

# HOUSE BILL REPORT

## SB 5316

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**As Reported by House Committee On:**  
Human Services, Youth, & Early Learning  
Appropriations

**Title:** An act relating to background check and licensing fees for programs administered by the department of children, youth, and families.

**Brief Description:** Concerning background check and licensing fees for programs administered by the department of children, youth, and families.

**Sponsors:** Senators Wilson, C., Billig and Nobles.

**Brief History:**

**Committee Activity:**

Human Services, Youth, & Early Learning: 3/21/23, 3/24/23 [DP];  
Appropriations: 4/1/23, 4/4/23 [DPA].

**Brief Summary of Bill**  
**(As Amended By Committee)**

- Requires the Department of Children, Youth, and Families (DCYF) to pay background check fees for all foster care and child care applicants and service providers.
- Requires the DCYF to maintain an individual-based or portable background check clearance registry regardless of appropriations, and makes background check clearance cards or certificates valid for five years instead of three years from the date of issue.
- Makes the current temporary waiver of child care licensing fees permanent.

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**HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING**

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass. Signed by 8 members: Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan, Goodman and Rule.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Dent and Walsh.

**Staff:** Omeara Harrington (786-7136).

**Background:**

Persons with certain criminal history, pending charges, or history of other disqualifying negative action are disqualified from working in positions where they will have unsupervised access to children. A person must undergo a fingerprint-based state and federal background check through the Washington State Patrol (WSP) and the Federal Bureau of Investigation (FBI) before being approved to provide services or care to children in the child welfare system or to work in a child care position.

*Foster Care System Background Checks.*

The DCYF pays the fees charged by the WSP and the FBI for fingerprint-based background checks of foster home applicants, relative caregivers, and adoptive home applicants, but does not pay the fees when such placements are not proposed by the DCYF. The DCYF also does not pay for the fees associated with background checks of non-DCYF employees, contractors, or volunteers associated with facilities other than foster homes.

*Child Care Background Checks.*

Child care licensees and employees must pay for the cost of the required background check, including the fee established by the WSP for criminal background history check and fingerprinting and the fee paid to the DCYF for the cost of administering the individual-based or portable background check clearance registry. A child care licensee may, but is not required to, pay the background check costs on behalf of a prospective employee, reimburse the prospective employee for the cost, or share the cost with the prospective employee.

In the 2022 Supplemental Operating Budget, the DCYF was appropriated funds to pay for the background check fees for child care providers during fiscal year 2023.

*Background Check Clearance Registry for Child Care Providers.*

Subject to appropriation, the DCYF must maintain an individual-based or portable background check clearance registry. The DCYF must issue a background check clearance card or certificate to applicants if after completion of a background check, the DCYF concludes the applicant is qualified for unsupervised access to children in child care. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a required background check. The background check clearance

card or certificate is valid for three years from the date of issuance.

All child care licensees are required pay the DCYF a one-time fee for deposit into the individual-based or portable background check clearance account used for the cost of developing and administering the registry.

Child Care Licensing Fees.

Historically, the DCYF has been authorized to charge a fee for obtaining a child care license. The fee may be waived when, in the discretion of the DCYF, the fee would not be in the best interest of public health and safety, or would be to the financial disadvantage of the state. The DCYF rules establish an annual fee of \$125 for child care centers for the first 12 children, plus \$12 for each additional child. For family home providers, the established annual fee is \$30.

The DCYF is temporarily prohibited from charging child care licensing fees until June 30, 2023.

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**Summary of Bill:**

Background Checks for Foster Care and Child Care.

The DCYF must pay the background check fees charged by the WSP and the FBI for all foster care and child care applicants and service providers.

The individual-based or portable background check clearance registry is no longer subject to appropriation, and background check clearance cards or certificates must be valid for five years, rather than three years. Provisions requiring payment of fees for the cost of administering the registry are removed or repealed.

Child Care Licensing Fees.

The prohibition on the DCYF charging child care licensing fees is made permanent.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Section 5 of the bill contains an emergency clause and takes effect immediately. The remainder of the bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Addressing child care is one of the puzzle pieces to recovering from the pandemic. Young kids need a place to go so their parents can go back to work. Washington's businesses and workforce depend on child care, but there is a child care workforce crisis that compounds workforce issues on a widespread basis. The fees associated with required background checks of child care providers can create delays. The fees were suspended during the pandemic, and it was found that this saved time and got people into work faster. Previously, businesses were losing applicants to other positions that do not require a background check while waiting for the background check to come back. The current fees also create a competitive disadvantage for qualified individuals for whom fees are a barrier. This bill provides modest, but meaningful relief for reducing financial burdens for providers. Additionally, it makes the pandemic waiver of child care license fees permanent. This bill will also waive background check fees for persons involved in the foster care system, including child-placing agencies, group care, and service providers.

(Opposed) None.

**Persons Testifying:** Senator Claire Wilson, prime sponsor; and Emily Murphy, Child Care Aware of Washington.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended. Signed by 25 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Fitzgibbon, Hansen, Lekanoff, Pollet, Riccelli, Rude, Ryu, Senn, Simmons, Springer, Steele, Stonier and Tharinger.

**Minority Report:** Without recommendation. Signed by 5 members: Representatives Corry, Assistant Ranking Minority Member; Dye, Harris, Sandlin and Schmick.

**Staff:** Jordan Clarke (786-7123).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Human Services, Youth, & Early Learning:**

The Appropriations Committee recommended making a technical change in order to align the policy in the bill by removing a current law provision that limits the Department of Children, Youth, and Families' obligation to pay background check fees for child care providers to fiscal year 2023. The Appropriations Committee also recommended adding a null and void clause, making the bill null and void unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Section 5 of the bill contains an emergency clause and takes effect immediately. The remainder of the bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

(In support) None.

(Opposed) None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.