

# HOUSE BILL REPORT

## HB 2835

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### As Passed Legislature

**Title:** An act relating to requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation.

**Brief Description:** Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation.

**Sponsors:** By Representatives Kagi, Roberts, Loomis, Morrell, Kenney and Haigh; by request of Department of Social and Health Services.

### Brief History:

#### Committee Activity:

Early Learning & Children's Services: 1/24/08 [DP].

#### Floor Activity:

Passed House: 2/12/08, 96-0.

Senate Amended.

Passed Senate: 3/7/08, 49-0.

House Concurred.

Passed House: 3/10/08, 95-0.

Passed Legislature.

### Brief Summary of Bill

- Allows a delayed completion of mandatory fingerprint-based background checks when the Department of Social and Health Services (DSHS) must place a child in out-of-home care in emergency situations.
- Requires the DSHS to conduct a check of available databases for information regarding civil findings or criminal convictions in foreign countries and other states where a foster parent license applicant has resided prior to application for licensure.

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### HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman, Hinkle and Pettigrew.

**Staff:** Sydney Forrester (786-7120).

**Background:**

Whenever a child is placed in out-of-home care by the Department of Social and Health Services (DSHS), federal and state laws require fingerprint-based background checks be completed on all potential caretakers in the home. In exigent circumstances, such as in the middle of the night, the DSHS Children's Administration (CA) completes an initial background check using name and date-of-birth, followed by a comprehensive fingerprint-based background check, which must be completed within 14 days.

Federal rules allow for the delayed completion of mandatory fingerprint-based background checks in exigent circumstances, but only if state statute also allows for the delayed submission of fingerprints. In July 2007 the Federal Bureau of Investigation (FBI) granted Washington temporary authority to utilize the delayed submission of fingerprints rule, conditioned on Washington's adoption of a state statute allowing for the same process. The temporary authority granted by the FBI expires in March 2008.

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**Summary of Bill:**

When the CA must place a child in out-of-home care in an emergency situation, the CA shall complete a name and date-of-birth background check on all potential caregivers in the home. Within 14 days of receiving the results of the name and date-of-birth check, the CA must submit a full set of each caregiver's fingerprints to the Washington State Patrol (WSP) for completion of the comprehensive background check. If any adult in the home refuses to provide fingerprints or permission to perform the comprehensive background check, the CA must immediately remove the child from the home.

If, based on the initial name and date-of-birth background check, a potential caregiver is disqualified as a placement resource, the potential caregiver may contest the denial by submitting to the CA a full set of fingerprints for purposes of completing a comprehensive background check.

A definition of "emergency placement" is established to include those limited circumstances when a child is placed in the home of an unlicensed caregiver, including neighbor, friend, or relative, as a result of a sudden unavailability of the child's primary caregiver.

When processing a foster parent license application, the CA must inquire whether the applicant has resided in another state or foreign country, and if so, the CA must check databases available through the WSP and the FBI for information regarding civil findings or criminal convictions bearing on the fitness of the applicant for a foster parent license.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) This bill brings state law into compliance with federal rules allowing for the delayed submission of fingerprints in emergency placement situations and is important in allowing the state continued access to the federal criminal history database for background checks.

(Opposed) None.

**Persons Testifying:** Representative Kagi, prime sponsor; and Cheryl Stephani, Department of Social and Health Services - Children's Administration.

**Persons Signed In To Testify But Not Testifying:** None.