

# HOUSE BILL REPORT

## HB 2685

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### As Reported By House Committee On:

Children & Family Services

**Title:** An act relating to criminal history background checks.

**Brief Description:** Providing for the use of criminal history records by the secretary of social and health services in establishing licensing requirements.

**Sponsors:** Representatives D. Sommers, Tokuda and O'Brien; by request of Department of Social and Health Services.

### Brief History:

#### Committee Activity:

Children & Family Services: 1/27/00, 2/3/00 [DPS].

#### Brief Summary of Substitute Bill

- Requires criminal background checks of individuals in order to determine the character, suitability, and competence of applicants for an agency license, their employees, and others with unsupervised access to children.
- Allows the Department of Social and Health Services (DSHS) to use background checks performed by another government entity during the past year.
- Requires state background checks be completed in one month and allows for provisional approval to hire an applicant pending the outcome of a federal background check, if required.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

**Staff:** Tracey Taylor (786-7196).

**Background:**

The Department of Social and Health Services (DSHS) licenses facilities to provide care to children, expectant mothers, and the developmentally disabled. DSHS must consider the size and suitability of the facility as well as the suitability, character and competence of any persons associated with the agency who will be directly responsible for the care and supervision of children, expectant mothers, or the developmentally disabled.

In order to determine the suitability of an agency or person, the department performs background checks on applicants for licenses to care for children, expectant mothers and the developmentally disabled. This is conducted through the Washington State Patrol's (WSP) database. Investigations examine the conviction record, pending charges or dependency record information of any person. If an individual has not resided in Washington for at least 3 years, a fingerprint check is required.

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**Summary of Substitute Bill:**

In determining the character, suitability, and competence of a licensing applicant, the employees of a licensee, or other persons with unsupervised access to children, expectant mothers, and the developmentally disabled, the department must investigate the person's conviction record, pending charges and dependency record information.

The department may rely on a criminal history records check conducted by the WSP, the Federal Bureau of Investigation (FBI), another agency, or the U.S. military if the check is less than one year old. A federal fingerprint check is required for new residents. However, individuals of entities that contract with the state to provide services to vulnerable adults are excluded, including boarding homes, adult family homes and assisted living. A new resident is a person who has not resided in Washington for the previous three years. The department may share the information obtained through this check with the licensing agency responsible for certifying the license or applicant.

A state background check by the department must be completed in one month. If a federal check is required, and a job applicant of a licensee is not disqualified based on the state background check, the department may give provisional approval to hire. This approval is for 120 days or when disqualified by the check. If the federal check does not disqualify the applicant, the department shall notify the licensee that the applicant may be hired permanently.

**Substitute Bill Compared to Original Bill:** The substitute requires the state background check be completed in one month. Also, licensees may receive

provisional hiring approval for 120 days pending the results of the federal check for job applicants.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2000.

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

**Testimony For:** This bill protects our children. It makes it easier for the department to perform criminal background checks by allowing it to use checks performed within the past year by the FBI, the U.S. military, the Washington State Patrol, or agencies. Also, agencies that place children need to share criminal background checks of foster home providers and staff with other agencies. In order to allow the providers to hire and recruit new staff, the background checks must be completed in a timely manner.

**Testified:** (In support) Drew Chukitus, Washington State Coalition for Children's and Residential Services and Alpine Boys Ranch; Barbara Stone, Department of Social and Health Services; Laurie Lippold, Children's Home Society; Christine Rosenquist, Faith Homes; and Roger Iinu, Ryther Child Center.