
**Children & Family Services
Committee**

HB 2936

Brief Description: Creating additional requirements for criminal history checks for persons having supervised and unsupervised contact with minors, developmentally disabled persons, or vulnerable adults.

Sponsors: Representatives Sullivan, Wallace, Blake, O'Brien, Wood, Lovick, Santos, Rockefeller and Kenney.

Brief Summary of Bill

- Requires businesses and organizations to conduct criminal background checks for all persons acting on behalf of, or serving the business who may have supervised or unsupervised access to a child, developmentally disabled person, or vulnerable adult.

Hearing Date: 2/5/04

Staff: Sonja Hallum (786-7092).

Background:

The Department of Social and Health Services investigates the background of a variety of people coming in contact with vulnerable adults, children, and the developmentally disabled. Persons subject to background checks include those applying for a license to operate an agency that cares for, supervises, or treats vulnerable adults, children, or the developmentally disabled and applicants for employment with these agencies, who come in direct contact with children and the developmentally disabled. In addition, individuals or businesses that provide care, supervision, or treatment of vulnerable adults, children, and the developmentally disabled under a state contract, must undergo a background check.

The Washington State Patrol (WSP) is authorized to disclose criminal background checks of applicants and employees to any business or organization in Washington that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, mentally ill persons, or children under 16 years of age, including but not limited to public housing authorities, school districts, and educational service districts. The business or organization making the inquiry to the WSP or a federal law enforcement agency, must notify the applicant who has been offered a position as an employee or volunteer, that a background inquiry may be made.

If an individual desires to privately hire an employee to care for a child, developmentally disabled person, or vulnerable adult, the WSP may also disclose, upon request of a developmentally disabled person or a vulnerable adult or his or her guardian, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation if the victim is a vulnerable adult, adjudications of child abuse in a civil action, and any issuance of a vulnerable adult protection order.

Law enforcement agencies, the Office of the Attorney General, prosecuting authorities, and the Department of Social and Health services may also request background check information to aid in the investigation and prosecution of a child, developmentally disabled person and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

Summary of Bill:

A business or organization is required to investigate the conviction records of any person acting on behalf of, or serving the business who may have supervised or unsupervised access to a child, developmentally disabled person, or vulnerable adult.

A business or organization, for the purposes of this requirement, includes any business or organization licensed in this state, any nonprofit entity, any state agency, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including but not limited to public housing authorities, school districts, and educational service districts.

The business or organization must investigate the conviction records of any person acting on behalf of, or serving, the organization including current employees, applicants, contractors, interns, and volunteers.

Prior to conducting the background check, the business or organization must disclose that it will conduct the background investigation and require the person for whom the check is being conducted to give background information including conviction information and other background relating to a history of assault or violence.

The investigation must consist of a criminal background check through the Washington State Patrol. If the investigation reveals the person has been convicted of any crimes against children or other persons, crimes relating to drugs, or crimes relating to financial exploitation, and the business or organization elects to accept or retain the employee or volunteer in a position in which that person will have supervised or unsupervised access to a child, developmentally disabled person, or vulnerable adult, the business or organization must notify the parent or guardian of each child, developmentally disabled person, or vulnerable adult for whom it provides services.

The business may only use the information obtained as a result of the background check to make the initial employment or retention decision.

The Washington State Commission on National and Community Service is required to adopt, and make available through its web site, recommended best practices for businesses and organizations to follow when one or more volunteers of the business or organization have unsupervised access to one or more children.

Appropriation: None.

Fiscal Note: Available.

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