
SUBSTITUTE HOUSE BILL 2535

State of Washington

63rd Legislature

2014 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Freeman, Goodman, Walsh, Kochmar, S. Hunt, Wylie, Stonier, Haler, Scott, Sawyer, Kagi, Green, and Haigh)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to review of licensing and employment decisions by
2 the children's administration; and reenacting and amending RCW
3 74.15.030.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
6 each reenacted and amended to read as follows:

7 The secretary shall have the power and it shall be the secretary's
8 duty:

9 (1) In consultation with the children's services advisory
10 committee, and with the advice and assistance of persons representative
11 of the various type agencies to be licensed, to designate categories of
12 facilities for which separate or different requirements shall be
13 developed as may be appropriate whether because of variations in the
14 ages, sex and other characteristics of persons served, variations in
15 the purposes and services offered or size or structure of the agencies
16 to be licensed hereunder, or because of any other factor relevant
17 thereto;

18 (2) In consultation with the children's services advisory
19 committee, and with the advice and assistance of persons representative

1 of the various type agencies to be licensed, to adopt and publish
2 minimum requirements for licensing applicable to each of the various
3 categories of agencies to be licensed.

4 The minimum requirements shall be limited to:

5 (a) The size and suitability of a facility and the plan of
6 operation for carrying out the purpose for which an applicant seeks a
7 license;

8 (b) Obtaining background information and any out-of-state
9 equivalent, to determine whether the applicant or service provider is
10 disqualified and to determine the character, competence, and
11 suitability of an agency, the agency's employees, volunteers, and other
12 persons associated with an agency;

13 (c) Conducting background checks for those who will or may have
14 unsupervised access to children, expectant mothers, or individuals with
15 a developmental disability;

16 (d) Obtaining child protective services information or records
17 maintained in the department case management information system. No
18 unfounded allegation of child abuse or neglect as defined in RCW
19 26.44.020 may be disclosed to a child-placing agency, private adoption
20 agency, or any other provider licensed under this chapter;

21 (e) Submitting a fingerprint-based background check through the
22 Washington state patrol under chapter 10.97 RCW and through the federal
23 bureau of investigation for:

24 (i) Agencies and their staff, volunteers, students, and interns
25 when the agency is seeking license or relicense;

26 (ii) Foster care and adoption placements; and

27 (iii) Any adult living in a home where a child may be placed;

28 (f) If any adult living in the home has not resided in the state of
29 Washington for the preceding five years, the department shall review
30 any child abuse and neglect registries maintained by any state where
31 the adult has resided over the preceding five years;

32 (g) The cost of fingerprint background check fees will be paid as
33 required in RCW 43.43.837;

34 (h) National and state background information must be used solely
35 for the purpose of determining eligibility for a license and for
36 determining the character, suitability, and competence of those persons
37 or agencies, excluding parents, not required to be licensed who are
38 authorized to care for children or expectant mothers;

1 (i) The number of qualified persons required to render the type of
2 care and treatment for which an agency seeks a license;

3 (j) The safety, cleanliness, and general adequacy of the premises
4 to provide for the comfort, care and well-being of children, expectant
5 mothers or developmentally disabled persons;

6 (k) The provision of necessary care, including food, clothing,
7 supervision and discipline; physical, mental and social well-being; and
8 educational, recreational and spiritual opportunities for those served;

9 (l) The financial ability of an agency to comply with minimum
10 requirements established pursuant to chapter 74.15 RCW and RCW
11 74.13.031; and

12 (m) The maintenance of records pertaining to the admission,
13 progress, health and discharge of persons served;

14 (3) To investigate any person, including relatives by blood or
15 marriage except for parents, for character, suitability, and competence
16 in the care and treatment of children, expectant mothers, and
17 developmentally disabled persons prior to authorizing that person to
18 care for children, expectant mothers, and developmentally disabled
19 persons. However, if a child is placed with a relative under RCW
20 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
21 and competent to provide care and treatment the criminal history
22 background check required by this section need not be completed before
23 placement, but shall be completed as soon as possible after placement;

24 (4) ~~((On reports of alleged child abuse and neglect,))~~ To provide
25 background check information on potential employees with agencies
26 contracting with the children's administration after receiving written
27 permission to share the background check with the potential employee.
28 The contracting agency may then use the background check to determine
29 whether or not to hire the potential employee. If a contracting agency
30 chooses to hire an individual that would be precluded from employment
31 with the department based on a disqualifying crime or negative action,
32 the contracting agency will assume all liability for the employment
33 decision;

34 (5) To investigate agencies in accordance with chapter 26.44 RCW,
35 including child day-care centers and family day-care homes, to
36 determine whether the alleged abuse or neglect has occurred, and
37 whether child protective services or referral to a law enforcement
38 agency is appropriate;

1 ~~((+5))~~ (6) To issue, revoke, or deny licenses to agencies pursuant
2 to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
3 category of care which an agency is authorized to render and the ages,
4 sex and number of persons to be served;

5 ~~((+6))~~ (7) To prescribe the procedures and the form and contents
6 of reports necessary for the administration of chapter 74.15 RCW and
7 RCW 74.13.031 and to require regular reports from each licensee;

8 ~~((+7))~~ (8) To inspect agencies periodically to determine whether
9 or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and
10 the requirements adopted hereunder;

11 ~~((+8))~~ (9) To review requirements adopted hereunder at least every
12 two years and to adopt appropriate changes after consultation with
13 affected groups for child day-care requirements and with the children's
14 services advisory committee for requirements for other agencies; and

15 ~~((+9))~~ (10) To consult with public and private agencies in order
16 to help them improve their methods and facilities for the care of
17 children, expectant mothers and developmentally disabled persons.

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