

# HOUSE BILL REPORT

## HB 2642

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**As Passed House:**  
January 29, 2018

**Title:** An act relating to requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care.

**Brief Description:** Requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care.

**Sponsors:** Representatives McCaslin, Pettigrew, Harmsworth, Shea, Dolan, Dent, Bergquist, Holy and Young.

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 1/17/18, 1/19/18 [DP].

**Floor Activity:**

Passed House: 1/29/18, 95-0.

**Brief Summary of Bill**

- Requires the Department of Children, Youth, and Families to provide a written explanation to a child care provider who is deemed unsuitable to have unsupervised access to children in care.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass. Signed by 13 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, Muri and Ortiz-Self.

**Staff:** Dawn Eychaner (786-7135).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Department of Early Learning (DEL) regulates child care licensing and conducts background checks on individuals applying for child care licenses and their employees. The background checks are used to determine if an individual is of appropriate character, suitability, and competence to provide child care and early learning services and includes fingerprinting and a criminal history record check. A report of child abuse or neglect that has been destroyed or expunged may not be used for the DEL's determinations of suitability.

Once the DEL completes the background check and determines that the person is qualified for unsupervised access to children in child care, the DEL issues a background check clearance card or certificate to the applicant that is valid for three years. Individuals who have been issued a background check clearance card or certificate must report nonconviction and conviction information to the DEL within 24 hours of an event constituting such information.

If the DEL receives a complaint or other pertinent information, the DEL must conduct an investigation and redetermine the applicant or licensee's background clearance. A person may be disqualified from caring for or having unsupervised access to children based on a number of criteria, including if he or she is the subject of a pending Child Protective Services investigation conducted by the Children's Administration (CA) of the Department of Social and Health Services (DSHS).

If the DEL determines the individual lacks the appropriate character, suitability, or competence to provide child care or early learning services, the DEL may invalidate the background card or certificate, or suspend, modify, or revoke the child care license. Rules adopted by the DEL state that the DEL will "notify subject individual in writing if he or she is disqualified by a background check."

An individual who has been disqualified by the DEL may request an administrative hearing before an administrative law judge to contest the DEL's decision, unless the disqualification is based on a criminal conviction or a finding of child abuse or neglect or exploitation of a vulnerable adult, in which case the individual cannot contest the decision. The DEL may reconsider disqualifications in certain cases where clear and convincing evidence is presented that there has been a change in circumstances since the disqualification that demonstrates the individual's suitability to care for children.

On July 1, 2018, all powers, functions, and duties of the DEL and the CA of the DSHS will be transferred to the Department of Children, Youth, and Families (DCYF).

**Summary of Bill:**

Effective July 1, 2018, the DCYF must provide a written explanation to individuals who have been deemed by the DEL to be unsuitable to have unsupervised access to children in care. The written explanation must detail the reasons for the DEL's determination of unsuitability.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 2018.

**Staff Summary of Public Testimony:**

(In support) A provider in Spokane Valley was removed from her position without being told the reason why. We must consider whether a person is being perceived as being guilty of something without being convicted of a crime. The DEL is quite aggressive about child safety, but if there are misunderstandings, it can impact someone's livelihood.

(Opposed) None.

**Persons Testifying:** Representative McCaslin, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.