JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05

20-31
Department of Children, Youth, and Families - Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, and 20-30, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is critical to limit person to person contact through social distancing and other appropriate measures; and

WHEREAS, the Department of Children, Youth, and Families (DCYF) is the agency responsible for administering Early Learning Programs that provide subsidized child care to low income families, including the Working Connections Child Care Program and the Early Childhood Education and Assistance Program; and

WHEREAS, subsidized child care is regulated by DCYF to ensure the availability of stable and quality child care for children of low-income households; and

WHEREAS, many of the essential workers providing essential services during the COVID-19 pandemic are from low-income households and require subsidized child care to continue working; and

WHEREAS, as a part of child care licensing child care workers must submit to a background check including out of state checks requiring the submission of fingerprints and the private businesses that provide such services are currently closed and law enforcement agencies are unavailable to provide fingerprint services due to the COVID-19 pandemic response; and

WHEREAS, it is anticipated that some child care providers may avoid or decide to not provide subsidized child care or may withdraw their services if they cannot meet all the Early Achievers Quality Rating and Improvement System's regulatory requirements to submit reports and meet specific rating levels; and

WHEREAS, in order to approve foster and adoptive parents, and group care staff to have unsupervised access to children, DCYF must conduct fingerprint-based background checks on these individuals; and

WHEREAS, individuals who submit fingerprints in order to be approved to have unsupervised access to children would be at risk of being exposed to COVID-19 resulting from face to face contact in submitting their fingerprints; and

WHEREAS, the entities that receive and process fingerprints for fingerprint-based background checks have already or are anticipated to limit or suspend these operations in order to limit exposure to COVID-19; and

WHEREAS, it is anticipated that DCYF will have a reduced ability to approve individuals to have unsupervised access to children, and will therefore have a decreasing capacity to provide for the care of children in its care and to provide child care while it cannot process fingerprint-based background checks; and

WHEREAS, it is necessary to immediately waive and suspend statutes and rules that require fingerprint-based background checks before a person may be approved to have unsupervised access to children during the COVID-19 pandemic; and

WHEREAS, it is necessary to immediately waive and suspend some of the statutory and regulatory Early Achievers Quality Rating and Improvement System requirements that delay child care providers from making child care available to the children of essential staff who are from low income families who require child care services during the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that

Proclamation 20-05, as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a destabilization of the foster care system.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk destabilizing the state's subsidized child care programs and prevent, hinder, or delay the response by the Department of Children, Youth, and Families to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its <u>entirety</u>, except as otherwise provided herein, until midnight on April 25, 2020:

1. RCW 43.216.135(4)(a), the following words only:
   "within thirty days of receiving the initial state subsidy payment"
2. RCW 43.216.135(4)(b); RCW 43.216.135(4)(c)
3. RCW 43.216.135(5)
4. RWC 43.216.135(6), the following words only:
   "pending the successful completion of the level 3 rating activity"
5. RCW 43.216.085(3)
6. RCW 43.216.515(4)(a)
7. RCW 43.216.515(4)(b)
8. RCW 43.216.515(5)(a)
9. RCW 43.216.515(5)(b)
10. RCW 43.216.270(2), the following words only:
    "In order to determine the suitability of"
11. RCW 43.43.837(1), the following words only:
    "but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application"
12. RCW 43.43.837(4), the following words only:
    "fingerprint-based" and "and the federal bureau of investigation"

13. RCW 74.15.030(2)(b), the following words only:
    ", to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency"
14. RCW 13.34.065(5)(b)
    ", but as soon as possible after placement"

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State