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ENGROSSED SUBSTITUTE HOUSE BILL 2535

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State of Washington

63rd Legislature

2014 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Freeman, Goodman, Walsh, Kochmar, S. Hunt, Wylie, Stonier, Haler, Scott, Sawyer, Kagi, Green, and Haigh)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to review of licensing and employment decisions by  
2 the children's administration; amending RCW 74.13.700; and adding a new  
3 section to chapter 74.15 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.15 RCW  
6 to read as follows:

7 If an agency operating under contract with the children's  
8 administration chooses to hire an individual that would be precluded  
9 from employment with the department based on a disqualifying crime or  
10 negative action, the department and its officers and employees have no  
11 liability arising from any injury or harm to a child or other  
12 department client that is attributable to such individual.

13 **Sec. 2.** RCW 74.13.700 and 2013 c 162 s 2 are each amended to read  
14 as follows:

15 (1) In determining the character, suitability, and competence of an  
16 individual, the department may not:

17 (a) Deny or delay a license or approval of unsupervised access to  
18 children to an individual solely because of a crime or civil infraction

1 involving the individual or entity revealed in the background check  
2 process that (~~is not on the secretary's list of crimes and negative~~  
3 ~~actions and is not related~~) does not fall within the categories of  
4 disqualifying crimes described in the adoption and safe families act of  
5 1997 or does not relate directly to child safety, permanence, or well-  
6 being; or

7 (b) Delay the issuance of a license or approval of unsupervised  
8 access to children by requiring the individual to obtain records  
9 relating to a crime or civil infraction revealed in the background  
10 check process that (~~is not on the secretary's list of crimes and~~  
11 ~~negative actions and is not related~~) does not fall within the  
12 categories of disqualifying crimes described in the adoption and safe  
13 families act of 1997 or does not relate directly to child safety,  
14 permanence, or well-being (~~and is not a permanent disqualifier~~  
15 ~~pursuant to department rule~~)).

16 (2) If the department determines that an individual does not  
17 possess the character, suitability, or competence to provide care or  
18 have unsupervised access to a child, it must provide the reasons for  
19 its decision in writing with copies of the records or documents related  
20 to its decision to the individual within ten days of making the  
21 decision.

22 (3) For purposes of this section, "individual" means a relative as  
23 defined in RCW 74.15.020(2)(a), an "other suitable person" under  
24 chapter 13.34 RCW, a person pursuing licensing as a foster parent, or  
25 a person employed or seeking employment by a business or organization  
26 licensed by the department or with whom the department has a contract  
27 to provide care, supervision, case management, or treatment of children  
28 in the care of the department. "Individual" does not include long-term  
29 care workers defined in RCW 74.39A.009(17)(a) whose background checks  
30 are conducted as provided in RCW 74.39A.056.

31 (4) The department or its officers, agents, or employees may not be  
32 held civilly liable based upon its decision to grant or deny  
33 unsupervised access to children if the background information it relied  
34 upon at the time the decision was made did not indicate that child  
35 safety, permanence, or well-being would be a concern.

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