

SENATE BILL REPORT

HB 2642

As of February 16, 2018

Title: An act relating to requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care.

Brief Description: Requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care.

Sponsors: Representatives McCaslin, Pettigrew, Harmsworth, Shea, Dolan, Dent, Bergquist, Holy and Young.

Brief History: Passed House: 1/29/18, 95-0.

Committee Activity: Early Learning & K-12 Education: 2/15/18.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF) to provide a written explanation when it determines that an individual is not suitable to have unsupervised access to children in child care.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: On July 1, 2018, the Department of Early Learning and the Children's Administration's powers, functions, and duties will be transferred to DCYF. These duties include conducting background checks for the purposes of child care licensing.

State law requires any individual who has unsupervised access to children in a licensed child care or access to children in the Early Childhood Education and Assistance Program (ECEAP) to submit to a fingerprint background check. Fingerprints must be forwarded to the Washington State Patrol and Federal Bureau of Investigation for a criminal history record check.

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.

DCYF must use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a child care license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

DCYF may consider the history of past involvement of Child Protective Services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect may be disclosed to a licensed provider.

If the applicant is qualified for unsupervised access to children in child care, DCYF must issue a background check clearance card or certificate, which is valid for three years.

DCYF must investigate and conduct a redetermination of a background clearance if it receives a complaint or information from individuals or government agencies. DCYF may invalidate the background check card or certificate or suspend, modify, or revoke a license.

State law requires DCYF to give written notice when such action is taken. The notice must state the reasons for the action and must be personally served in the manner of service of a summons in a civil action or must be given in another manner that shows proof or receipt.

Summary of Bill: If DCYF determines that an individual is not suitable to be qualified to have unsupervised access to children in care, DCYF must provide the individual with a written explanation detailing the reasons for DCYF's determination of unsuitability.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The director of a child care program was not allowed on the property, but it was not clear why she was being removed. Written notice would provide an explanation. This bill reinforces that people are innocent until proven guilty.

Persons Testifying: PRO: Representative Bob McCaslin, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.