RULE-MAKING ORDER
EMERGENCY RULE ONLY

CR-103E (October 2017)
(Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 18, 2017
TIME: 10:34 AM

WSR 17-21-109

Agency: Department of Social and Health Services, Children's Administration

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.

☒ Later (specify) October 19, 2017

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The department is amending WAC 388-06A-0110 "Who must have background checks?" to align with changes in RCW 74.15.030 and RCW 43.43.832 which allows the department to complete background checks on individuals younger than sixteen years old when it is warranted to ensure the safety of children in foster care.

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 388-06A-0110
Suspended: None

Statutory authority for adoption: RCW 74.15.030, RCW 43.43.832

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Changes were made to RCW 74.15.030 and RCW 43.43.832 by Laws of 2017, Chapter 20, Section 5 that go into effect on October 19, 2017. WAC 388-06A-0110 is being amended to align with these revised RCWs.

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	____	Amended	____	Repealed	____
Federal rules or standards:	New	____	Amended	____	Repealed	____
Recently enacted state statutes:	New	____	Amended	1	Repealed	____

The number of sections adopted at the request of a nongovernmental entity:

New	____	Amended	____	Repealed ____

The number of sections adopted on the agency's own initiative:

New	____	Amended	____	Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	____	Amended	____	Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	1	Repealed	____

Date: October 17, 2017	**Signature:**
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

AMENDATORY SECTION (Amending WSR 15-03-071, filed 1/15/15, effective 2/15/15)

WAC 388-06A-0110 Who must have background checks? (1) Per RCW 74.15.030, the department requires background checks on all providers who may have unsupervised access to children. This includes licensed, certified or contracted providers, their current or prospective employees and prospective adoptive parents as defined in RCW 26.33.020.

(2) Per RCW 74.15.030, the department also requires background checks on other individuals who may have unsupervised access to children in department licensed or contracted homes, or facilities which provide care. The department requires background checks on the following people:

(a) A volunteer or intern with regular or unsupervised access to children;

(b) Any person who regularly has unsupervised access to a child. However, a background check is not required when a caregiver approves the unsupervised access for a normal childhood activity that lasts less than seventy-two hours, per RCW 74.13.710;

(c) A relative other than a parent who may be caring for a child; ((~~and~~))

(d) A person who is at least sixteen years old and resides in a foster, relative, or other suitable person's home and is not a foster child; and

(e) A person who is younger than sixteen years old in situations where it may be warranted to ensure the safety of children in out-of-home care.

(3) Per RCW 13.34.138, prior to returning a dependent child home the department requires a background check on all adults residing in the home.