



STATE OF WASHINGTON  
OFFICE OF FINANCIAL MANAGEMENT

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July 27, 2012

The Honorable Brian Sonntag  
Washington State Auditor  
P.O. Box 40021  
Olympia, WA 98504-0021

Dear Auditor Sonntag:

Thank you for the opportunity to respond to the State Auditor's Office performance audit report on *Protecting Children from Sex Offenders in Child Care, Foster Care, and Schools* that we received on July 13, 2012. The Office of Financial Management worked with the Department of Social and Health Services (DSHS), Department of Early Learning (DEL) and the Washington State Patrol (WSP) to provide a consolidated response. The Office of Superintendent of Public Instruction (OSPI) will respond separately.

We are committed to making sure that Washington's sex offender databases are used as effectively as possible to strengthen monitoring of state-regulated or licensed facilities where children are present. For context, it is important to note that DSHS is responsible for more than 8,000 children in foster care and 5,794 children in unregulated (exempt from licensing) child care. In addition, DEL monitors licensed care providers serving up to 170,000 children.

The safety of children has been one of Governor Gregoire's top priorities since her days as Attorney General. Agencies are dedicated to correcting any deficiencies noted in the findings of the performance audit. In fact, as you noted in your report, "agencies reacted quickly to protect children and improve processes." DSHS, DEL and OSPI worked quickly to investigate the cases identified in your audit. They then took appropriate actions, including terminating employees, removing children when necessary, revoking licenses or discontinuing subsidy payments. In addition, WSP has made significant process changes to improve the reliability of data used by OSPI.

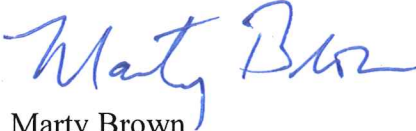
We take very seriously our responsibility to ensure that no child's safety is ever jeopardized while he or she is in child care or foster care. As noted in your audit and detailed in the attached response, agencies worked together diligently and swiftly to carry out the recommendations outlined in your report. These actions — combined with numerous other safeguards already in place — will help in our efforts to ensure the safety of children in child care and foster care.



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On behalf of the Cabinet agencies audited in this report, I thank the staff of the State Auditor's Office. It is clear that many hours of work were performed during this audit, and we appreciate the collaborative nature in which it was conducted.

Sincerely,



Marty Brown  
Director

Attachment

cc: Marty Loesch, Chief of Staff, Office of the Governor  
Fred Olson, Deputy Chief of Staff, Office of the Governor  
Bette Hyde, Director, Department of Early Learning  
Robin Arnold-Williams, Secretary, Department of Social and Health Services  
John Batiste, Chief, Washington State Patrol  
The Honorable Randy Dorn, Superintendent of Public Instruction  
Bernie Warner, Secretary, Department of Corrections  
Stan Marshburn, Deputy Director, Office of Financial Management  
Kari Burrell, Director, Executive Policy Office, Office of the Governor  
Wendy Korthuis-Smith, Director, Accountability & Performance, Office of the Governor  
Sheri Sawyer, Performance Audit Liaison, Accountability & Performance, Office of the Governor

# OFFICIAL STATE CABINET AGENCY RESPONSE TO THE PERFORMANCE AUDIT ON *PROTECTING CHILDREN FROM SEX OFFENDERS IN CHILD CARE, FOSTER CARE, AND SCHOOLS*

JULY 27, 2012

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This coordinated management response is provided by the Office of Financial Management for the audit report received July 13, 2012, on behalf of the following Governor's Cabinet agencies: Department of Early Learning (DEL), Department of Social and Health Services (DSHS) and Washington State Patrol (WSP).

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**ISSUE 1:** Sex offenders lived undetected in state-regulated and state-subsidized child or foster care settings.

**RECOMMENDATION:** DEL and DSHS should work together to develop and put in place a strategy for periodically matching registered sex offenders' addresses provided by either the Washington Association of Sheriffs & Police Chiefs or the WSP to those who provide care for vulnerable children and adults.

## RESPONSE

As stated in the audit report, DEL and DSHS immediately convened a workgroup to establish a quarterly address-matching process. The Office of Fraud and Accountability in DSHS worked directly with the WSP to compare the addresses of registered sex offenders with all providers serving vulnerable populations, including child and foster care providers and those caring for elderly and people with developmental disabilities.

