
SENATE BILL 5296

State of Washington

59th Legislature

2005 Regular Session

By Senators Mulliken, Hargrove, Stevens and Rasmussen

Read first time 01/19/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to verification of the identity of persons
2 providing care to children, expectant mothers, and persons with
3 developmental disabilities; and reenacting and amending RCW 74.15.030.

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

5 **Sec. 1.** RCW 74.15.030 and 2000 c 162 s 20 and 2000 c 122 s 40 are
6 each reenacted and amended to read as follows:

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

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

18 (2) In consultation with the children's services advisory
19 committee, and with the advice and assistance of persons representative

1 of the various type agencies to be licensed, to adopt and publish
2 minimum requirements for licensing applicable to each of the various
3 categories of agencies to be licensed.

4 The minimum requirements shall be limited to:

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

8 (b) The character, suitability and competence of an agency and
9 other persons associated with an agency directly responsible for the
10 care and treatment of children, expectant mothers or developmentally
11 disabled persons. In consultation with law enforcement personnel, the
12 secretary shall investigate the conviction record or pending charges
13 and dependency record information under chapter 43.43 RCW of each
14 agency and its staff seeking licensure or relicensure. No unfounded
15 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
16 disclosed to a child-placing agency, private adoption agency, or any
17 other provider licensed under this chapter. In order to determine the
18 suitability of applicants for an agency license, licensees, their
19 employees, and other persons who have unsupervised access to children
20 in care, and who have not resided in the state of Washington during the
21 three-year period before being authorized to care for children shall be
22 fingerprinted. The fingerprints shall be forwarded to the Washington
23 state patrol and federal bureau of investigation for a criminal history
24 records check. The fingerprint criminal history records checks will be
25 at the expense of the licensee except that in the case of a foster
26 family home, if this expense would work a hardship on the licensee, the
27 department shall pay the expense. The licensee may not pass this cost
28 on to the employee or prospective employee, unless the employee is
29 determined to be unsuitable due to his or her criminal history record.
30 The secretary shall use the information solely for the purpose of
31 determining eligibility for a license and for determining the
32 character, suitability, and competence of those persons or agencies,
33 excluding parents, not required to be licensed who are authorized to
34 care for children, expectant mothers, and developmentally disabled
35 persons. Criminal justice agencies shall provide the secretary such
36 information as they may have and that the secretary may require for
37 such purpose;

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

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

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

9 (f) The financial ability of an agency to comply with minimum
10 requirements established pursuant to chapter 74.15 RCW and RCW
11 74.13.031; (~~and~~))

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

14 (h) Verification of the identity of an applicant for an agency
15 license or renewal of a license. In order to verify the identity of an
16 applicant for a license or renewal of a license, the secretary shall
17 require that an applicant submit his or her date of birth, a copy of
18 his or her valid picture identification issued by a government entity,
19 and a copy of his or her social security card or verification of his or
20 her employer identification number. The secretary shall use the
21 information provided only to verify the identity of the applicant;

22 (3) To investigate any person, including relatives by blood or
23 marriage except for parents, for character, suitability, and competence
24 in the care and treatment of children, expectant mothers, and
25 developmentally disabled persons prior to authorizing that person to
26 care for children, expectant mothers, and developmentally disabled
27 persons. However, if a child is placed with a relative under RCW
28 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
29 and competent to provide care and treatment the criminal history
30 background check required by this section need not be completed before
31 placement, but shall be completed as soon as possible after placement;

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

37 (5) To issue, revoke, or deny licenses to agencies pursuant to

1 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
2 category of care which an agency is authorized to render and the ages,
3 sex and number of persons to be served;

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

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

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

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

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