

CERTIFICATION OF ENROLLMENT

SENATE BILL 6672

Chapter 278, Laws of 1996

54th Legislature
1996 Regular Session

ABUSE OF CHILDREN AND ADULT DEPENDENT AND DEVELOPMENTALLY
DISABLED PERSONS--REPORTING

EFFECTIVE DATE: 6/6/96

Passed by the Senate February 9, 1996
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 6, 1996
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 29, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6672** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 29, 1996 - 5:01 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6672

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senators Hargrove, Long and Oke; by request of Department of Social and Health Services and Department of Corrections

Read first time 01/23/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to reports of abuse of children and adult dependent
2 and developmentally disabled persons; amending RCW 26.44.030; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that including certain
6 department of corrections personnel among the professionals who are
7 mandated to report suspected abuse or neglect of children, dependent
8 adults, or people with developmental disabilities is an important step
9 toward improving the protection of these vulnerable populations. The
10 legislature intends, however, to limit the circumstances under which
11 department of corrections personnel are mandated reporters of suspected
12 abuse or neglect to only those circumstances when the information is
13 obtained during the course of their employment. This act is not to be
14 construed to alter the circumstances under which other professionals
15 are mandated to report suspected abuse or neglect, nor is it the
16 legislature's intent to alter current practices and procedures utilized
17 by other professional organizations who are mandated reporters under
18 RCW 26.44.030(1)(a).

1 **Sec. 2.** RCW 26.44.030 and 1995 c 311 s 17 are each amended to read
2 as follows:

3 (1)(a) When any practitioner, county coroner or medical examiner,
4 law enforcement officer, professional school personnel, registered or
5 licensed nurse, social service counselor, psychologist, pharmacist,
6 licensed or certified child care providers or their employees, employee
7 of the department, or juvenile probation officer has reasonable cause
8 to believe that a child or adult dependent or developmentally disabled
9 person, has suffered abuse or neglect, he or she shall report such
10 incident, or cause a report to be made, to the proper law enforcement
11 agency or to the department as provided in RCW 26.44.040.

12 (b) The reporting requirement shall also apply to department of
13 corrections personnel who, in the course of their employment, observe
14 offenders or the children with whom the offenders are in contact. If,
15 as a result of observations or information received in the course of
16 his or her employment, any department of corrections personnel has
17 reasonable cause to believe that a child or adult dependent or
18 developmentally disabled person has suffered abuse or neglect, he or
19 she shall report the incident, or cause a report to be made, to the
20 proper law enforcement agency or to the department as provided in RCW
21 26.44.040.

22 (c) The reporting requirement shall also apply to any adult who has
23 reasonable cause to believe that a child or adult dependent or
24 developmentally disabled person, who resides with them, has suffered
25 severe abuse, and is able or capable of making a report. For the
26 purposes of this subsection, "severe abuse" means any of the following:
27 Any single act of abuse that causes physical trauma of sufficient
28 severity that, if left untreated, could cause death; any single act of
29 sexual abuse that causes significant bleeding, deep bruising, or
30 significant external or internal swelling; or more than one act of
31 physical abuse, each of which causes bleeding, deep bruising,
32 significant external or internal swelling, bone fracture, or
33 unconsciousness.

34 (~~(e)~~) (d) The report shall be made at the first opportunity, but
35 in no case longer than forty-eight hours after there is reasonable
36 cause to believe that the child or adult has suffered abuse or neglect.
37 The report shall include the identity of the accused if known.

38 (2) The reporting requirement of subsection (1) of this section
39 does not apply to the discovery of abuse or neglect that occurred

1 during childhood if it is discovered after the child has become an
2 adult. However, if there is reasonable cause to believe other
3 children, dependent adults, or developmentally disabled persons are or
4 may be at risk of abuse or neglect by the accused, the reporting
5 requirement of subsection (1) of this section shall apply.

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

11 (4) The department, upon receiving a report of an incident of abuse
12 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 to the proper law enforcement agency. In
17 emergency cases, where the child, adult dependent, or developmentally
18 disabled person's welfare is endangered, the department shall notify
19 the proper law enforcement agency within twenty-four hours after a
20 report is received by the department. In all other cases, the
21 department shall notify the law enforcement agency within seventy-two
22 hours after a report is received by the department. If the department
23 makes an oral report, a written report shall also be made to the proper
24 law enforcement agency within five days thereafter.

