

SENATE BILL REPORT

SB 5316

As of January 24, 2023

Title: An act relating to background check and licensing fees for programs administered by the Department of Children, Youth, and Families.

Brief Description: Concerning background check and licensing fees for programs administered by the Department of Children, Youth, and Families.

Sponsors: Senators Wilson, C., Billig and Nobles.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/25/23.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families to pay background check fees for all foster care and child care applicants and service providers.
- Makes a temporary waiver of child care licensing fees permanent.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Background Checks for Foster Care. State law requires background checks, which includes a fingerprint and a criminal history record check, when the Department of Children, Youth, and Families (DCYF) seeks to approve an applicant or service provider for a foster care or adoptive placement.

DCYF pays fees charged by the Washington State Patrol and the Federal Bureau of Investigation (FBI) for foster care and relative or kinship care. DCYF does not pay the fees for employees of child placing agencies, group care, and contracted service providers.

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

Background Checks for Child Care. State law requires DCYF to conduct background checks on anyone who is authorized to care for or have unsupervised access to children in child care and early learning programs.

People who require a background check must pay for the cost of the check, including the fee established by the Washington State Patrol, the cost of obtaining a fingerprint, and a fee paid to DCYF for the cost of administering the individual-based or portable background check clearance registry.

DCYF must maintain an individual-based or portable background check clearance registry, subject to appropriation.

In the 2022 supplemental operating budget, the background check fee for child care providers was waived in fiscal year 2023.

Child Care Licensing Fees. Under state law, it is unlawful for any agency to care for children unless the agency is licensed by DCYF.

Before 2021, DCYF was allowed to charge fees to child care licensees. DCYF was also allowed to waive the fees when the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage to the state.

DCYF must establish the fees charged by rule. The annual fee is \$30 for family home providers. For child care centers, the annual fee is \$125 for the first 12 children plus \$12 for each additional child.

During the 2021 session, the Legislature prohibited DCYF from charging child care licensing fees until June 30, 2023.

Summary of Bill: Background Checks for Foster Care and Child Care. DCYF must pay the background check fees charged by the Washington State Patrol and the FBI for all foster care and child care applicants and service providers.

References to background check fees are removed from state law.

DCYF must maintain an individual-based or portable background check clearance registry regardless of appropriations.

Child Care Licensing Fees. The prohibition on DCYF charging child care licensing fees is made permanent. This prohibition takes effect immediately.

Appropriation: None.

Fiscal Note: Requested on January 17, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and section 5 takes effect immediately.