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**SUBSTITUTE SENATE BILL 6558**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Zarelli, Hargrove, Long, Stevens, Roach and Oke)

Read first time 02/06/98.

1 AN ACT Relating to citizen review of child abuse and neglect cases;  
2 amending RCW 44.04.220; reenacting and amending RCW 13.50.010; creating  
3 new sections; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is critically  
6 important to the basic nurture, health, and safety of children that the  
7 state operate a state-wide program relating to child abuse and neglect  
8 that includes the creation of regional citizen review panels. The  
9 creation of these panels is intended to meet the federal requirements  
10 contained in the federal child abuse prevention and treatment act, 42  
11 U.S.C. Sec. 5106a. Citizen review panels will enable community members  
12 to contribute to improving the policy and programs critical to the  
13 well-being of children and their families and to ensure that the  
14 state's plan for the prevention and investigation of child abuse and  
15 neglect is being carried out as intended by the legislature. It has  
16 been long-standing public policy in Washington that the family unit is  
17 a fundamental resource of American life which should be nurtured.  
18 Toward continuation of this principle, the legislature finds that  
19 through the performance of these panels, which are broadly

1 representative of the community, knowledge of the policies and  
2 procedures of state and local agencies and an examination of specific  
3 cases will occur. From this an evaluation of the state-wide program to  
4 prevent child abuse and neglect will yield improvements that are in the  
5 best interest of children and families and further the principle that  
6 the family unit should remain intact, recognizing that the child's  
7 health and safety are paramount.

8 NEW SECTION. **Sec. 2.** There are hereby created a minimum of six  
9 citizen review panels, at least one for each service delivery region of  
10 the department of social and health services. The department of  
11 community, trade, and economic development shall contract with a  
12 private nonprofit organization to serve as the administrator for and  
13 the appointing authority of the citizen review panels. The department  
14 or its contractor shall provide administrative coordination and support  
15 to the local citizen review panels and shall:

16 (1) Recruit applicants through public service announcements in  
17 local radio, television, and newspapers of record and accept  
18 application on a first-come basis based on postmarked date of receipt;

19 (2) Obtain background checks, screening applicants on the same  
20 suitability, character, and competence standards as required in RCW  
21 74.15.130;

22 (3) Select citizen review panel members for each region and  
23 establish basic requirements for participation;

24 (4) Stagger the terms of membership on each panel so that there is  
25 always a quorum of members who have had at least six months' experience  
26 and have participated in at least two meetings of the panel;

27 (5) Provide consultation and basic training to local panels as  
28 requested;

29 (6) Compile and provide aggregate citizen review panel reports;

30 (7) Consider recommendations of local teams; and

31 (8) Ensure that they meet at least every three months.

32 NEW SECTION. **Sec. 3.** The department shall ensure that the citizen  
33 review panels have been created no later than July 1, 1999.

34 NEW SECTION. **Sec. 4.** (1) The citizen review panels shall have  
35 only those powers and duties expressly authorized under this chapter.

1 (2) The citizen review panels must have access to all information  
2 from the department of social and health services, criminal justice  
3 agencies, law enforcement, schools, and medical providers, and other  
4 sources that have relevant information, including reports and records  
5 made and maintained by the department and its contracting agencies.

6 (3) The panels shall receive, upon request and with the full  
7 assistance of the agency with the information, complete access to  
8 information on cases that the panel desires to review if such  
9 information is necessary for the panel to carry out its duties.

10 (4) The citizen review panels must preserve the confidentiality of  
11 all records in order to protect the rights of the child and of the  
12 child's parents or guardians. However, the state shall always have the  
13 right to refuse to disclose identifying information concerning the  
14 individual alleging suspected instances of child abuse or neglect. The  
15 state must make such information known to the citizen review panel only  
16 where a court orders such disclosure after such court has reviewed, in  
17 camera, the record of the state related to the report or complaint and  
18 has found it has reason to believe that the reporter knowingly made a  
19 false report.

