

## Department of Early Learning

### 10.2.7

#### Civil Penalty Procedure

1. DEL may impose a civil penalty (fine) under the following conditions:
  - a. A facility not exempt from licensing as stated in RCW 43.215.010 and is providing unlicensed child care;
  - b. Any violation of the WAC or RCW.

#### Intent to Fine

2. The licensor must notify the licensee in writing of DEL's intention to impose a fine:
  - a. For licensed facilities, this will be accomplished by the completion of a Compliance Agreement in accordance with the department's compliance agreement policy and procedure.
  - b. For unlicensed facilities, the notice of intent to impose a fine is included in the DEL letter 10.10.4 Inquiry to Potentially Unlicensed Child Care Provider.

#### Imposition of a Fine

3. If DEL imposes a fine on a licensed or unlicensed Child Care facility the licensor must:
  - a. Staff with the supervisor;
  - b. Complete the notice to the provider using 10.10.15 Notice of Imposition of Civil Penalties on Licensed Child Care Letter for the supervisor's review and signature or complete a notice to the provider using 10.10.16 Notice of Imposition of Civil Penalties Letter on Unlicensed Child Care; and
  - c. Document in a FamLink provider note the assessment, amount of the fine and approval.
4. The supervisor must:
  - a. Obtain Regional Administrator (RA) approval before imposing any fines.
  - b. Email 10.10.15 Notice of Imposition of Civil Penalties on Licensed Child Care letter to OFR at [VENDOROP@dshs.wa.gov](mailto:VENDOROP@dshs.wa.gov).
5. The RA must obtain Child Care State Licensing Administrator (CCSLA) approval for fines that exceed the amount of \$5000.
6. DEL personnel will follow up at the annual compliance review to determine if payment has been made by utilizing the Vendor Accounts Receivable (VAR) at <http://fsa.dshs.wa.gov/reporting/default.asp>
7. Civil penalties may not exceed \$250 per day, per violation at a child care center or school age program.
8. Civil penalties may not exceed \$150 per day, per violation at a family child care home and must be paid within 28 calendar days after the licensee receives the notice, unless:

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- a. A payment plan has been requested and approved; or
  - b. The licensee requests a hearing.
9. Fines may be imposed in addition to and at the same time as other legal actions against a child care facility.
10. The licensee and an unlicensed facility have a right to a hearing under RCW 43.215.307 and WAC 170-03. If the civil penalty is overturned at a hearing the licensor must notify OFR at [VENDOROP@dshs.wa.gov](mailto:VENDOROP@dshs.wa.gov)
11. The 10.10.15 Notice of Imposition of Civil Penalties on Licensed Child Care Facility must be posted in the facility in a location where it is visible by both child care staff, parents and guardians. This will be posted:
  - a. In a center until DEL notifies the licensee that payment has been received.
  - b. In a family home for two weeks or until the violation is corrected, whichever is longer.