

**SHB 2535 - H AMD 737**

By Representative Freeman

ADOPTED 02/14/2014

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.15 RCW  
4 to read as follows:

5 If an agency operating under contract with the children's  
6 administration chooses to hire an individual that would be precluded  
7 from employment with the department based on a disqualifying crime or  
8 negative action, the department and its officers and employees have no  
9 liability arising from any injury or harm to a child or other  
10 department client that is attributable to such individual.

11 **Sec. 2.** RCW 74.13.700 and 2013 c 162 s 2 are each amended to read  
12 as follows:

13 (1) In determining the character, suitability, and competence of an  
14 individual, the department may not:

15 (a) Deny or delay a license or approval of unsupervised access to  
16 children to an individual solely because of a crime or civil infraction  
17 involving the individual or entity revealed in the background check  
18 process that (~~is not on the secretary's list of crimes and negative~~  
19 ~~actions and is not related~~) does not fall within the categories of  
20 disqualifying crimes described in the adoption and safe families act of  
21 1997 or does not relate directly to child safety, permanence, or well-  
22 being; or

23 (b) Delay the issuance of a license or approval of unsupervised  
24 access to children by requiring the individual to obtain records  
25 relating to a crime or civil infraction revealed in the background  
26 check process that (~~is not on the secretary's list of crimes and~~  
27 ~~negative actions and is not related~~) does not fall within the  
28 categories of disqualifying crimes described in the adoption and safe

1 families act of 1997 or does not relate directly to child safety,  
2 permanence, or well-being (~~and is not a permanent disqualifier~~  
3 ~~pursuant to department rule~~)).

4 (2) If the department determines that an individual does not  
5 possess the character, suitability, or competence to provide care or  
6 have unsupervised access to a child, it must provide the reasons for  
7 its decision in writing with copies of the records or documents related  
8 to its decision to the individual within ten days of making the  
9 decision.

10 (3) For purposes of this section, "individual" means a relative as  
11 defined in RCW 74.15.020(2)(a), an "other suitable person" under  
12 chapter 13.34 RCW, a person pursuing licensing as a foster parent, or  
13 a person employed or seeking employment by a business or organization  
14 licensed by the department or with whom the department has a contract  
15 to provide care, supervision, case management, or treatment of children  
16 in the care of the department. "Individual" does not include long-term  
17 care workers defined in RCW 74.39A.009(17)(a) whose background checks  
18 are conducted as provided in RCW 74.39A.056.

19 (4) The department or its officers, agents, or employees may not be  
20 held civilly liable based upon its decision to grant or deny  
21 unsupervised access to children if the background information it relied  
22 upon at the time the decision was made did not indicate that child  
23 safety, permanence, or well-being would be a concern."

24 Correct the title.

EFFECT: The striking amendment does the following:  
Removes the duty of the DSHS to provide background check  
information on potential employees with agencies contracting with the  
Children's Administration.  
Specifies that if an agency that contracts with the Children's  
Administration chooses to hire an individual that would be precluded  
from employment with the DSHS because of a crime or negative action,  
the DSHS has no liability from injury or harm attributable to that  
individual.  
Replaces the Secretary's list of crimes and negative actions with  
the categories of crimes provided in the Adoption and Safe Families Act  
of 1997 as the actions for which the DSHS may deny or delay a license  
or approval of unsupervised access to children.

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