25 (5) Any law enforcement agency receiving a report of an incident of
26 abuse or neglect pursuant to this chapter, involving a child or adult
27 dependent or developmentally disabled person who has died or has had
28 physical injury or injuries inflicted upon him or her other than by
29 accidental means, or who has been subjected to sexual abuse, shall
30 report such incident in writing as provided in RCW 26.44.040 to the
31 proper county prosecutor or city attorney for appropriate action
32 whenever the law enforcement agency's investigation reveals that a
33 crime may have been committed. The law enforcement agency shall also
34 notify the department of all reports received and the law enforcement
35 agency's disposition of them. In emergency cases, where the child,
36 adult dependent, or developmentally disabled person's welfare is
37 endangered, the law enforcement agency shall notify the department
38 within twenty-four hours. In all other cases, the law enforcement

1 agency shall notify the department within seventy-two hours after a
2 report is received by the law enforcement agency.

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

8 (7) The department may conduct ongoing case planning and
9 consultation with those persons or agencies required to report under
10 this section, with consultants designated by the department, and with
11 designated representatives of Washington Indian tribes if the client
12 information exchanged is pertinent to cases currently receiving child
13 protective services or department case services for the developmentally
14 disabled. Upon request, the department shall conduct such planning and
15 consultation with those persons required to report under this section
16 if the department determines it is in the best interests of the child
17 or developmentally disabled person. Information considered privileged
18 by statute and not directly related to reports required by this section
19 shall not be divulged without a valid written waiver of the privilege.

20 (8) Any case referred to the department by a physician licensed
21 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
22 opinion that child abuse, neglect, or sexual assault has occurred and
23 that the child's safety will be seriously endangered if returned home,
24 the department shall file a dependency petition unless a second
25 licensed physician of the parents' choice believes that such expert
26 medical opinion is incorrect. If the parents fail to designate a
27 second physician, the department may make the selection. If a
28 physician finds that a child has suffered abuse or neglect but that
29 such abuse or neglect does not constitute imminent danger to the
30 child's health or safety, and the department agrees with the
31 physician's assessment, the child may be left in the parents' home
32 while the department proceeds with reasonable efforts to remedy
33 parenting deficiencies.

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

38 (10) Upon receiving reports of abuse or neglect, the department or
39 law enforcement agency may interview children. The interviews may be

1 conducted on school premises, at day-care facilities, at the child's
2 home, or at other suitable locations outside of the presence of
3 parents. Parental notification of the interview shall occur at the
4 earliest possible point in the investigation that will not jeopardize
5 the safety or protection of the child or the course of the
6 investigation. Prior to commencing the interview the department or law
7 enforcement agency shall determine whether the child wishes a third
8 party to be present for the interview and, if so, shall make reasonable
9 efforts to accommodate the child's wishes. Unless the child objects,
10 the department or law enforcement agency shall make reasonable efforts
11 to include a third party in any interview so long as the presence of
12 the third party will not jeopardize the course of the investigation.

13 (11) Upon receiving a report of child abuse and neglect, the
14 department or investigating law enforcement agency shall have access to
15 all relevant records of the child in the possession of mandated
16 reporters and their employees.

17 (12) The department shall maintain investigation records and
18 conduct timely and periodic reviews of all cases constituting abuse and
19 neglect. The department shall maintain a log of screened-out
20 nonabusive cases.

21 (13) The department shall use a risk assessment process when
22 investigating child abuse and neglect referrals. The department shall
23 present the risk factors at all hearings in which the placement of a
24 dependent child is an issue. The department shall, within funds
25 appropriated for this purpose, offer enhanced community-based services
26 to persons who are determined not to require further state
27 intervention.

28 The department shall provide annual reports to the legislature on
29 the effectiveness of the risk assessment process.

30 (14) Upon receipt of a report of abuse or neglect the law
31 enforcement agency may arrange to interview the person making the
32 report and any collateral sources to determine if any malice is
33 involved in the reporting.

Passed the Senate February 9, 1996.

Passed the House March 6, 1996.

Approved by the Governor March 29, 1996.

Filed in Office of Secretary of State March 29, 1996.