
SUBSTITUTE HOUSE BILL 2483

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Hunter, Jarrett, Lantz, Kagi, Morrell, Ericks and Green)

READ FIRST TIME 01/31/06.

1 AN ACT Relating to background checks for unlicensed child care
2 providers; adding a new section to Title 74 RCW; creating a new
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that state law
6 requires criminal background checks of unlicensed child care providers
7 for the purpose of approval for receiving reimbursement under the
8 working connections child care program. However, the legislature finds
9 that background checks are generally limited to criminal conviction
10 histories. The results of criminal background checks are more complete
11 when supplemented by an applicant's history of child abuse or neglect.
12 The legislature declares that there is no right or entitlement to
13 receive or to be approved to provide state subsidized child care. The
14 legislature also finds that the safety of children is a compelling
15 state interest and that additional safeguards are necessary in the
16 approval for receipt of child care subsidies by unlicensed child care
17 providers to ensure the safety of Washington's children. In order to
18 provide the safest environment for children, the division must be

1 provided with known information regarding an applicant's history of
2 child abuse or neglect when an applicant seeks approval for receipt of
3 child care subsidies.

4 NEW SECTION. **Sec. 2.** A new section is added to Title 74 RCW to
5 read as follows:

6 (1) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Administration" means the children's administration within the
9 department of social and health services.

10 (b) "Applicant" means an applicant, other than a child care
11 provider licensed under this title, for reimbursement under the working
12 connections child care program.

13 (c) "Department" means the department of social and health
14 services.

15 (d) "Division" means the division of child care and early learning
16 within the department.

17 (e) "Reimbursement" means payment to an applicant for child care
18 services on behalf of a child who qualifies for state subsidized child
19 care under the working connections child care program.

20 (2) Before approving an applicant for reimbursement, the division
21 shall review records within the administration regarding child abuse or
22 neglect by the applicant, if any. The department shall adopt rules for
23 the sharing of information consistent with the legislative intent of
24 this act. Rules shall include a provision for responding to an
25 applicant's request for approval for reimbursement within twenty days.

26 (3) Information reviewed under this section shall be used by the
27 division only for the purpose of approving an applicant's
28 qualifications for receipt of reimbursement. Except as otherwise
29 provided by law, the division shall not disclose the information to any
30 person, other than the applicant, who is not directly involved in the
31 process of evaluating the applicant's qualifications for reimbursement.
32 A person who violates this subsection is guilty of a misdemeanor.

33 (4) Beginning September 1, 2006, the department shall not expunge
34 information about founded complaints of child abuse or neglect from any
35 records or documents in its investigative or any other files. This
36 subsection does not restrict the expungement of information about
37 unfounded allegations of child abuse or neglect under RCW 26.44.031.

1 (5) This section does not prevent the division from requesting or
2 requiring an applicant to provide information other than that described
3 in this section.

4 (6) An applicant shall not be approved for reimbursement if any of
5 the following apply:

6 (a) The applicant's parental rights have been terminated under
7 chapter 13.34 RCW; or

8 (b) A referral regarding child abuse or neglect by the applicant
9 has resulted in a founded complaint.

10 (7) Beginning July 1, 2007, in addition to the criteria in
11 subsection (6) of this section, an applicant shall not be approved for
12 reimbursement if within the six years preceding the applicant's request
13 for approval two or more referrals regarding child abuse or neglect
14 have resulted in an inconclusive finding.

15 (8) At the conclusion of the division's background investigation,
16 an applicant has the right to review his or her file in which the
17 applicant is named as the subject of an allegation of child abuse or
18 neglect, and to attach rebuttals to any documents as the applicant
19 deems necessary. Rebuttal documents shall be disclosed in the same
20 manner as the documents to which they are attached. This section does
21 not provide a right to access information that would otherwise be
22 redacted by the administration for the purpose of maintaining
23 confidentiality of persons reporting alleged child abuse or neglect or
24 of children who are the alleged victims of abuse or neglect. The
25 provisions of this subsection do not supersede the protections provided
26 individuals under the state whistleblower laws in chapter 42.41 RCW.

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