
**Early Learning & Children's
Services Committee**

HB 1854

Brief Description: Revising background check requirements for the department of social and health services and the department of early learning.

Sponsors: Representatives Dickerson, Darneille, Roberts, Appleton, Kenney and Hurst; by request of Department of Social and Health Services.

Brief Summary of Bill

- Consolidates background check processes for employees of the Department of Social and Health Services (DSHS) and their contracted service providers.
- Requires fingerprint background checks on all foster and adoptive parents and on kinship and kinship-like care givers.
- Directs the DSHS to adopt rules related to background checks.

Hearing Date: 2/13/07

Staff: Sydney Forrester (786-7120).

Background:

In 2004, the Legislature created the Joint Task Force on Criminal Background Check Processes (Task Force) to review and make recommendations regarding improvements to the state's criminal background check processes. The Task Force was extended through December 2006. The Task Force reviewed multiple laws governing the background check processes used by Department of Social and Health Services (DSHS).

Fourteen different state laws address the background check requirements for DSHS employees and contracted service providers. Within these statutes are different program-specific rules, varying standards for denial of unsupervised access for vulnerable adults and children, and different recheck requirements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In October 2006, the DSHS presented to the Task Force its proposal for the consolidation into one chapter of the various background check laws. This proposal also incorporated requirements for fingerprint-based background checks required by recently enacted federal law known as the Adam Walsh Act. After stakeholder input, the DSHS proposal was introduced as department-request legislation.

Summary of Bill:

The fourteen separate background check statutes affecting DSHS employees and programs are consolidated into one chapter under the authority of the Secretary of the DSHS. The DSHS is directed to adopt rules relating to:

- (1) specific procedures and actions when disqualifying background information is provided;
- (2) policies to govern the release of background information;
- (3) in-home care services and permanent disqualifying crimes;
- (4) current and prospective employees in department-covered positions;
- (5) financial responsibility for paying fees relating to the fingerprinting process;
- (6) requirements for subsequent and additional background check; and
- (7) disqualifying crimes and negative actions and the placement of children with relatives.

A single list of disqualifying crimes and negative actions and a list of potentially disqualifying crimes related to unsupervised access to children and vulnerable persons is applied to all DSHS entities except kinship caregivers. Employees of the DSHS and their contracted service providers are held to the same background check standards.

The Department of Early Learning (DEL) is granted express authority necessary to conduct fingerprint background checks for the Working Connections Child Care program and the DEL employees. The DSHS is directed to conduct fingerprint background checks for all persons seeking to be foster parents, adoptive parents, kinship and kinship-like caregivers as required by the federal Adam Walsh Act.

Appropriation: None.

Fiscal Note: Available.

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