The first automated match was completed in July 2012 and will be conducted quarterly. The October 2012 match will be expanded to include foster care addresses.

If a provider address matches a reported sex offender address, DEL and/or the DSHS's Office of Fraud and Accountability will immediately investigate the match and take appropriate action, including removing children when necessary, revoking licenses and/or stopping subsidy payments.

DEL and DSHS have the authority to permanently disqualify providers from receiving subsidies, and have already disqualified noncompliant caregivers found in the course of this audit.

This automated quarterly match, one of many tools DSHS uses to ensure child and vulnerable adult safety, will help ensure sex offenders do not live in a care provider's home.

## Action Steps and Time Frame

- ê DEL and DSHS immediately convened a workgroup to establish a quarterly address-matching process. Implemented and ongoing.

**RECOMMENDATION:** DSHS and DEL should work together to ensure the databases they use to identify child care and foster care addresses for the quarterly matching process are complete and accurate.

**RESPONSE**

We believe this recommendation applies only to DSHS because, as noted in your report, DSHS maintains both the FamLink and SSPS databases. DSHS identified several data processing issues when sharing database information with the State Auditor’s Office during this audit. The issues were remedied immediately, and DSHS submitted accurate, complete data to assist with the audit work. The revised process will be used in subsequent automated matches, and verified by DSHS prior to certifying results. DSHS will continue to improve its processes as the department gains experience with the information and related nuances connected to matching large data sources.

**Action Steps and Time Frame**

- ê As noted above, DSHS has put in place an improved process to help ensure the use of complete and accurate databases. Implemented and ongoing.

**RECOMMENDATION:** DEL and DSHS should work together to clarify the administrative rules in the Working Connections Child Care program to specify who in the household is required to undergo a background check when unregulated child care providers and children receiving care live in the same home.

**RESPONSE**

Your report states there were four instances where a sex offender lived undetected in unregulated subsidized homes. In one of these situations, the provider was the biological parent of the child. It is important to note that during the past several years, there has been an average of 10,000 exempt-care providers (relative and non-relative caregivers — referred to as unregulated care in this report) annually. The current rule is clear as to who is required to undergo a background check; however, it does not take into account every possible scenario. DEL, in cooperation with DSHS, has already started working to develop clarifying changes to the administrative rules in Working Connections Child Care.

**Action Steps and Time Frame**

- ê DEL, working with DSHS, will expand the rule to include policy on background checks when the provider is a member of the parent’s and child’s household. March 2013.

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**ISSUE 2:** A sex offender worked undetected in a school for nine years.

**RECOMMENDATION:** OSPI’s quarterly criminal conviction monitoring must include all school employees, including certificated and classified employees, and all part-time and contracted employees.

**RESPONSE**

Please see separate response from the Office of Superintendent of Public Instruction (OSPI).

**RECOMMENDATION:** WSP must give OSPI complete information on all convictions and guilty pleas that prohibit individuals from working in schools, including sex offenders living in Washington but convicted in other states.

## **RESPONSE**

Although WSP was providing OSPI a quarterly data extract file as outlined in state law, it was revealed during this audit that WSP was not including expired crime codes and/or new crime codes for qualifying offenses since implementation in 2005. We acknowledge that although WSP was not providing the sex and kidnapping offender registry, it was not required to do so because such action was not specifically outlined in statute.

### **Action Steps and Time Frame**

- ê WSP updated its quarterly data-extract process to include all current, expired and new crime codes and the sex and kidnapping offender registry in the quarterly data extract file sent to OSPI. Procedures have been updated to ensure all new and expired crime codes will remain part of the data file extract on an annual basis after each legislative session. Implemented and ongoing.
- ê WSP provided OSPI with an updated data extract file that included all subsets of each qualifying Revised Code of Washington as outlined in statute, including expired crime codes and the sex and kidnapping offender registry. Implemented and ongoing.
- ê WSP worked with OSPI and updated the agreement between the two agencies for the quarterly data-extract file to include the sex and kidnapping offender registry information as part of the file, in addition to a few additional fields. Implemented and ongoing.