

RCW 74.13.720 Certificates of parental improvement—Issuance—Standards—Rules—Liability. (1) The department shall develop and implement a process by which an individual who is the subject of a founded finding of negligent treatment or maltreatment or physical abuse as defined in RCW 26.44.020 or by rule or an individual whose child was found by a court to be dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b) may request the secretary issue a certificate of parental improvement.

(2) The secretary shall respond to a request for a certificate of parental improvement and notify the requestor of the secretary's determination to issue or deny that request within sixty days of the receipt of a complete request.

(3) The secretary shall issue a certificate of parental improvement if, on a more probable than not basis, the requestor has the character, suitability, and competence to care for children and meets the other requirements of this section.

(4) The secretary may not issue a certificate of parental improvement to any individual if:

(a) Fewer than five years have passed since the requestor's last founded finding of child abuse or neglect as defined in RCW 26.44.020;

(b) Fewer than two years have passed since the secretary's denial of an individual's request for a certificate of parental improvement;

(c) The requestor has a final founded finding for sexual abuse, sexual exploitation, or physical abuse if the conduct that was the basis for the physical abuse finding involved cutting, burning, interfering with a child's breathing, shaking a child under three, or threatening a child with a deadly weapon;

(d) The requestor has any conviction or pending criminal investigation for:

(i) Any felony offense involving the physical neglect of a child under chapter 9A.42 RCW;

(ii) Any felony offense under chapter 9A.32 or 9A.36 RCW involving a physical injury or death of a child;

(iii) Any felony domestic violence offense committed against a family or household member as defined in chapter 10.99 RCW;

(iv) A felony offense against a child under chapter 9.68A RCW;

(v) Any of the following felony offenses:

(A) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(B) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(C) Manslaughter in the first or second degree;

(D) Indecent liberties;

(E) Kidnapping in the second degree;

(F) Arson in the second degree;

(G) Extortion in the first degree;

(H) Robbery in the second degree;

(I) Drive-by shooting; and

(J) Vehicular homicide; or

(vi) Any out-of-state, federal, or state conviction for a felony offense that is comparable to an offense listed in this subsection

(4)(d); or

(e) The individual applying for a certificate of parental improvement has already received one certificate of parental

improvement and is the alleged perpetrator in a subsequent, final founded finding of child abuse or neglect.

(5) The secretary shall consider the following when determining whether to issue a certificate of parental improvement:

(a) Documentation of any founded finding of child abuse or neglect and the underlying documentation the entity that issued the finding relied upon to make that finding;

(b) Findings from any civil adjudication proceeding as defined in RCW 43.43.830;

(c) Referral history alleging child abuse or neglect against the requestor;

(d) The length of time that has elapsed since the founded finding of child abuse or neglect;

(e) Whether a court made a finding that the requestor's child was dependent pursuant to chapter 13.34 RCW, the length of time elapsed since that dependency proceeding was dismissed, and the outcome of the dependency proceeding, including whether the child was returned to the requestor's home;

(f) Any documentation submitted by the requestor indicating whether the requestor successfully addressed the circumstances that led to the founded finding of physical abuse or negligent treatment or maltreatment including, but not limited to: A declaration by the requestor signed under penalty of perjury; recent assessments or evaluations of the requestor; and completion or progress toward completion of recommended court-ordered treatment, services, or programs;

(g) Any pending criminal or civil actions against the requestor;

(h) Background checks as authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau of investigation;

(i) Personal and professional references submitted by the requestor from employers, professionals, and agencies familiar with the requestor who can address the requestor's current character;

(j) Any education, volunteer work, employment history, or community involvement of the requestor identified by the requestor; and

(k) Any additional information the secretary deems relevant.

(6) However, in deciding whether to grant a request for a certificate of parental improvement under subsection (5) of this section, the secretary must accept the underlying founded finding as valid and may not review the merits of that founded finding.

(7) The department shall enact rules to implement the process identified in this section.

(8) Governmental entities, and their officers, agents, employees, and volunteers are not liable in tort for any of their acts or omissions in issuing certificates of parental improvement including, but not limited to, any determination to issue the certificate, or any later act of an individual who received a certificate. [2020 c 270 s 1.]

Effective date—2020 c 270: "This act takes effect January 1, 2021." [2020 c 270 s 12.]