

SENATE BILL REPORT

SB 5774

As Reported By Senate Committee On:
Human Services & Corrections, February 21, 2007
Ways & Means, March 2, 2007

Title: An act relating to background check requirements for the department of social and health services and the department of early learning.

Brief Description: Revising background check requirements for the department of social and health services and the department of early learning.

Sponsors: Senators Hargrove, Kohl-Welles and Brandland; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 2/06/07, 2/21/07 [DPS-WM].
Ways & Means: 2/27/07, 3/2/07 [DPS(HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5774 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Indu Thomas (786-7459)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5774 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Paula Moore (786-7449)

Background: Currently Department of Social and Health Services (DSHS) requests background check information from the Washington State Patrol to aid in the investigation and litigation of cases of abuse and neglect that may have involved a child, persons with

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developmental disabilities, or a vulnerable adult. In addition, DSHS requests criminal background record information on prospective applicants who will have unsupervised access individuals with a developmental disability, persons with mental illnesses, vulnerable adults, or children. Conviction history record information obtained through the Washington State Patrol includes all available convictions, arrests under one year old without disposition, and sex and kidnapping offender registrations. DSHS is authorized by the Legislature to conduct national fingerprint based background checks on individuals who have resided outside of the state of Washington in the past three years and will be providing services to people with disabilities, children, or vulnerable adults receiving in-home services.

In 2004, the Washington State Legislature created a Joint Task Force on Criminal Background Check Processes (Task Force) to review and make recommendations to the Legislature and the Governor regarding how to improve the state's criminal background check processes. The Task Force was extended through December of 2006. Over the past three years, the Task Force has reviewed multiple laws governing the background check processes pertaining to DSHS.

Currently, 14 different state laws address the background check requirements for DSHS employees and their service providers. Therefore, there are many different program-specific rules, varying standards for denial of unsupervised access for vulnerable adults and children, and different recheck requirements. DSHS has developed a proposal for the consolidation of these requirements into one chapter. This proposal was presented to the Joint Task Force on Criminal Background Check Processes.

The federal Adam Walsh Act requires the state, prior to placing a child in a home, to conduct the following background checks on any prospective foster parent, adoptive parent, kinshipcare provider, and any other adult living in the home: (1) finger print criminal background check against the national crime information database; or (2) search in the state's child abuse and neglect registry, or if the adult resided in a different state(s) in the preceding five years, any other state's child abuse and neglect registry.

Summary of Bill: Fourteen separate background check statutes affecting DSHS programs and employees are consolidated into one statute under the authority of the Secretary of DSHS. DSHS requirements that pertain to other agencies such as Washington State Patrol, Department of Health, and Department of Personnel are eliminated. All DSHS background check requirements are placed under the authority of the Secretary of DSHS. DSHS is required to conduct rechecks for employees and service providers. One list of disqualifying crimes and negative actions related to unsupervised access is applied to all DSHS entities. DSHS employees and service providers are held to the same background check standards.

The Washington State Patrol statute is modified to provide the Department of Early Learning (DEL) the authority to conduct background checks for the Working Connections Child Care program and DEL employees.

The state, prior to placing a child in a home, must conduct the following background checks on any prospective foster parent, adoptive parent, kinshipcare provider, and any other adult living in the home: (1) finger print criminal background check against the national crime information database; or (2) search in the state's child abuse and neglect registry, or if the

adult resided in a different state(s) in the preceding five years, any other state's child abuse and neglect registry.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Human Services & Corrections): All provisions of the bill which are not related to the federal Adam Walsh Act Background Check Provisions are eliminated. A requirement is added that DSHS confirm that applicants or service providers are United States citizens or eligible non-citizens.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Human Services & Corrections): PRO: DSHS background check laws are based on the client and the type of service provided. This approach has created multiple laws under the authority of the Washington State Patrol, the Department of Personnel, and DSHS. There are three different crimes lists, differing levels of review of abuse, neglect, and exploitation findings and varying requirements for rechecks. All of the clients served are vulnerable; therefore, it is good policy to have consistent standards and requirements. This bill consolidates and revises existing background check statutes and provides for more effective and consistent protection for vulnerable citizens receiving DSHS services. The Department of Early Learning provisions in this bill are at Sections 12 and 13; Section 12 relates to the licensing staff and Section 13 makes a technical correction. This bill should be expanded to include private duty in-home care services.

Persons Testifying (Human Services & Corrections): PRO: Robin Arnold-Williams, DSHS; Susan Miller, CareForce; Leslie Emerick, Home Care Association of Washington; Peter Antolin, DEL.

Staff Summary of Public Testimony (Ways & Means): PRO: We support the department request bill as streamlined by the policy committee. The funding for this bill is absolutely critical for the policy to work, as currently foster parents can wait months and months to receive their background check.

Persons Testifying (Ways & Means): PRO: Stan Marshburn, Department of Social and Health Services, Chief Financial Officer; Laurie Lippold, Children's Home Society of Washington.