

FINAL BILL REPORT

HB 2835

PARTIAL VETO

C 232 L 08

Synopsis as Enacted

Brief Description: Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation.

Sponsors: By Representatives Kagi, Roberts, Loomis, Morrell, Kenney and Haigh; by request of Department of Social and Health Services.

House Committee on Early Learning & Children's Services

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

Background:

Whenever a child is placed in out-of-home care by the Department of Social and Health Services (DSHS), federal and state laws require fingerprint-based background checks be completed on all potential caretakers in the home. In exigent circumstances, such as in the middle of the night, the DSHS Children's Administration (CA) completes an initial background check of potential caregivers using name and date-of-birth, followed by a comprehensive fingerprint-based background check, which must be completed within 14 days.

Federal rules allow for the delayed completion of mandatory fingerprint-based background checks in exigent circumstances, but only if state statute also allows for the delayed submission of fingerprints. In July 2007 the Federal Bureau of Investigation (FBI) granted Washington temporary authority to utilize the delayed submission of fingerprints rule, conditioned on Washington's adoption of a state law allowing for the same process. The temporary authority granted by the FBI expires in March 2008.

Summary:

When the CA must place a child in out-of-home care in an emergency situation, the CA must complete a name and date-of-birth background check on all potential caregivers in the home. Within 14 days of receiving the results of the name and date-of-birth check, the CA must submit a full set of each caregiver's fingerprints to the Washington State Patrol (WSP) for completion of the comprehensive background check. If any adult in the home refuses to provide fingerprints or permission to perform the comprehensive background check, the CA must immediately remove the child from the home.

If, based on the initial name and date-of-birth background check, a potential caregiver is disqualified as a placement resource, the potential caregiver may contest the denial by

submitting to the CA a full set of fingerprints for purposes of completing a comprehensive background check.

A definition of "emergency placement" is established to include those limited circumstances when a child is placed in the home of an unlicensed caregiver, including a neighbor, friend, or relative, as a result of a sudden unavailability of the child's primary caregiver.

When processing a foster parent license application, the CA must inquire whether the applicant has resided in another state or foreign country, and if so, the CA must check databases available through the WSP and the FBI for information regarding civil findings or criminal convictions bearing on the fitness of the applicant for a foster parent license.

Votes on Final Passage:

House	96	0	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 12, 2008

Partial Veto Summary: The Governor vetoed the section creating an emergency and providing that the bill take effect immediately.