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HOUSE BILL 2685

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State of Washington

56th Legislature

2000 Regular Session

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

Read first time 01/19/2000. Referred to Committee on Children & Family Services.

1 AN ACT Relating to criminal history background checks; and amending  
2 RCW 74.15.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 74.15.030 and 1997 c 386 s 33 are each amended to read  
5 as follows:

6 The secretary shall have the power and it shall be the secretary's  
7 duty:

8 (1) In consultation with the children's services advisory  
9 committee, and with the advice and assistance of persons representative  
10 of the various type agencies to be licensed, to designate categories of  
11 facilities for which separate or different requirements shall be  
12 developed as may be appropriate whether because of variations in the  
13 ages, sex and other characteristics of persons served, variations in  
14 the purposes and services offered or size or structure of the agencies  
15 to be licensed hereunder, or because of any other factor relevant  
16 thereto;

17 (2) In consultation with the children's services advisory  
18 committee, and with the advice and assistance of persons representative  
19 of the various type agencies to be licensed, to adopt and publish

1 minimum requirements for licensing applicable to each of the various  
2 categories of agencies to be licensed.

3 The minimum requirements shall be limited to:

4 (a) The size and suitability of a facility and the plan of  
5 operation for carrying out the purpose for which an applicant seeks a  
6 license;

7 (b) The character, suitability and competence of an agency and  
8 other persons associated with an agency directly responsible for the  
9 care and treatment of children, expectant mothers or developmentally  
10 disabled persons. In consultation with law enforcement personnel, the  
11 secretary shall investigate the conviction record or pending charges  
12 and dependency record information under chapter 43.43 RCW of each  
13 agency and its staff seeking licensure or relicensure. In order to  
14 determine the character, suitability, and competence of applicants for  
15 an agency license, licensees, their employees, and other persons who  
16 have unsupervised access to children in care, the department shall:

17 (i) In consultation with law enforcement personnel, investigate the  
18 conviction record or pending charges and dependency record information  
19 under chapter 43.43 RCW of any such person; and

20 (ii) Require that any such person who ((have)) has not resided in  
21 the state of Washington during the three-year period before being  
22 authorized to care for children shall be fingerprinted. The  
23 requirement for fingerprints does not include those individuals or  
24 businesses or organizations named in RCW 43.43.832(4)(c). The  
25 fingerprints shall be forwarded to the Washington state patrol and  
26 federal bureau of investigation for a criminal history records check.  
27 To investigate criminal history information, the department may  
28 reasonably rely on a criminal history records check of the Washington  
29 state patrol criminal identification system and, where a federal bureau  
30 of investigation check is required, a federal bureau of investigation  
31 check by another governmental agency or the United States military if  
32 the check is less than one year old. The fingerprint criminal history  
33 records checks will be at the expense of the licensee except that in  
34 the case of a foster family home, if this expense would work a hardship  
35 on the licensee, the department shall pay the expense. The licensee  
36 may not pass this cost on to the employee or prospective employee,  
37 unless the employee is determined to be unsuitable due to his or her  
38 criminal history record. The secretary shall use the information  
39 solely for the purpose of determining eligibility for a license and for

1 determining the character, suitability, and competence of those persons  
2 or agencies, excluding parents, not required to be licensed who are  
3 authorized to care for children, expectant mothers, and developmentally  
4 disabled persons. The department shall share the conviction record,  
5 pending charges, and dependency record information with the child  
6 placing agency that is responsible for certifying the licensee or  
7 applicant. Criminal justice agencies shall provide the secretary such  
8 information as they may have and that the secretary may require for  
9 such purpose;

10 (c) The number of qualified persons required to render the type of  
11 care and treatment for which an agency seeks a license;

12 (d) The safety, cleanliness, and general adequacy of the premises  
13 to provide for the comfort, care and well-being of children, expectant  
14 mothers or developmentally disabled persons;

15 (e) The provision of necessary care, including food, clothing,  
16 supervision and discipline; physical, mental and social well-being; and  
17 educational, recreational and spiritual opportunities for those served;

18 (f) The financial ability of an agency to comply with minimum  
19 requirements established pursuant to this chapter ((74.15-RCW)) and RCW  
20 74.13.031; and

21 (g) The maintenance of records pertaining to the admission,  
22 progress, health and discharge of persons served;

23 (3) To investigate any person, including relatives by blood or  
24 marriage except for parents, for character, suitability, and competence  
25 in the care and treatment of children, expectant mothers, and  
26 developmentally disabled persons prior to authorizing that person to  
27 care for children, expectant mothers, and developmentally disabled  
28 persons. However, if a child is placed with a relative under RCW  
29 13.34.060 or 13.34.130, and if such relative appears otherwise suitable  
30 and competent to provide care and treatment the criminal history  
31 background check required by this section need not be completed before  
32 placement, but shall be completed as soon as possible after placement;

33 (4) On reports of alleged child abuse and neglect, to investigate  
34 agencies in accordance with chapter 26.44 RCW, including child day-care  
35 centers and family day-care homes, to determine whether the alleged  
36 abuse or neglect has occurred, and whether child protective services or  
37 referral to a law enforcement agency is appropriate;

38 (5) To issue, revoke, or deny licenses to agencies pursuant to this  
39 chapter ((74.15-RCW)) and RCW 74.13.031. Licenses shall specify the

1 category of care which an agency is authorized to render and the ages,  
2 sex and number of persons to be served;

3 (6) To prescribe the procedures and the form and contents of  
4 reports necessary for the administration of this chapter ((74.15-RCW))  
5 and RCW 74.13.031 and to require regular reports from each licensee;

6 (7) To inspect agencies periodically to determine whether or not  
7 there is compliance with this chapter ((74.15-RCW)) and RCW 74.13.031  
8 and the requirements adopted hereunder;

9 (8) To review requirements adopted hereunder at least every two  
10 years and to adopt appropriate changes after consultation with the  
11 child care coordinating committee and other affected groups for child  
12 day-care requirements and with the children's services advisory  
13 committee for requirements for other agencies; and

14 (9) To consult with public and private agencies in order to help  
15 them improve their methods and facilities for the care of children,  
16 expectant mothers and developmentally disabled persons.

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