

SENATE BILL REPORT

SB 6152

As Reported By Senate Committee On:
Human Services & Corrections, February 3, 2000
Ways & Means, February 8, 2000

Title: An act relating to the care, supervision, and treatment of children, developmentally disabled persons, and vulnerable adults.

Brief Description: Changing provisions relating to the care, supervision, and treatment of children, developmentally disabled persons, and vulnerable adults.

Sponsors: Senators Stevens, Hochstatter, Swecker and Kohl-Welles.

Brief History:

Committee Activity: Human Services & Corrections: 1/28/2000, 2/3/2000 [DPS-WM].
Ways & Means: 2/7/2000, 2/8/2000 [DP2S].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6152 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Sheahan, Stevens and Zarelli.

Staff: Joan K. Mell (786-7447)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6152 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

Staff: Risa Sandler (786-7708)

Background: The Department of Social and Health Services recently disqualified 207 families from receiving support for child care payments. Child care payments were made for caregivers with criminal records. Some convictions were for rape and child abuse; the media reported 13 were registered sex offenders. The caregivers were not licensed providers, but were typically family members. State law exempts from licensing requirements family members, which includes step relatives and former spouses.

Summary of Second Substitute Bill: The Department of Social and Health Services (DSHS) must consider the criminal history of people to whom DSHS authorizes payment for

the care of children or vulnerable adults. It must consider a person's history for conviction of offenses against children or other persons, convictions for crimes relating to financial exploitation if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order, disciplinary board final decisions, and subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision.

The department must have a background check performed on any exempt child care provider. An exempt provider may request an administrative hearing to challenge a disqualification.

Foster parents and other child welfare workers may receive a 120-day permit to work after a state check has cleared while waiting for federal clearance. State and federal checks less than one year old may be recognized.

Second Substitute Bill Compared to Substitute Bill: Initially, the bill indicated that in order to provide a waiver for background checks that would have not authorized payment to a provider, parents needed to be informed and an administrative law judge needed to indicate that there was no risk. The new version states that the department implements a waiver process and that if an applicant is denied authorization to be a provider, this may be appealed through an administrative hearing. This change removes the requirement that an administrative law judge indicate that there is no risk for exempt providers.

Initially, the bill stated that there could be no dependency actions against a prospective applicant in order to be authorized, as one of the requirements. There is now a separate section that distinguishes minimum requirements for all providers from minimum requirements for exempt providers.

The term work permit— is replaced with language referring to provisional employment.—

Additionally, the substitute grants civil and criminal immunity to the department and its employees when acting in good faith regarding the background check process as it refers to providing payment to exempt providers. A null and void clause is added, and the implementation date is moved to August 1, 2000.

Substitute Bill Compared to Original Bill: The only provision in the bill pertained to State Patrol background checks authorizing DSHS to consider the information. A new section mandating checks and changes to the consequences of the checks was added.

Appropriation: None.

Fiscal Note: Requested on January 19, 2000.

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

Testimony For (Human Services & Corrections): Support was expressed to address risks created when persons with criminal histories are providing care to minors.

Testimony Against (Human Services & Corrections): None.

Testified (Human Services & Corrections): Bill Sellars, The Arc, CAC (pro); Barbara Stone, DSHS; Rachael Langen, DSHS, Economic Services.

Testimony For (Ways & Means): This bill will provide a great service for parents. The cost of one lawsuit makes up for the fiscal impact.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): PRO: Senator Stevens; Senator Kohl-Welles.