

HOUSE BILL REPORT

HB 2694

As Passed Legislature

Title: An act relating to background checks in emergency placement situations requested by tribes.

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

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

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/25/16, 1/26/16 [DP].

Floor Activity:

Passed House: 2/10/16, 93-3.

Senate Amended.

Passed Senate: 3/2/16, 48-0.

House Concurred.

Passed House: 3/7/16, 93-3.

Passed Legislature.

Brief Summary of Bill

- Allows tribal welfare agencies to order criminal history records and submit fingerprints of residents in potential placements of children in emergency situations.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton, Hickel and Sawyer.

Staff: Sean Flynn (786-7124).

Background:

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.

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 was 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 the state incorporated many of the ICWA provisions 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 of Bill:

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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The federal government requires tribes to conduct background checks, but state law defines the process for who can make such requests. State law currently authorizes the Department to order criminal background checks. However, tribes also have authority to make emergency placements, but they are not authorized to make a background check. Background checks are critical to protect the safety of children. This will help streamline the process for facilitating child placements in emergency situations. It allows tribes to order name-based background checks, without having to rely on the Department to conduct checks in situations involving tribal placements.

(Opposed) None.

Persons Testifying: Representative DeBolt, prime sponsor; Nancy Dufraine, Confederated Tribes of the Chehalis Tribes; Michelle Demmert, Tulalip Tribes; Nichole Earls, Quileute Tribe; and Eliza Brown, Quinault Indian Nation.

Persons Signed In To Testify But Not Testifying: None.