

# HOUSE BILL REPORT

## HB 2239

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**As Reported By House Committee On:**  
Children & Family Services

**Title:** An act relating to background checks.

**Brief Description:** Requiring background checks of relatives before a court may place a child in the care of the relative.

**Sponsors:** Representatives Sterk, L. Thomas, Koster, Honeyford, McMahan, Schoesler, Radcliff, Carlson, Thompson, Boldt and Goldsmith.

**Brief History:**

**Committee Activity:**

Children & Family Services: 1/19/96, 1/23/96 [DPS].

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Tokuda, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Dickerson; Patterson and Sterk.

**Staff:** Douglas Ruth (786-7134).

**Background:** The secretary of the Department of Social and Health Services has a duty to conduct a background investigation of any person that is being given the authority to care for children, expectant mothers, or the developmentally disabled. Only the parents of the person to be cared for are exempt.

The investigations are conducted by the Children and Family Services division in conjunction with the Washington State Patrol (under RCW 43.43.715) and are intended to determine the character, suitability, and competence of the caretaker in providing care for the child, expectant mother or developmentally disabled person. The division conducts roughly 2,000 background checks a week, 86 percent of which are regarding child placement. Background checks associated with court orders are given priority status by the division.

The secretary is required to conduct an investigation *prior* to placement of an individual, but may make an exception for the investigation of relatives who are receiving charge of a dependent child who has been removed from his or her parents by court order or by a law enforcement agency. In these situations, the secretary is required to conduct the investigation as soon as possible after placement if the relative appears suitable and competent to provide care and treatment for the child.

No similar background check is required to be conducted by a law enforcement officer who takes a homeless or runaway child into custody and places the child with a relative or family friend.

**Summary of Substitute Bill:** The secretary is required to conduct background investigations of relatives receiving care of a dependent children no later than 24 hours after placement of the child with the relative, or 24 hours after the next working day following placement.

When law enforcement officers take custody of homeless or runaway children, they are required to conduct criminal background checks of the relatives or adults that are given custody of the children. The background check must include searches in the Washington State Patrol databases. All officers have access to these databases through their squad car computers, or through radio contact with their headquarters. The databases provide a variety of information including records of convictions, arrests, and names of persons subject to restraining orders.

If an officer finds reasonable cause to believe that the safety or welfare of a child would be jeopardized by placing the child with the adult or relative, the officer is directed to take the child to a residential center facility after attempting to notify the child's parents.

**Substitute Bill Compared to Original Bill:** The original bill required that background checks of relatives receiving care of a child be conducted prior to placement, rather than within 24 hours of placement. The provision for background checks by law enforcement officers did not exist in the original bill.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill is an important measure for insuring the safety of dependent children.

**Testimony Against:** If the investigations are required prior to placement, some children might not be placed for several days because some placements occur during the weekend, and the unit which conducts background checks operates only on work days. It is important for minimizing the trauma of a displaced child to reduce the number of times a child is moved. Requiring checks 24 hours after placement or 24 hours after the next working day would solve this unintended consequence.

**Testified:** Jennifer Strus, Department of Social and Health Services (supports bill if amended as noted in "Testimony Against" section); and Don Knapp, Foster Parents Association of Washington State (same).