

# SENATE BILL REPORT

## HB 2694

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As of February 23, 2016

**Title:** An act relating to background checks in emergency placement situations requested by tribes.

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

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

**Brief History:** Passed House: 2/10/16, 93-3.

**Committee Activity:** Human Services, Mental Health & Housing: 2/23/16.

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### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Staff:** Kevin Black (786-7747)

**Background:** A child may be taken into custody and placed into emergency out-of-home care by a court order, obtained through the dependency process, alleging reasonable grounds that a child's health, safety, or welfare may be seriously endangered and at risk of imminent harm; or by a law enforcement officer without a court order, when there is probable cause to believe that the child is abused or neglected and would be injured, or could not subsequently be taken into custody, if it were necessary to first obtain a court order. When a child is placed in emergency out-of-home care, the Department of Social and Health Services (DSHS) must perform a federal name-based criminal history check for each adult residing in the home of the potential placement resource. Once these results are received, DSHS must provide a complete set of fingerprints to the Washington State Patrol (WSP) to submit to the Federal Bureau of Investigation (FBI) within 14 days. The child must be removed from the placement if the fingerprints and written permission to perform the check are not provided within the 14-day timeframe.

DSHS may request name-based criminal history checks directly from the FBI by special arrangement enabled pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006. The agreement between DSHS and the FBI places limitations on the circumstances under which the name-based criminal history checks may be performed. For a period of time, DSHS provided no-cost name-based criminal history checks to tribal agencies under this agreement, but were forced to stop this practice by directive of the FBI in 2014.

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*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, instead of the DSHS, may request a federal name-based criminal history check when a child is placed in emergency out-of-home care. Thereafter the authorized agency of a federally recognized tribe may submit follow up fingerprint-based background checks to the WSP for submission to the FBI within 14 calendar days.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.