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HOUSE BILL 2483

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Hunter, Jarrett, Lantz, Kagi, Morrell, Ericks and Green

Prefiled 1/6/2006. Read first time 01/09/2006. Referred to Committee on Children & Family Services.

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; prescribing penalties; and declaring an emergency.

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 maltreatment.  
12 Therefore, the legislature finds that additional safeguards are  
13 necessary in the approval for receipt of child care subsidies by  
14 unlicensed child care providers to ensure the safety of Washington's  
15 children. In order to provide the safest environment for children, the  
16 department must provide the division with known information regarding  
17 an applicants' history of child maltreatment when an applicant seeks  
18 approval for the receipt of child care subsidies.

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

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

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

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

10       (c) "Department" means the department of social and health  
11 services.

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

14       (e) "Pattern or history of child maltreatment" means a course of  
15 conduct composed of a series of acts or inactions over time, however  
16 short, resulting in harm to a child's health, welfare, or safety.

17       (f) "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 request the applicant to sign a statement:

22       (a) Authorizing the administration to disclose to the division of  
23 any child maltreatment by the applicant, and making available to the  
24 division copies of all records in the administration's investigative  
25 files and any other files relating to child maltreatment by the  
26 applicant; and

27       (b) Releasing the administration, and employees acting on behalf of  
28 the administration, from any liability for providing information  
29 described in (a) of this subsection, as provided in subsection (5) of  
30 this section.

31       (3) Before approving an applicant for receipt of reimbursement, the  
32 division shall request the administration to provide the information  
33 described in subsection (2)(a) of this section, if any. The request  
34 shall include a copy of the statement signed by the applicant under  
35 subsection (2) of this section, and be in writing, electronic, or  
36 otherwise.

37       (4) Not later than ten business days after receiving a request  
38 under subsection (3) of this section, the administration shall:

1 (a) Provide the information requested and make available to the  
2 division copies, electronic or otherwise, of all documents relating to  
3 child maltreatment by the applicant, if any; or

4 (b) Send verification in writing, electronic, or otherwise to the  
5 division regarding the absence of such information regarding the  
6 applicant and child maltreatment. The administration, or an employee  
7 acting on behalf of the administration, who in good faith discloses  
8 information under this section, is immune from civil liability for the  
9 disclosure.

10 (5) The division shall not approve an applicant for reimbursement  
11 who does not sign the statement described in subsection (2) of this  
12 section.

13 (6) Information received under this section shall be used by the  
14 division only for the purpose of approving an applicant's  
15 qualifications for receipt of reimbursement. Except as otherwise  
16 provided by law, the division shall not disclose the information to any  
17 person, other than the applicant, who is not directly involved in the  
18 process of evaluating the applicant's qualifications for reimbursement.  
19 A person who violates this subsection is guilty of a misdemeanor.

20 (7) Beginning September 1, 2006, the department shall not expunge  
21 information about child maltreatment from any records or documents in  
22 its investigative or any other files. This subsection does not  
23 restrict the expungement from a file or document of information about  
24 alleged child maltreatment that has not been substantiated.

25 (8) This section does not prevent the division from requesting or  
26 requiring an applicant to provide information other than that described  
27 in this section.

28 (9) By September 1, 2006, the department has the authority to and  
29 shall adopt rules defining "child maltreatment" as used in this section  
30 for application to unlicensed child care providers seeking approval for  
31 reimbursement. The definition of child maltreatment adopted by the  
32 department must include the requirement that the administration has  
33 made a determination that there is sufficient information to conclude  
34 that the child maltreatment has occurred and that the maltreatment  
35 resulted in the administration opening a case regarding the  
36 maltreatment.

37 (10) No applicant who has a pattern or history of child  
38 maltreatment may be approved by the division for reimbursement.

1           (11) Except as limited by chapter 49.12 RCW, at the conclusion of  
2 the division's investigation, an applicant has the right to review his  
3 or her entire investigative file, or any other file maintained by the  
4 administration relating to child maltreatment as addressed in this  
5 section and to attach rebuttals to any documents as the applicant deems  
6 necessary. Rebuttal documents shall be disclosed in the same manner as  
7 the documents to which they are attached. This section does not  
8 provide a right to access information that would otherwise be redacted  
9 by the administration for the purpose of maintaining confidentiality of  
10 persons reporting alleged child abuse or neglect or of children who are  
11 the alleged victims of abuse or neglect. The provisions of this  
12 subsection do not supersede the protections provided individuals under  
13 the state whistleblower laws in chapter 42.41 RCW.

14           NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately.

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