DSHS CA intake line to report an allegation that an individual is providing unlicensed child care. If this does not occur DEL staff will ensure that the referral is reported.
2. When DEL licensing staff receives an intake for unlicensed care, the licensor shall send written notice to the individual within 10 business days, using 10.10.4 Inquiry to Potentially Unlicensed Provider Letter and the 10.10.19 Declaration of Exemption Form.
3. If an unlicensed complaint screens in for a DLR/CPS investigation, the licensor will coordinate a site visit with DLR/CPS and hand deliver the 10.10.4 Inquiry to Potentially Unlicensed Provider and the 10.10.19 Declaration of Exemption Form. The licensor will attempt to have the potential unlicensed provider sign a Declaration of Personal Service and Proof of Receipt.
4. If the complaint is non- CPS and the licensor is unable to speak with the individual the licensor must hand deliver or send 10.10.4 Inquiry to Potentially Unlicensed Provider and the 10.10.19 Declaration of Exemption Form by certified mail.
5. If there are numerous unlicensed complaints or serious health and safety allegations, and/or the individual has been previously licensed, the licensor will attempt a site visit.
6. If an individual fails to return the Declaration of Exemption Form within 10 business days, the licensor must follow up with a site visit.
7. The licensor will staff unlicensed complaints with the licensing supervisor, who will then staff with the Regional Administrator (RA) and AAG regarding the need for adverse actions. .
8. The licensor will review the Declaration of Exemption Form provided by the individual to determine the licensing/exempt status. If an individual is in compliance with RCW 43.215 and exempt from licensing, the licensor will send the 10.10.6 (b) Complaint Closed "Not Valid" Letter.
9. If an individual is not in compliance and needs to be licensed, the licensor will send a 10.10.6 (a) Complaint Closed "Valid" Letter explaining the requirement and the process to become licensed.
10. If the potentially unlicensed provider fails to cooperate, the licensor will follow-up with the supervisor for enforcement action. This may include civil penalties, injunction or a referral to law enforcement. (Refer to 10.2.7 Civil Penalty Policy and Procedure and 10.10.16 Notice of Imposition of Civil Penalties for Unlicensed Child Care).
11. If the unlicensed provider continues to provide child care after receiving a valid finding letter and notice to stop providing child care, the supervisor will complete 10.1.9.30 Unlicensed Care to Law Enforcement Letter and send the letter and copies of DEL's documentation to local law enforcement.