



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: February 14, 2018

TIME: 3:23 PM

WSR 18-05-052

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

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) February 15, 2018

**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 the RCW 74.15.030 and RCW 43.43.832 which allow 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. The department is currently in the permanent rule filing process and is therefore extending the current emergency WAC filed as WSR 17-21-109 on October 18, 2017 until the permanent WAC goes into effect.

**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 Repealed: None  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 went 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	____

<b>Date Adopted:</b> February 13, 2018	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

**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.