
SUBSTITUTE SENATE BILL 6716

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl, Long, Winsley, Kline, Prentice and Rasmussen; by request of Department of Social and Health Services)

Read first time 02/06/98.

1 AN ACT Relating to background checks for persons being authorized
2 to care for children; and amending RCW 74.15.030.

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

4 **Sec. 1.** RCW 74.15.030 and 1997 c 386 s 33 are each amended to read
5 as follows:

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

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

17 (2) In consultation with the children's services advisory
18 committee, and with the advice and assistance of persons representative
19 of the various type agencies to be licensed, to adopt and publish

1 minimum requirements for licensing applicable to each of the various
2 categories of agencies to be licensed.

3 The minimum requirements shall be limited to:

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

7 (b) The character, suitability and competence of an agency and
8 other persons associated with an agency directly responsible for the
9 care and treatment of children, expectant mothers or developmentally
10 disabled persons. ~~((In consultation with law enforcement personnel,
11 the secretary shall investigate the conviction record or pending
12 charges and dependency record information under chapter 43.43 RCW of
13 each agency and its staff seeking licensure or relicensure.))~~

14 (i) In order to determine the character, suitability, and
15 competence of applicants for an agency license, licensees, their
16 employees, and other persons who have unsupervised access to children
17 in care, ~~((and))~~ the department shall:

18 (A) In consultation with law enforcement personnel, investigate the
19 conviction record or pending charges and dependency record information
20 under chapter 43.43 RCW of any such person; and

21 (B) Require that any such person who ((have)) has not resided in
22 the state of Washington during the three-year period before being
23 authorized to care for children ((shall)) be fingerprinted. The
24 fingerprints shall be forwarded to the Washington state patrol and
25 federal bureau of investigation for a criminal history records check.
26 To investigate criminal history information, the department may
27 reasonably rely on a criminal history records check of the Washington
28 state patrol criminal identification system and, where a federal bureau
29 of investigation check is required, a federal bureau of investigation
30 check by the Washington state patrol or by another governmental agency
31 or a branch of the United States military if the check is less than one
32 year old.

33 (ii) The fingerprint criminal history records checks will be at the
34 expense of the licensee except that in the case of a foster family
35 home, if this expense would work a hardship on the licensee, the
36 department shall pay the expense, and to the extent of available
37 funding, the department may pay the expense for low-income family day
38 care homes. The licensee may not pass this cost on to the employee or

1 prospective employee, unless the employee is determined to be
2 unsuitable due to his or her criminal history record.

3 (iii) The (~~secretary~~) department shall use (~~the~~) criminal
4 history records check information solely for the purpose of determining
5 eligibility for a license and for determining the character,
6 suitability, and competence of those persons or agencies, excluding
7 parents, (~~not required to be~~) licensed (~~who are~~) or authorized by
8 the department to care for children, expectant mothers, and
9 developmentally disabled persons. Criminal justice agencies shall
10 provide the secretary such information as they may have and that the
11 secretary may require for such purposes;

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

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

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

20 (f) The financial ability of an agency to comply with minimum
21 requirements established pursuant to chapter 74.15 RCW and RCW
22 74.13.031; and

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

25 (3) To investigate any person, including relatives by blood or
26 marriage except for parents, for character, suitability, and competence
27 in the care and treatment of children, expectant mothers, and
28 developmentally disabled persons prior to authorizing that person to
29 care for children, expectant mothers, and developmentally disabled
30 persons. However, if a child is placed with a relative under RCW
31 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
32 and competent to provide care and treatment the criminal history
33 background check required by this section need not be completed before
34 placement, but shall be completed as soon as possible after placement;

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

1 (5) To issue, revoke, or deny licenses to agencies pursuant to
2 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) To prescribe the procedures and the form and contents of
6 reports necessary for the administration of chapter 74.15 RCW and RCW
7 74.13.031 and to require regular reports from each licensee;

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

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

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

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