
SUBSTITUTE HOUSE BILL 2685

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives D. Sommers, Tokuda and O'Brien; by request of Department of Social and Health Services)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to criminal history background checks; and amending
2 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, the
11 secretary shall investigate the conviction record or pending charges
12 and dependency record information under chapter 43.43 RCW of each
13 agency and its staff seeking licensure or relicensure. In order to
14 determine the character, suitability, and competence of applicants for
15 an agency license, licensees, their employees, and other persons who
16 have unsupervised access to children in care, ~~((and))~~ the department
17 shall:

18 (i) 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;

21 (ii) Complete all state background checks, made pursuant to this
22 section, in one month or less from the date of the initial request.
23 This includes the request to the Washington state patrol under chapter
24 43.43 RCW, and the search of department records; and

25 (iii) Require that any such person who ~~((have))~~ has not resided in
26 the state of Washington during the three-year period before being
27 authorized to care for children shall be fingerprinted. The
28 requirement for fingerprints does not include those individuals or
29 businesses or organizations named in RCW 43.43.832(4)(c). The
30 fingerprints shall be forwarded to the Washington state patrol and
31 federal bureau of investigation for a criminal history records check.
32 When the additional federal bureau of investigation check is required
33 for a job applicant of a licensee, complete the state background check
34 in one month or less from the date of the initial request. If the
35 state background check does not disqualify the job applicant and the
36 results of the federal bureau of investigation check has not been
37 received, the department may give the licensee provisional approval to
38 hire the applicant, as a temporary employee for up to one hundred
39 twenty days, pending the results of the federal bureau of investigation

1 check. If the federal bureau of investigation report does not
2 disqualify the applicant, the department will notify the requesting
3 agency that the applicant may be hired permanently. To investigate
4 criminal history information, the department may reasonably rely on a
5 criminal history records check of the Washington state patrol criminal
6 identification system and, where a federal bureau of investigation
7 check is required, a federal bureau of investigation check by another
8 governmental agency or the United States military if the check is less
9 than one year old. The fingerprint criminal history records checks
10 will be at the expense of the licensee except that in the case of a
11 foster family home, if this expense would work a hardship on the
12 licensee, the department shall pay the expense. The licensee may not
13 pass this cost on to the employee or prospective employee, unless the
14 employee is determined to be unsuitable due to his or her criminal
15 history record. The secretary shall use the information solely for the
16 purpose of determining eligibility for a license and for determining
17 the character, suitability, and competence of those persons or
18 agencies, excluding parents, not required to be licensed who are
19 authorized to care for children, expectant mothers, and developmentally
20 disabled persons. The department shall share the conviction record,
21 pending charges, and dependency record information with the child
22 placing agency that is responsible for certifying the licensee or
23 applicant. Criminal justice agencies shall provide the secretary such
24 information as they may have and that the secretary may require for
25 such purpose;

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

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

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

34 (f) The financial ability of an agency to comply with minimum
35 requirements established pursuant to this chapter ((74.15-RCW)) and RCW
36 74.13.031; and

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

1 (3) To investigate any person, including relatives by blood or
2 marriage except for parents, for character, suitability, and competence
3 in the care and treatment of children, expectant mothers, and
4 developmentally disabled persons prior to authorizing that person to
5 care for children, expectant mothers, and developmentally disabled
6 persons. However, if a child is placed with a relative under RCW
7 13.34.060 or 13.34.130, and if such relative appears otherwise suitable
8 and competent to provide care and treatment the criminal history
9 background check required by this section need not be completed before
10 placement, but shall be completed as soon as possible after placement;

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

16 (5) To issue, revoke, or deny licenses to agencies pursuant to this
17 chapter (~~(74.15-RCW)~~) and RCW 74.13.031. Licenses shall specify the
18 category of care which an agency is authorized to render and the ages,
19 sex and number of persons to be served;

20 (6) To prescribe the procedures and the form and contents of
21 reports necessary for the administration of this chapter (~~(74.15-RCW)~~)
22 and RCW 74.13.031 and to require regular reports from each licensee;

23 (7) To inspect agencies periodically to determine whether or not
24 there is compliance with this chapter (~~(74.15-RCW)~~) and RCW 74.13.031
25 and the requirements adopted hereunder;

26 (8) To review requirements adopted hereunder at least every two
27 years and to adopt appropriate changes after consultation with the
28 child care coordinating committee and other affected groups for child
29 day-care requirements and with the children's services advisory
30 committee for requirements for other agencies; and

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

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