

2 EHB 1115 - S COMM AMD

3 By Committee on Health & Human Services

4 ADOPTED 4/6/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read  
8 as follows:

9 (1) When any practitioner, professional school personnel,  
10 registered or licensed nurse, social service counselor, psychologist,  
11 pharmacist, licensed or certified child care providers or their  
12 employees, employee of the department, or juvenile probation officer  
13 has reasonable cause to believe that a child or adult dependent or  
14 developmentally disabled person, has suffered abuse or neglect, he or  
15 she shall report such incident, or cause a report to be made, to the  
16 proper law enforcement agency or to the department as provided in RCW  
17 26.44.040. The report shall be made at the first opportunity, but in  
18 no case longer than forty-eight hours after there is reasonable cause  
19 to believe that the child or adult has suffered abuse or neglect. The  
20 report shall include the identity of the accused if known.

21 (2) The reporting requirement of subsection (1) of this section  
22 does not apply to the discovery of abuse or neglect that occurred  
23 during childhood if it is discovered after the child has become an  
24 adult. However, if there is reasonable cause to believe other  
25 children, dependent adults, or developmentally disabled persons are or  
26 may be at risk of abuse or neglect by the accused, the reporting  
27 requirement of subsection (1) of this section shall apply.

28 (3) Any other person who has reasonable cause to believe that a  
29 child or adult dependent or developmentally disabled person has  
30 suffered abuse or neglect may report such incident to the proper law  
31 enforcement agency or to the department of social and health services  
32 as provided in RCW 26.44.040.

33 (4) The department, upon receiving a report of an incident of abuse  
34 or neglect pursuant to this chapter, involving a child or adult  
35 dependent or developmentally disabled person who has died or has had  
36 physical injury or injuries inflicted upon him or her other than by

1 accidental means or who has been subjected to sexual abuse, shall  
2 report such incident to the proper law enforcement agency. In  
3 emergency cases, where the child, adult dependent, or developmentally  
4 disabled person's welfare is endangered, the department shall notify  
5 the proper law enforcement agency within twenty-four hours after a  
6 report is received by the department. In all other cases, the  
7 department shall notify the law enforcement agency within seventy-two  
8 hours after a report is received by the department. If the department  
9 makes an oral report, a written report shall also be made to the proper  
10 law enforcement agency within five days thereafter.

11 (5) Any law enforcement agency receiving a report of an incident of  
12 abuse or neglect pursuant to this chapter, involving a child or adult  
13 dependent or developmentally disabled person who has died or has had  
14 physical injury or injuries inflicted upon him or her other than by  
15 accidental means, or who has been subjected to sexual abuse, shall  
16 report such incident in writing as provided in RCW 26.44.040 to the  
17 proper county prosecutor or city attorney for appropriate action  
18 whenever the law enforcement agency's investigation reveals that a  
19 crime may have been committed. The law enforcement agency shall also  
20 notify the department of all reports received and the law enforcement  
21 agency's disposition of them. In emergency cases, where the child,  
22 adult dependent, or developmentally disabled person's welfare is  
23 endangered, the law enforcement agency shall notify the department  
24 within twenty-four hours. In all other cases, the law enforcement  
25 agency shall notify the department within seventy-two hours after a  
26 report is received by the law enforcement agency.

27 (6) Any county prosecutor or city attorney receiving a report under  
28 subsection (5) of this section shall notify the victim, any persons the  
29 victim requests, and the local office of the department, of the  
30 decision to charge or decline to charge a crime, within five days of  
31 making the decision.

32 (7) The department may conduct ongoing case planning and  
33 consultation with those persons or agencies required to report under  
34 this section, with consultants designated by the department, and with  
35 designated representatives of Washington Indian tribes if the client  
36 information exchanged is pertinent to cases currently receiving child  
37 protective services or department case services for the developmentally  
38 disabled. Upon request, the department shall conduct such planning and  
39 consultation with those persons required to report under this section

1 if the department determines it is in the best interests of the child  
2 or developmentally disabled person. Information considered privileged  
3 by statute and not directly related to reports required by this section  
4 shall not be divulged without a valid written waiver of the privilege.

5 (8) Any case referred to the department by a physician licensed  
6 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
7 opinion that child abuse, neglect, or sexual assault has occurred and  
8 that the child's safety will be seriously endangered if returned home,  
9 the department shall file a dependency petition unless a second  
10 licensed physician of the parents' choice believes that such expert  
11 medical opinion is incorrect. If the parents fail to designate a  
12 second physician, the department may make the selection. If a  
13 physician finds that a child has suffered abuse or neglect but that  
14 such abuse or neglect does not constitute imminent danger to the  
15 child's health or safety, and the department agrees with the  
16 physician's assessment, the child may be left in the parents' home  
17 while the department proceeds with reasonable efforts to remedy  
18 parenting deficiencies.

19 (9) Persons or agencies exchanging information under subsection (7)  
20 of this section shall not further disseminate or release the  
21 information except as authorized by state or federal statute.  
22 Violation of this subsection is a misdemeanor.

23 (10) Upon receiving reports of abuse or neglect, the department or  
24 law enforcement agency may interview children. The interviews may be  
25 conducted on school premises, at day-care facilities, at the child's  
26 home, or at other suitable locations outside of the presence of  
27 parents. Parental notification of the interview shall occur at the  
28 earliest possible point in the investigation that will not jeopardize  
29 the safety or protection of the child or the course of the  
30 investigation. Prior to commencing the interview the department or law  
31 enforcement agency shall determine whether the child wishes a third  
32 party to be present for the interview and, if so, shall make reasonable  
33 efforts to accommodate the child's wishes. Unless the child objects,  
34 the department or law enforcement agency shall make reasonable efforts  
35 to include a third party in any interview so long as the presence of  
36 the third party will not jeopardize the course of the investigation.

37 (11) Upon receiving a report (~~of incidents, conditions, or~~  
38 ~~circumstances~~)) of child abuse and neglect, the department or  
39 investigating law enforcement agency shall have access to all relevant

1 records of the child in the possession of mandated reporters and their  
2 employees.

3 (12) The department shall maintain investigation records and  
4 conduct timely and periodic reviews of all cases constituting abuse and  
5 neglect. The department shall maintain a log of screened-out  
6 nonabusive cases.

7 (13) The department (~~(of social and health services)~~) shall(~~(~~  
8 ~~within funds appropriated for this purpose,~~) use a risk assessment  
9 ~~((tool))~~ process when investigating child abuse and neglect referrals.  
10 ~~((The tool shall be used, on a pilot basis, in three local office~~  
11 ~~service areas.))~~ The department shall present the risk factors at all  
12 hearings in which the placement of a dependent child is an issue. The  
13 department shall, within funds appropriated for this purpose, offer  
14 enhanced community-based services to persons who are determined not to  
15 require further state intervention.

16 The department shall provide annual reports to the (~~(ways and~~  
17 ~~means)) appropriate committees of the senate and house of  
18 representatives on the (~~(use))~~ effectiveness of the (~~(tool by December~~  
19 ~~1, 1989. The report shall include recommendations on the continued use~~  
20 ~~and possible expanded use of the tool)) risk assessment process.~~~~

21 (14) Upon receipt of (~~(such))~~ a report of abuse or neglect the law  
22 enforcement agency may arrange to interview the person making the  
23 report and any collateral sources to determine if any malice is  
24 involved in the reporting."

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28 On page 1, line 1 of the title, after "children;" strike the  
29 remainder of the title and insert "and amending RCW 26.44.030."

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