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## Early Learning & Human Services Committee

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### SSB 5565

**Brief Description:** Concerning background checks for individuals seeking a license under chapter 74.13 RCW or unsupervised access to children.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Keiser, Harper, Nelson, Kohl-Welles, McAuliffe and Kline).

#### Brief Summary of Substitute Bill

- Specifies when the Department of Social and Health Services (DSHS) may not delay or deny licensure or unsupervised access to children based on information obtained or not obtained during background check processes.
- Requires the DSHS to charge a processing fee for out-of-state background and child abuse and neglect check requests.
- Specifies that the courts are able to place children with a relative or other suitable person prior to completing a background check.
- Requires the DSHS to convene a work group to explore the possibility of creating a certificate of suitability for any person who has successfully completed supported services offered through child welfare system.

**Hearing Date:** 3/21/13

**Staff:** Lindsay Lanham (786-7120).

#### **Background:**

The DSHS is required to conduct criminal background checks and abuse and neglect history checks for a person applying for employment with a business or organization that contracts with or is licensed by the DSHS, a person completing a foster care license application, or a person volunteering to be a relative placement for a child. Once background checks are completed, the

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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.*

DSHS uses the Secretary's List of Crimes and Negative Actions, also known as the Secretary's List, to inform an assessment of a person's suitability, character, and competence and provide guidance to field staff as they make decisions pertaining to safety. The Secretary's List is an actual list of standardized offenses based on federal and state laws and regulations that can permanently or temporarily disqualify a person from having unsupervised access to vulnerable adults, juveniles, and children. While some crimes can permanently prohibit a person from having unsupervised contact with vulnerable populations (example: rape of a child), other crimes have a specific timeframe for which they are considered barring offenses (example: forgery-five years). The Secretary of the DSHS has the authority to approve what offenses comprise the Secretary's List.

**Summary of Bill:**

The DSHS may not delay or deny licensure or approval of unsupervised access to children based solely on a crime or civil infraction that is not on the Secretary's List of Crimes and Negative Actions and does not relate directly to child safety. The DSHS may also not delay licensure or approval of unsupervised access to children by requiring an individual to obtain records relating to a crime or civil infraction that is not on the Secretary's List and is not a permanent disqualifier according to the Secretary's List. Additionally, the DSHS may not be held civilly liable based upon a decision to grant unsupervised access to children if the background check relied upon at the time the decision was made did not indicate a child safety concern. The DSHS is further required to charge a fee to process out-of-state requests for background and child abuse and neglect checks. The court has the authority to place a child with a relative or other suitable person prior to the completion of the background check, if the relative or other suitable person appears otherwise suitable and competent to provide care for a child. Finally, the DSHS is required to convene a work group to explore the possibility of creating a certificate of suitability for any person who has successfully completed supported services offered through the child welfare system.

**Appropriation:** None.

**Fiscal Note:** Requested on March 20, 2013.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.