
SECOND SUBSTITUTE HOUSE BILL 2384

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Stevens, Cooke, Koster, Smith, D. Sommers, Campbell, McMahan, Sheahan, Radcliff, Hickel, Benton, Blanton, Hankins, Boldt, Pelesky, L. Thomas, Fuhrman, Buck, Crouse, Mastin, Goldsmith, Hargrove, Thompson, Carrell, Johnson, Lambert, Sheldon, D. Schmidt, Hymes, McMorris and Mulliken)

Read first time 02/05/96.

1 AN ACT Relating to child abuse and neglect information; amending
2 RCW 26.44.100 and 74.15.030; adding new sections to chapter 26.44 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.44 RCW
6 to read as follows:

7 To protect the privacy in reporting and the maintenance of reports
8 of nonaccidental injury, neglect, death, sexual abuse, and cruelty to
9 children by their parents, and to safeguard against arbitrary,
10 malicious, or erroneous information or actions, the department shall
11 only maintain files of reports that meet the following standards:

12 (1) For substantiated reports of child abuse and neglect, the
13 department shall maintain the information;

14 (2) For unsubstantiated reports of child abuse and neglect, the
15 department shall maintain the information for two years. At the end of
16 two years from receipt of the unsubstantiated report, the information
17 shall be purged unless an additional report has been received in the
18 intervening period. If an unsubstantiated report is determined to be

1 a maliciously made false report, the department shall immediately purge
2 the information.

3 **Sec. 2.** RCW 26.44.100 and 1993 c 412 s 17 are each amended to read
4 as follows:

5 The legislature finds parents and children often are not aware of
6 their due process rights when agencies are investigating allegations of
7 child abuse and neglect. The legislature reaffirms that all citizens,
8 including parents, shall be afforded due process, that protection of
9 children remains the priority of the legislature, and that this
10 protection includes protecting the family unit from unnecessary
11 disruption. To facilitate this goal, the legislature wishes to ensure
12 that parents and children be advised in writing and orally, if
13 feasible, of their basic rights and other specific information as set
14 forth in this chapter, provided that nothing contained in this chapter
15 shall cause any delay in protective custody action. The department
16 shall notify any person in writing if his or her name is maintained in
17 any filing system related to allegations of child abuse or neglect and
18 the person's right to appeal the inclusion of his or her name in any
19 such system.

20 **Sec. 3.** RCW 74.15.030 and 1995 c 302 s 4 are each amended to read
21 as follows:

22 The secretary shall have the power and it shall be the secretary's
23 duty:

24 (1) In consultation with the children's services advisory
25 committee, and with the advice and assistance of persons representative
26 of the various type agencies to be licensed, to designate categories of
27 facilities for which separate or different requirements shall be
28 developed as may be appropriate whether because of variations in the
29 ages, sex and other characteristics of persons served, variations in
30 the purposes and services offered or size or structure of the agencies
31 to be licensed hereunder, or because of any other factor relevant
32 thereto;

33 (2) In consultation with the children's services advisory
34 committee, and with the advice and assistance of persons representative
35 of the various type agencies to be licensed, to adopt and publish
36 minimum requirements for licensing applicable to each of the various
37 categories of agencies to be licensed.

1 The minimum requirements shall be limited to:

2 (a) The size and suitability of a facility and the plan of
3 operation for carrying out the purpose for which an applicant seeks a
4 license;

5 (b) The character, suitability, and competence of an agency and
6 other persons associated with an agency directly responsible for the
7 care and treatment of children, expectant mothers or developmentally
8 disabled persons. In consultation with law enforcement personnel, the
9 secretary shall investigate the conviction record or pending charges
10 and dependency record information under chapter 43.43 RCW of each
11 agency and its staff seeking licensure or relicensure. In determining
12 the character, suitability, and competence of an agency and other
13 persons associated with an agency directly responsible for the care and
14 treatment of children, the department shall make a determination based
15 solely on the information available under chapter 43.43 RCW. In order
16 to determine the suitability of applicants for an agency license,
17 licensees, their employees, and other persons who have unsupervised
18 access to children in care, and who have not resided in the state of
19 Washington during the three-year period before being authorized to care
20 for children shall be fingerprinted. The fingerprints shall be
21 forwarded to the Washington state patrol and federal bureau of
22 investigation for a criminal history records check. The fingerprint
23 criminal history records checks will be at the expense of the licensee
24 except that in the case of a foster family home, if this expense would
25 work a hardship on the licensee, the department shall pay the expense.
26 The licensee may not pass this cost on to the employee or prospective
27 employee, unless the employee is determined to be unsuitable due to his
28 or her criminal history record. The secretary shall use the
29 information solely for the purpose of determining eligibility for a
30 license and for determining the character, suitability, and competence
31 of those persons or agencies, excluding parents, not required to be
32 licensed who are authorized to care for children, expectant mothers,
33 and developmentally disabled persons. Criminal justice agencies shall
34 provide the secretary such information as they may have and that the
35 secretary may require for such purpose;

36 (c) The number of qualified persons required to render the type of
37 care and treatment for which an agency seeks a license;

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

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

7 (f) The financial ability of an agency to comply with minimum
8 requirements established pursuant to chapter 74.15 RCW and RCW
9 74.13.031; and

10 (g) The maintenance of records pertaining to the admission,
11 progress, health and discharge of persons served;

12 (3) To investigate any person, including relatives by blood or
13 marriage except for parents, for character, suitability, and competence
14 in the care and treatment of children, expectant mothers, and
15 developmentally disabled persons prior to authorizing that person to
16 care for children, expectant mothers, and developmentally disabled
17 persons. However, if a child is placed with a relative under RCW
18 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
19 and competent to provide care and treatment the criminal history
20 background check required by this section need not be completed before
21 placement, but shall be completed as soon as possible after placement;

22 (4) On reports of child abuse and neglect, to investigate agencies
23 in accordance with chapter 26.44 RCW, including child day-care centers
24 and family day-care homes, to determine whether the abuse or neglect
25 has occurred, and whether child protective services or referral to a
26 law enforcement agency is appropriate;

27 (5) To issue, revoke, or deny licenses to agencies pursuant to
28 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
29 category of care which an agency is authorized to render and the ages,
30 sex and number of persons to be served;

31 (6) To prescribe the procedures and the form and contents of
32 reports necessary for the administration of chapter 74.15 RCW and RCW
33 74.13.031 and to require regular reports from each licensee;

34 (7) To inspect agencies periodically to determine whether or not
35 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
36 requirements adopted hereunder;

37 (8) To review requirements adopted hereunder at least every two
38 years and to adopt appropriate changes after consultation with the
39 child care coordinating committee and other affected groups for child

1 day-care requirements and with the children's services advisory
2 committee for requirements for other agencies; and

3 (9) To consult with public and private agencies in order to help
4 them improve their methods and facilities for the care of children,
5 expectant mothers and developmentally disabled persons.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.44 RCW
7 to read as follows:

8 The department shall, by rule, establish definitions of
9 "substantiated" and "unsubstantiated." The defined terms shall be used
10 uniformly by the department in all investigations and actions involving
11 child protective services.

12 NEW SECTION. **Sec. 5.** If specific funding for the purposes of this
13 act, referencing this act by bill or chapter number, is not provided by
14 June 30, 1996, in the omnibus appropriations act, this act is null and
15 void.

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