

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2835**

Chapter 232, Laws of 2008

(partial veto)

60th Legislature  
2008 Regular Session

OUT-OF-HOME CARE PLACEMENTS--RECORD CHECKS

EFFECTIVE DATE: 06/12/08

Passed by the House March 10, 2008  
Yeas 95 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate March 7, 2008  
Yeas 49 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved March 28, 2008, 10:57 a.m.,  
with the exception of section 4 which  
is vetoed.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2835** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

March 28, 2008

**Secretary of State  
State of Washington**

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HOUSE BILL 2835

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AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Kagi, Roberts, Loomis, Morrell, Kenney, and Haigh; by request of Department of Social and Health Services

Read first time 01/16/08. Referred to Committee on Early Learning & Children's Services.

1            AN ACT Relating to requiring federal name-based criminal history  
2 record checks when a child is placed in out-of-home care in an  
3 emergency situation; amending RCW 74.15.040; adding a new section to  
4 chapter 26.44 RCW; creating a new section; and declaring an emergency.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that the safety of  
7 children in foster care depends upon receipt of comprehensive,  
8 accurate, and timely information about the background of prospective  
9 foster parents. It is vital to ensure that all relevant information  
10 about prospective foster parents is received and carefully reviewed.  
11 The legislature believes that some foster parents may have previously  
12 resided in other countries and that it is important to determine  
13 whether those countries have background information on the prospective  
14 foster parents that might impact the safety of children in their care.

15            NEW SECTION.    **Sec. 2.** A new section is added to chapter 26.44 RCW  
16 to read as follows:

17            (1) During an emergency situation when a child must be placed in  
18 out-of-home care due to the absence of appropriate parents or

1 custodians, the department shall request a federal name-based criminal  
2 history record check of each adult residing in the home of the  
3 potential placement resource. Upon receipt of the results of the name-  
4 based check, the department shall provide a complete set of each adult  
5 resident's fingerprints to the Washington state patrol for submission  
6 to the federal bureau of investigation within fourteen calendar days  
7 from the date the name search was conducted. The child shall be  
8 removed from the home immediately if any adult resident fails to  
9 provide fingerprints and written permission to perform a federal  
10 criminal history record check when requested.

11 (2) When placement of a child in a home is denied as a result of a  
12 name-based criminal history record check of a resident, and the  
13 resident contests that denial, the resident shall, within fifteen  
14 calendar days, submit to the department a complete set of the  
15 resident's fingerprints with written permission allowing the department  
16 to forward the fingerprints to the Washington state patrol for  
17 submission to the federal bureau of investigation.

18 (3) The Washington state patrol and the federal bureau of  
19 investigation may each charge a reasonable fee for processing a  
20 fingerprint-based criminal history record check.

21 (4) As used in this section, "emergency placement" refers to those  
22 limited instances when the department is placing a child in the home of  
23 private individuals, including neighbors, friends, or relatives, as a  
24 result of a sudden unavailability of the child's primary caretaker.

25 **Sec. 3.** RCW 74.15.040 and 1982 c 118 s 7 are each amended to read  
26 as follows:

27 An agency seeking to accept and serve children, developmentally  
28 disabled persons, or expectant mothers as a foster-family home shall  
29 make application for license in such form and substance as required by  
30 the department. The department shall maintain a list of applicants  
31 through which placement may be undertaken. However, agencies and the  
32 department shall not place a child, developmentally disabled person, or  
33 expectant mother in a home until the home is licensed. The department  
34 shall inquire whether an applicant has previously resided in any other  
35 state or foreign country and shall check databases available to it  
36 through the Washington state patrol and federal bureau of investigation  
37 to ascertain whether the applicant has ever been the subject of a

1 conviction or civil finding outside of the state of Washington that  
2 bears upon the fitness of the applicant to serve as a foster-family  
3 home. Foster-family homes shall be inspected prior to licensure,  
4 except that inspection by the department is not required if the foster-  
5 family home is under the supervision of a licensed agency upon  
6 certification to the department by the licensed agency that such homes  
7 meet the requirements for foster homes as adopted pursuant to chapter  
8 74.15 RCW and RCW 74.13.031.

9 ***\*NEW SECTION. Sec. 4. This act is necessary for the immediate***  
10 ***preservation of the public peace, health, or safety, or support of the***  
11 ***state government and its existing public institutions, and takes effect***  
12 ***immediately.***

*\*Sec. 4 was vetoed. See message at end of chapter.*

Passed by the House March 10, 2008.

Passed by the Senate March 7, 2008.

Approved by the Governor March 28, 2008, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State March 28, 2008.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 4, House Bill 2835  
entitled:

"AN ACT Relating to requiring federal name-based criminal history  
record checks when a child is placed in out-of-home care in an  
emergency situation."

Section 4 is an emergency clause providing the bill with an immediate  
effective date. The Federal Bureau of Investigation has notified the  
State that it will extend provisional access to its name/descriptor  
criminal background check database until this bill takes effect. An  
emergency clause is therefore unnecessary.

For this reason, I have vetoed Section 4 of House Bill 2835.

With the exception of Section 4, House Bill 2835 is approved."