
SUBSTITUTE SENATE BILL 6391

State of Washington

64th Legislature

2016 Regular Session

By Senate Human Services, Mental Health & Housing (originally sponsored by Senators Braun, Fraser, McCoy, Hasegawa, and Chase)

1 AN ACT Relating to background checks in emergency placement
2 situations requested by tribes; and amending RCW 26.44.240.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.44.240 and 2008 c 232 s 2 are each amended to
5 read as follows:

6 (1) During an emergency situation when a child must be placed in
7 out-of-home care due to the absence of appropriate parents or
8 custodians, the department or an authorized agency of a federally
9 recognized tribe shall request a federal name-based criminal history
10 record check of each adult residing in the home of the potential
11 placement resource. Upon receipt of the results of the name-based
12 check, the department or an authorized agency of a federally
13 recognized tribe shall provide a complete set of each adult
14 resident's fingerprints to the Washington state patrol for submission
15 to the federal bureau of investigation within (~~fourteen~~) fifteen
16 calendar days from the date the name search was conducted. The child
17 shall be removed from the home immediately if any adult resident
18 fails to provide fingerprints and written permission to perform a
19 federal criminal history record check when requested.

20 (2) When placement of a child in a home is denied as a result of
21 a name-based criminal history record check of a resident, and the

1 resident contests that denial, the resident shall, within fifteen
2 calendar days, submit to the department or an authorized agency of a
3 federally recognized tribe a complete set of the resident's
4 fingerprints with written permission allowing the department or an
5 authorized agency of a federally recognized tribe to forward the
6 fingerprints to the Washington state patrol for submission to the
7 federal bureau of investigation.

8 (3) The Washington state patrol and the federal bureau of
9 investigation may each charge a reasonable fee for processing a
10 fingerprint-based criminal history record check.

11 (4) As used in this section, "emergency placement" refers to
12 those limited instances when the department or an authorized agency
13 of a federally recognized tribe is placing a child in the home of
14 private individuals, including neighbors, friends, or relatives, as a
15 result of a sudden unavailability of the child's primary caretaker.

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