

PROCEDURE

Cancels: 10.4.1 Managing Unlicensed Child Care Complaints

See also: POL 10.4.1; POL 10.3.1; PRO 10.3.1, TSK 10.3.1; RCW 43.216; 110-300; 110-301

Approved by: Travis Hansen

PRO 10.4.1 MANAGING UNLICENSED CHILD CARE COMPLAINTS

Action by:

Action:

Licensing Staff

1. **Receives** notification that unlicensed care intake report has been received.

Supervisor

2. **Reviews** intake for unlicensed care and possible rescreen for LD/CPS.
 - 2a. If there are no unlicensed care WAC allegations, **creates** a complaint case per WA Compass User Manual and **screens** out intake.
 - 2b. If LD/CPS requests verification that an allegation meets the definition of illegal unlicensed child care, **responds** immediately with decision.
 - 2c. If rescreen is necessary, **communicates** with LD/CPS Supervisor about rescreen within 1 business day or upon receipt of additional information, **documents** communication and **waits** for screening decision.
 - 2d. If there are unlicensed care allegations present, **consults** with Licensor, as needed.
3. **Checks** WA Compass to determine if linked to Family, Friends and Neighbors (FFN).
 - 3a. If allegation does not include a link to FFN in WA Compass, **skips** to **step 4**.
 - 3b. If allegation includes a link to FFN in WA Compass, **contacts** FFN at dcyf.ffn@dcyf.wa.gov to determine how to proceed.
4. **Reviews** referral information, **creates** a provider case, **copies** intake allegations directly from Famlink and **assigns** to Licensor within one business day of receiving intake allegations per WA Compass User Manual.

- Licensing Staff 5. Marks any self-reported intakes in WA Compass.
- Licensors 6. If LD/CPS not involved, **moves to step 7**. If LD/CPS is involved:
- **Communicates** with LD CPS investigator/supervisor about independent inspections/investigations.
 - If investigator requests the visit is delayed beyond 5 days, **discusses** with Supervisor and **documents** if a visit will be delayed.
 - **Consults** with Supervisor to determine if licensing enforcement action is necessary.
- Licensing Staff 7. **Completes** the following before the unlicensed care visit:
- Contacting the referrer or other appropriate collateral contacts (as time permits)
 - Reviewing referral information and complaint history
 - Consulting with Supervisor on unlicensed care visit
- Licensors 8. **Conducts** an unannounced visit to determine if unlicensed care is being provided within five business days except when an alternate plan is approved by a Supervisor. If it is received in the evening after the Licensing Staff has left, it still counts as the first business day until midnight.
- 8a. If LD/CPS or law enforcement is involved, **waits** for notification from LD/CPS/Law Enforcement that initial interviews have concluded before conducting visit. If unable to wait, **discusses** with Supervisor and LD/CPS investigator before proceeding.
- Supervisor 8b. Any visit or alternate plan over five business days must be pre-approved and documented by the Supervisor in WA Compass.
- Licensing Staff 9. **Hand delivers** *DCYF 15-976 Inquiry to Potentially Unlicensed Provider* and *DCYF 15-977 Declaration of Exemption from DCYF's Child Care Licensing Requirements* during unannounced visit. **Completes** *DCYF 15-903 Declaration of Personal Service*.
- 9a. If unable to hand deliver, **sends** by certified mail *DCYF 15-976 Inquiry to Potentially Unlicensed Provider* and *DCYF 15-977 Declaration of Exemption* within 10 business days of receiving intake allegations.

Licensors

10. **Reviews** returned Declaration of Exemption from alleged provider and information gathered during unlicensed visit to determine if unlicensed care is being provided.

10a. If the Declaration of Exemption is not returned within 10 business days of their receipt of letter, the unlicensed complaint may result in a valid finding.

11. **Documents** each licensing activity within 10 business days.

12. **Consults** with Supervisor to review complaint findings and any course of action related to findings.

13. **Writes** and **submits** complaint letter to supervisor using *DCYF 09-195 Child Care Licensing Complaint-Valid Finding (Unlicensed)* or *DCYF 09-181 Child Care Licensing Complaint - Not Valid Finding (Unlicensed)* and supporting documentation:

- **Submits** finding to Supervisor at least 10 business days prior to 45-day deadline to allow time for review.
- DCYF findings must be related to unlicensed complaint allegations only and be based on information found during the complaint process.

13a. If LD/CPS is involved, **submits** findings and letters after LD/CPS has closed their case unless approved by a supervisor.

Supervisor

14. **Approves** final findings in WA Compass and complaint decision letter and **documents** note in WA Compass.

Licensing Staff

15. **Distributes** finding letter within 10 business days of final finding approval.

15a. Valid finding letters must be sent by certified mail or hand delivery with proof of service *DCYF 15-903 Declaration of Personal Service*.

15b. Not valid finding letters may be sent by regular mail or hand delivered.

16. If a violation dispute is requested, **follows** [POL/PRO 10.1.4 Managing Child Care Violation Dispute Process](#) and **requests** WA Compass reopens complaint for completion.

17. **Documents** licensing activities within 10 business days.

CONTINUED/REPEATED UNLICENSED CARE:

18. **Discusses** continued/repeated unlicensed care with Area Administrator (AA).
- Supervisor
19. **Advises** use of one or more of the following:
- Area Administrator
- Cease and Desist letter (Consults with AAG – May use letter *DCYF 09-193 Notice to Cease and Desist*)
 - *15-916 Law Enforcement Letter-Unlicensed Child Care*
 - Order Granting Permanent Injunction
 - *DCYF 09-189 Notice of Imposition of Civil Penalties for Unlicensed Child Care*, follows [POL/PRO 10.2.7 Assessing Civil Monetary Penalties \(Fines\)](#)
20. **Prepares** letter(s) and **sends** to Supervisor.
- Licensing Staff
21. **Approves** letter(s) and **sends** to AA.
- Supervisor
- 21a. **Consults** with AAG as needed on legal letters.
22. **Approves** letter(s) and **returns** to licensing staff for distribution.
- Area Administrator
23. **Distributes** letters and documentation to intended parties.
- Licensing Staff
24. **Documents** licensing activities within 10 business days.