
SUBSTITUTE HOUSE BILL 2596

State of Washington 61st Legislature 2010 Regular Session

By House Early Learning & Children's Services (originally sponsored by Representatives Williams, Chase, Upthegrove, and Simpson)

READ FIRST TIME 01/28/10.

1 AN ACT Relating to defining child advocacy centers for the
2 multidisciplinary investigation of child abuse and implementation of
3 county protocols; and amending RCW 26.44.020, 26.44.180, and 26.44.185.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 26.44.020 and 2009 c 520 s 17 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or
10 injury of a child by any person under circumstances which cause harm to
11 the child's health, welfare, or safety, excluding conduct permitted
12 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
13 child by a person responsible for or providing care to the child. An
14 abused child is a child who has been subjected to child abuse or
15 neglect as defined in this section.

16 (2) "Child" or "children" means any person under the age of
17 eighteen years of age.

18 (3) "Child protective services" means those services provided by
19 the department designed to protect children from child abuse and

1 neglect and safeguard such children from future abuse and neglect, and
2 conduct investigations of child abuse and neglect reports.
3 Investigations may be conducted regardless of the location of the
4 alleged abuse or neglect. Child protective services includes referral
5 to services to ameliorate conditions that endanger the welfare of
6 children, the coordination of necessary programs and services relevant
7 to the prevention, intervention, and treatment of child abuse and
8 neglect, and services to children to ensure that each child has a
9 permanent home. In determining whether protective services should be
10 provided, the department shall not decline to provide such services
11 solely because of the child's unwillingness or developmental inability
12 to describe the nature and severity of the abuse or neglect.

13 (4) "Child protective services section" means the child protective
14 services section of the department.

15 (5) "Clergy" means any regularly licensed or ordained minister,
16 priest, or rabbi of any church or religious denomination, whether
17 acting in an individual capacity or as an employee or agent of any
18 public or private organization or institution.

19 (6) "Court" means the superior court of the state of Washington,
20 juvenile department.

21 (7) "Department" means the state department of social and health
22 services.

23 (8) "Founded" means the determination following an investigation by
24 the department that, based on available information, it is more likely
25 than not that child abuse or neglect did occur.

26 (9) "Inconclusive" means the determination following an
27 investigation by the department, prior to October 1, 2008, that based
28 on available information a decision cannot be made that more likely
29 than not, child abuse or neglect did or did not occur.

30 (10) "Institution" means a private or public hospital or any other
31 facility providing medical diagnosis, treatment, or care.

32 (11) "Law enforcement agency" means the police department, the
33 prosecuting attorney, the state patrol, the director of public safety,
34 or the office of the sheriff.

35 (12) "Malice" or "maliciously" means an intent, wish, or design to
36 intimidate, annoy, or injure another person. Such malice may be
37 inferred from an act done in willful disregard of the rights of

1 another, or an act wrongfully done without just cause or excuse, or an
2 act or omission of duty betraying a willful disregard of social duty.

3 (13) "Negligent treatment or maltreatment" means an act or a
4 failure to act, or the cumulative effects of a pattern of conduct,
5 behavior, or inaction, that evidences a serious disregard of
6 consequences of such magnitude as to constitute a clear and present
7 danger to a child's health, welfare, or safety, including but not
8 limited to conduct prohibited under RCW 9A.42.100. When considering
9 whether a clear and present danger exists, evidence of a parent's
10 substance abuse as a contributing factor to negligent treatment or
11 maltreatment shall be given great weight. The fact that siblings share
12 a bedroom is not, in and of itself, negligent treatment or
13 maltreatment. Poverty, homelessness, or exposure to domestic violence
14 as defined in RCW 26.50.010 that is perpetrated against someone other
15 than the child does not constitute negligent treatment or maltreatment
16 in and of itself.

17 (14) "Pharmacist" means any registered pharmacist under chapter
18 18.64 RCW, whether acting in an individual capacity or as an employee
19 or agent of any public or private organization or institution.

20 (15) "Practitioner of the healing arts" or "practitioner" means a
21 person licensed by this state to practice podiatric medicine and
22 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
23 medicine and surgery, or medicine and surgery or to provide other
24 health services. The term "practitioner" includes a duly accredited
25 Christian Science practitioner. A person who is being furnished
26 Christian Science treatment by a duly accredited Christian Science
27 practitioner will not be considered, for that reason alone, a neglected
28 person for the purposes of this chapter.

