

SENATE BILL REPORT

HB 2694

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, February 25, 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: 2/25/16 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass as amended.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

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

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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.

Summary of Bill (Recommended Amendments): An authorized agency of a federally recognized tribe 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 15 calendar days.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, MENTAL HEALTH & HOUSING COMMITTEE (Recommended Amendments): Time available to submit fingerprints to the Washington State Patrol following a name-based background check is increased from 14 days to 15 days. A federally recognized tribe may decide whether or not to request a federal background check in an emergency when a child is placed in out-of-home care.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: No public hearing was held.

Persons Testifying: N/A.

Persons Signed In To Testify But Not Testifying: N/A.