
**Community Development, Housing &
Tribal Affairs Committee**

HB 2694

Brief Description: Concerning background checks in emergency placement situations requested by tribes.

Sponsors: Representatives DeBolt, Johnson, Condotta, Sells, Wilson, S. Hunt and Pettigrew.

Brief Summary of Bill

- Requires tribal welfare agencies to order criminal history records and submit fingerprints of residents in potential placements of children in emergency situations.

Hearing Date: 1/25/16

Staff: Sean Flynn (786-7124).

Background:

In certain emergency situations, the Department of Social and Health Services (Department) may remove a child from a primary caregiver and place the child with a neighbor, relative, friend, or other person. When making an emergency placement, the Department must request a federal criminal history record check of each adult residing at the possible placement. Within 14 days after receiving the results of the criminal history check, the Department must send each adult resident's fingerprints to the Washington State Patrol for submission to the Federal Bureau of Investigation to conduct a more comprehensive criminal background check.

The federal Indian Child Welfare Act (ICWA) governs the removal of Indian children from their families and placement of such children in foster care or adoptive homes. In 2011 the state incorporated many of the ICWA provisions into state law. Both the federal and state ICWA recognize tribes' exclusive jurisdiction over child custody proceedings involving an Indian child living within tribal boundaries, but the Department or state law enforcement may remove an Indian child who is temporarily off the reservation in the case of an emergency.

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.

Summary of Bill:

An authorized agency of a federally recognized tribe is required to order a criminal history record check and submit any resident's fingerprints in the case of an emergency out-of-home placement of a child.

Appropriation: None.

Fiscal Note: Not requested.

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