



STATE OF WASHINGTON  
**OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN**

6840 Fort Dent Way, Suite 125  
TUKWILA, WA 98188  
(206) 439-3870 (•800) 571-7321 • FAX (206) 439-3877

**TESTIMONY ON SB 5565**  
**Concerning Background Checks and Finding of Child Abuse or Neglect**

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS  
Tuesday, February 12, 2013  
Senate Hearing Room 1  
J.A. Cherberg Building, 10:00 a.m.

Good morning Vice-Chair Pearson and members of the committee, my name is Patrick Dowd and I am with the Office of the Family & Children's Ombudsman ("OFCO").

While OFCO remains neutral on specific proposed legislation, we support the intent of this legislation to modify provisions governing background checks for individuals having unsupervised access to children and to establish a work group to explore the possibility of<sup>1</sup> creating a certificate of suitability for individuals with a prior finding of child maltreatment.

**Certificate of Suitability**

As discussed in OFCO's 2012 Annual Report, our office frequently receives complaints from individuals seeking to overturn or expunge a CPS finding of child maltreatment. In some cases, the finding was made many years ago, and the individual is shocked to learn that the administrative finding now prevents them from working as a nurse, social worker, or caring for a dependent child. While there is an administrative process to challenge the sufficiency of the evidence of child abuse or neglect, there is no avenue for such person to demonstrate that their life and personal circumstances have changed and that they should not be prevented from working with children or other vulnerable populations.

There is obviously a rationale basis for restricting a person's contact with vulnerable populations when there is a prior finding of abuse or neglect. However, the process should also be flexible enough to consider the totality of the person's circumstances and recognize changes made in their life.

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<sup>1</sup> OFCO 2012 Annual Report *Life-Long Impact of a CPS Finding of Child Abuse or Neglect, Should Washington State Establish a Procedure to Expunge a Finding of Maltreatment?* (pages 81-84).  
<http://www.governor.wa.gov/ofco/>

In addition to the stakeholders identified in this bill, the workgroup should also consider a representative from the Office of Public Defense Parents Representation Program.

### **Use of Background Information**

Section 1 of this bill addresses which factors may be considered when assessing an individual's character, suitability and competence to have unsupervised access to children. OFCO supports these provisions as they appropriately focus the assessment on information that is directly related to child safety. Relatives seeking placement of a dependent child have complained to OFCO that they have been required to explain unrelated offenses, such as fish and game violations or vehicle licensing citations during a home study process.

I have two suggestions to modify this bill for your consideration:

First, as currently drafted, the definition of "individual"<sup>2</sup> only includes "state employee, a person pursuing licensing as a foster parent, or a person employed by a business or organization licensed by the department . . ." but does not include a relative or other suitable adult who is being considered as a placement resource for or having unsupervised access to a child. Stakeholders and legislators might consider adding "relatives or other suitable adults being considered as caregivers or having unsupervised access to a child" to the definition of an "individual" for the purpose of this legislation.

Second, the bill requires that if approval for unsupervised access to a child is denied, the department must provide the reasons for its decision to the individual within 10 days. It does not require that the department provide the individual with the documents or records upon which the decision was based. The process to request records from the department can cause additional delays. Requiring the department to also provide copies of the records or documents related to its decision would hasten resolution of any contested issues.

Thank you for the opportunity to provide you with our testimony on this legislation.

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<sup>2</sup> Subsection (4), Lines 33- 38, page 2.