29 (16) "Professional school personnel" include, but are not limited
30 to, teachers, counselors, administrators, child care facility
31 personnel, and school nurses.

32 (17) "Psychologist" means any person licensed to practice
33 psychology under chapter 18.83 RCW, whether acting in an individual
34 capacity or as an employee or agent of any public or private
35 organization or institution.

36 (18) "Screened-out report" means a report of alleged child abuse or
37 neglect that the department has determined does not rise to the level

1 of a credible report of abuse or neglect and is not referred for
2 investigation.

3 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or
4 encouraging a child to engage in prostitution by any person; or (b)
5 allowing, permitting, encouraging, or engaging in the obscene or
6 pornographic photographing, filming, or depicting of a child by any
7 person.

8 (20) "Sexually aggressive youth" means a child who is defined in
9 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

10 (21) "Social service counselor" means anyone engaged in a
11 professional capacity during the regular course of employment in
12 encouraging or promoting the health, welfare, support, or education of
13 children, or providing social services to adults or families, including
14 mental health, drug and alcohol treatment, and domestic violence
15 programs, whether in an individual capacity, or as an employee or agent
16 of any public or private organization or institution.

17 (22) "Supervising agency" means an agency licensed by the state
18 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
19 entered into a performance-based contract with the department to
20 provide child welfare services.

21 (23) "Unfounded" means the determination following an investigation
22 by the department that available information indicates that, more
23 likely than not, child abuse or neglect did not occur, or that there is
24 insufficient evidence for the department to determine whether the
25 alleged child abuse did or did not occur.

26 (24) "Children's advocacy center" means a child-focused facility in
27 good standing with the state chapter for children's advocacy centers
28 and that coordinates a multidisciplinary process for the investigation,
29 prosecution, and treatment of sexual and other types of child abuse.
30 Children's advocacy centers provide a location for forensic interviews
31 and coordinate access to services such as, but not limited to, medical
32 evaluations, advocacy, therapy, and case review by multidisciplinary
33 teams within the context of county protocols as defined in RCW
34 26.44.180 and 26.44.185.

35 **Sec. 2.** RCW 26.44.180 and 1999 c 389 s 4 are each amended to read
36 as follows:

37 (1) Each agency involved in investigating child sexual abuse shall

1 document its role in handling cases and how it will coordinate with
2 other local agencies or systems and shall adopt a local protocol based
3 on the state guidelines. The department and local law enforcement
4 agencies may include other agencies and systems that are involved with
5 child sexual abuse victims in the multidisciplinary coordination.

6 (2) Each county shall develop a written protocol for handling
7 criminal child sexual abuse investigations. The protocol shall address
8 the coordination of child sexual abuse investigations between the
9 prosecutor's office, law enforcement, (~~the department~~) children's
10 protective services, children's advocacy centers, where available,
11 local advocacy groups, community sexual assault programs, as defined in
12 RCW 70.125.030, and any other local agency involved in the criminal
13 investigation of child sexual abuse, including those investigations
14 involving multiple victims and multiple offenders. The protocol shall
15 be developed by the prosecuting attorney with the assistance of the
16 agencies referenced in this subsection.

17 (3) Local protocols under this section shall be adopted and in
18 place by July 1, 2000, and shall be submitted to the legislature prior
19 to that date.

20 **Sec. 3.** RCW 26.44.185 and 2007 c 410 s 3 are each amended to read
21 as follows:

22 (1) Each county shall revise and expand its existing child sexual
23 abuse investigation protocol to address investigations of child
24 fatality, child physical abuse, and criminal child neglect cases and to
25 incorporate the statewide guidelines for first responders to child
26 fatalities developed by the criminal justice training commission. The
27 protocols shall address the coordination of child fatality, child
28 physical abuse, and criminal child neglect investigations between the
29 county and city prosecutor's offices, law enforcement, children's
30 protective services, children's advocacy centers, where available,
31 local advocacy groups, emergency medical services, and any other local
32 agency involved in the investigation of such cases. The protocol
33 revision and expansion shall be developed by the prosecuting attorney
34 in collaboration with the agencies referenced in this section.

35 (2) Revised and expanded protocols under this section shall be
36 adopted and in place by July 1, 2008. Thereafter, the protocols shall

1 be reviewed every two years to determine whether modifications are
2 needed.

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