

# FINAL BILL REPORT

## HB 2694

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Synopsis as Enacted

**Brief Description:** Concerning background checks in emergency placement situations requested by tribes.

**Sponsors:** Representatives DeBolt, Johnson, Condotta, Sells, Wilson, S. Hunt and Pettigrew.

**House Committee on Community Development, Housing & Tribal Affairs**  
**Senate Committee on Human Services, Mental Health & Housing**

### **Background:**

In certain emergency situations, the Department of Social and Health Services (Department) may remove a child from a primary caregiver and place the child with a neighbor, relative, friend, or other person. When making an emergency placement, the Department must request a federal criminal history record check of each adult residing at the possible placement. Within 14 days after the name-based criminal history check is conducted, the Department must send each adult resident's fingerprints to the Washington State Patrol for submission to the Federal Bureau of Investigation to conduct a more comprehensive criminal background check.

The federal Indian Child Welfare Act (ICWA) governs the removal of Indian children from their families and placement of such children in foster care or adoptive homes. In 2011 many of the ICWA provisions were incorporated into state law. Both the federal and state ICWA recognize tribes' exclusive jurisdiction over child custody proceedings involving an Indian child living within tribal boundaries, but the Department or state law enforcement may remove an Indian child who is temporarily off the reservation in the case of an emergency.

### **Summary:**

An authorized agency of a federally recognized tribe may order a name-based criminal history record check and submit any adult resident's fingerprints in the case of an emergency out-of-home placement of a child. The Department must, or an authorized tribal agency may, submit fingerprints to the Washington State Patrol within 15 days after the name-based criminal background check was conducted.

### **Votes on Final Passage:**

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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.*

House	93	3	
Senate	48	0	(Senate amended)
House	93	3	(House concurred)

**Effective:** June 9, 2016