



Senate Public Health and Welfare

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SB 312

Written by:

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Testimony of:

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Chair Suellentrop, Vice-Chair Berger, and Ranking Member Bollier, thank you for the opportunity to provide written testimony in support of SB 312. SB 312 proposes to amend K.S.A. 65-526 to expand the reasons the Kansas Department of Health and Environment (KDHE) may assess a civil fine for violations of the Child Care Act.

The Child Care Act, K.S.A.65-501 et. seq, makes it unlawful to conduct or maintain a child care facility without a temporary permit or license. Facilities operating without a license are not inspected or monitored by KDHE; without proper inspections and monitoring, centers and family child care homes may not be aware of applicable guidelines and information on foundational health and safety standards to ensure they are adequately protecting the children in their care. SB 312 increases these protections for children in care by serving as a deterrent to illegal care, and potentially increasing the number of licensed and inspected child care facilities. Quality care settings are essential to early brain development as well as the social-emotional and physical development of the children in care.

Further, criminal history and child abuse and neglect registry background checks are not conducted on individuals operating without a license issued by KDHE. Parents have no assurance that the individuals caring for their children do not have prior records of behavior that could endanger children.

Child care facilities licensed by KDHE which meet the health and safety regulations required within the federal Child Care Development Block Grant Act of 2014 – including initial and annual health and safety inspections, and comprehensive background checks for staff -- are eligible to apply to become a DCF child care subsidy provider. An increase in licensed child care providers may also lead to an increase in the number of providers enrolled with DCF to offer additional child care alternatives to low-income families in Kansas.

Amending K.S.A.65-526 would allow KDHE to assess a civil fine when an individual -- after written notification and an opportunity to comply with the law -- continues to provide child care without a license. Upon finding that any person continues to violate K.S.A. 65-501, KDHE may assess a \$1,000 fine for each violation. The fine would not be applicable in situations where licensure does not apply; for example, a license is not required when a child care provider is related to the children in their care, when care is provided in the child's home, when occasional care is provided by a friend or neighbor, or when a provider cares for one or two children for up to 20 total hours per week.

Existing, long-standing process and protocol is in place for addressing illegal care. This proposed amendment to K.S.A.65-526 to expand the reasons KDHE may assess a civil fine for violations of the Child Care Act (K.S.A.65-501 et. seq.) has the potential to

protect children and prevent harm by moving unlicensed providers into licensed facility status.

Thank you for the opportunity to provide testimony in support of this bill.