
**Human Services, Youth, & Early
Learning Committee**

SB 5316

Brief Description: Concerning background check and licensing fees for programs administered by the department of children, youth, and families.

Sponsors: Senators Wilson, C., Billig and Nobles.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF) to pay background check fees for all foster care and child care applicants and service providers.
- Requires the DCYF to maintain an individual-based or portable background check clearance registry regardless of appropriations, and makes background check clearance cards or certificates valid for five years instead of three years from the date of issue.
- Makes the current temporary waiver of child care licensing fees permanent.

Hearing Date: 3/21/23

Staff: Omeara Harrington (786-7136).

Background:

Persons with certain criminal history, pending charges, or history of other disqualifying negative action are disqualified from working in positions where they will have unsupervised access to children. A person must undergo a fingerprint-based state and federal background check through the Washington State Patrol (WSP) and the Federal Bureau of Investigation (FBI) before being

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approved to provide services or care to children in the child welfare system or to work in a child care position.

Foster Care System Background Checks.

The DCYF pays the fees charged by the WSP and the FBI for fingerprint-based background checks of foster home applicants, relative caregivers, and adoptive home applicants, but does not pay the fees when such placements are not proposed by the DCYF. The DCYF also does not pay for the fees associated with background checks of non-DCYF employees, contractors, or volunteers associated with facilities other than foster homes.

Child Care Background Checks.

Child care licensees and employees must pay for the cost of the required background check, including the fee established by the WSP for criminal background history check and fingerprinting and the fee paid to the DCYF for the cost of administering the individual-based or portable background check clearance registry. A child care licensee may, but is not required to, pay the background check costs on behalf of a prospective employee, reimburse the prospective employee for the cost, or share the cost with the prospective employee.

In the 2022 supplemental operating budget, the DCYF was appropriated funds to pay for the background check fees for child care providers during fiscal year 2023.

Background Check Clearance Registry for Child Care Providers.

Subject to appropriation, the DCYF must maintain an individual-based or portable background check clearance registry. The DCYF must issue a background check clearance card or certificate to applicants if after completion of a background check the DCYF concludes the applicant is qualified for unsupervised access to children in child care. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully complete a required background check. The background check clearance card or certificate is valid for three years from the date of issuance.

All child care licensees are required pay the department a one-time fee for deposit in the individual-based or portable background check clearance account used for the cost of developing and administering the registry.

Child Care Licensing Fees.

Historically, the DCYF has been authorized to charge a fee for obtaining a child care license. The fee may be waived when, in the discretion of the DCYF, the fee would not be in the best interest of public health and safety, or would be to the financial disadvantage of the state. The DCYF rules establish an annual fee of \$125 for child care centers for the first 12 children, plus \$12 for each additional child. For family home providers, the established annual fee is \$30.

The DCYF is temporarily prohibited from charging child care licensing fees until June 30, 2023.

Summary of Bill:

Background Checks for Foster Care and Child Care.

The DCYF must pay the background check fees charged by the WSP and the FBI for all foster care and child care applicants and service providers.

The individual-based or portable background check clearance registry is no longer subject to appropriation, and background check clearance cards or certificates must be valid for five years, rather than three years. Provisions requiring payment of fees for the cost of administering the registry and are removed or repealed.

Child Care Licensing Fees.

The prohibition on the DCYF charging child care licensing fees is made permanent.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.