

DCYF_LD_Group Care

Understanding Compliance, Monitoring, Regulation, and Provider Rights

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Washington State Department of
CHILDREN, YOUTH & FAMILIES

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WAC 110-145-3540 Compliance agreements and exceptions

NEW SECTION

WAC 110-145-3540 Compliance agreements and exceptions.

- (1) The department may:
 - (a) Take one or both of the following actions for the safety and well-being of the children and youth in care:
 - (i) Limit or restrict a license; or
 - (ii) Require licensees to enter into a compliance agreement; and
 - (b) Make exceptions to license an applicant or continue to license a licensee if they do not meet the minimum licensing regulations but can demonstrate that they can provide for the safety and well-being of the children and youth in care.
- (2) Licensees:
 - (a) Must keep a copy of any approved exceptions to the licensing regulations on the premises.
 - (b) Do not have appeal rights if the department denies a request for an exception to the licensing regulations.

WAC 110-145-3550 Probationary licenses

NEW SECTION

WAC 110-145-3550 Probationary licenses.

- (1) The department:
 - (a) May issue a probationary license to correct a deficiency as outlined in RCW 74.15.125; and
 - (b) Will consider the following when deciding whether to issue a probationary license:
 - (i) Intentional or negligent violation of licensing regulations;
 - (ii) History of violation of licensing regulations;
 - (iii) Current violations of licensing regulations;
 - (iv) Whether licensees are making a good faith effort to comply; and
 - (v) Other factors relevant to the specific situation.
- (2) Licensees do not have appeal rights if the department decides to not issue a probationary license.

WAC 110-145-3560 Enforcement actions, notices, and appeals

NEW SECTION

WAC 110-145-3560 Enforcement actions, notices, and appeals.

The department:

(1) May take action against a licensee's license:

(a) Including:

(i) Modification;

(ii) Denial;

(iii) Suspension; or

(iv) Revocation; and

(b) When licensees:

(i) Do not meet the minimum licensing regulations in this chapter;

(ii) Have not met the background check requirements;

(iii) Have been determined by the department to have abused or neglected a child or youth;

(iv) Have committed, permitted, or assisted in an illegal act on the premises of a facility providing care to children or youth;

(v) Are unable to manage the premises and financial responsibilities;

(vi) Tried to get a license by deceitful means, including making false statements or omitting critical information on the application;

(vii) Knowingly allowed personnel who made false statements or omitted critical information on their applications to work at the agency;

(viii) Cannot provide for the safety and well-being of the children or youth in care; or

(ix) Have children or youth in facilities for whom they are not licensed, without approval by the licenser. This includes having children or youth outside of the licensee's allowed:

(A) Capacity;

(B) Age; or

(C) Gender;

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(2) Will send a certified letter to licensees informing them of:

(a) The decision to take action against the license; and

(b) Their appeal rights as outlined in chapter 110-03 WAC;

(3) Has jurisdiction over:

(a) All licenses issued by the department;

(b) All applicants for licenses; and

(c) Licensees as outlined in RCW 74.15.030; and

(4) Retains jurisdiction even if:

(a) An applicant requests to withdraw the application; or

(b) A licensee surrenders or fails to renew their license.

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