20 NEW SECTION. **Sec. 5.** The powers and duties of the citizen review  
21 panels are to:

22 (1) Examine the policies and procedures of state agencies and,  
23 where appropriate, specific cases, to evaluate the extent to which the  
24 agencies are effectively discharging their child protection  
25 responsibilities according to the state law and the state plan required  
26 under 42 U.S.C. Sec. 5106a. These responsibilities may include a  
27 review of any of the following:

28 (a) The extent to which the state agencies and community-based  
29 programs have developed the capacity to integrate shared leadership  
30 strategies between parents and professionals to prevent and treat child  
31 abuse and neglect at the neighborhood level;

32 (b) Intake, assessment, and screening, and investigation processes  
33 for reports of child abuse and neglect;

34 (c) Multidisciplinary teams and interagency protocols used to  
35 enhance child abuse and neglect investigations;

36 (d) Legal preparation and representation of both children and  
37 families;

- 1 (e) Case management and service delivery systems for children and  
2 families;
- 3 (f) Risk and safety assessment tools and protocols;
- 4 (g) Automation systems that support the program and track reports  
5 of child abuse and neglect from intake through final disposition,  
6 including information referral systems;
- 7 (h) Training opportunities and requirements for individuals  
8 overseeing and providing services to children and their families  
9 through the child protective and child welfare systems;
- 10 (i) Training protocols for individuals mandated to report child  
11 abuse and neglect;
- 12 (j) Child abuse and neglect prevention, treatment, and research  
13 programs in the public and private sectors;
- 14 (k) Information, education programs, and training programs to  
15 improve the provision of service to infants with chronic disabilities  
16 or life-threatening conditions;
- 17 (l) Programs to assist in obtaining or coordinating necessary  
18 services for families of infants with disabilities or life-threatening  
19 conditions;
- 20 (m) Coordination, to the maximum extent practicable with the state  
21 plan under part B, Title IV of the Social Security Act relating to  
22 child welfare services, including adoption, and family preservation and  
23 family support services.
- 24 (2) Examine child protection standards set forth in the federal and  
25 state law, including but not limited to standards for reporting of  
26 known and suspected abuse and neglect, immediate screening, safety  
27 assessment, and prompt investigation, steps to protect the safety of  
28 abused or neglected children, immunity from prosecution for individuals  
29 who make good faith reports of suspected or known instances of abuse or  
30 neglect, methods to preserve confidentiality of records, provisions to  
31 allow for public disclosure of findings or information about cases of  
32 abuse and neglect that result in child fatality or near fatality, and  
33 the cooperation of law enforcement officials, courts of competent  
34 jurisdiction, and appropriate state agencies providing human services  
35 in the investigation, assessment, prosecution, and treatment of abuse  
36 and neglect;
- 37 (3) Examine any other criteria that the panel considers important  
38 to ensure the protection of children, including a review of the extent  
39 to which the state child protective services system is coordinated with

1 the foster care and adoption programs established under part E, Title  
2 IV of the Social Security Act.

3 (4) Conduct a review of reports of child fatalities and near  
4 fatalities conducted under RCW 26.44.030.

5 NEW SECTION. **Sec. 6.** There shall be at least one citizen review  
6 panel in each of the six department of social and health services'  
7 designated service delivery regions. Each panel shall have no more  
8 than seven volunteer members who are all permanent residents living in  
9 the region, who broadly represent the region in which each panel is  
10 established. Three members shall have professional or academic  
11 expertise in the prevention and treatment of child abuse and neglect.  
12 Four members shall be members of the public at large with no fiduciary  
13 interest in publicly funded social services. "Fiduciary interest" has  
14 the same meaning as defined in RCW 70.190.010. Volunteer members of  
15 the local citizen review panels shall serve for no longer than an  
16 eighteen-month period of time and can not serve again for a period of  
17 sixty months from the date they end their eighteen-month membership.  
18 The citizen review panel shall meet no less than once every three  
19 months to examine the policies and procedures of state and local  
20 agencies and, where appropriate in specific cases, evaluate the extent  
21 to which the agencies are effectively discharging their child  
22 protection responsibilities in accordance with applicable state law.  
23 The goal of the citizen review panels is to improve the child  
24 protective services system.

25 NEW SECTION. **Sec. 7.** The department of community, trade, and  
26 economic development shall present proposed rules, policies, and  
27 procedures to the legislative children's oversight committee created in  
28 RCW 44.04.220 prior to implementation.

29 NEW SECTION. **Sec. 8.** The citizen review panels shall employ staff  
30 as necessary which may include contracting for investigators only as  
31 necessary to assist the panel in fulfilling their responsibilities.

32 NEW SECTION. **Sec. 9.** Members and staff and any staff on contract  
33 with the citizen review panel shall not disclose to any person or  
34 government official, other than the department of social and health  
35 services or the family and children's ombudsman, any identifying

1 information about any specific child protection case with respect to  
2 which the panel is provided information and shall not make public other  
3 information unless authorized by state statute. A violation of this  
4 section is a civil penalty punishable by a fine not to exceed five  
5 thousand dollars per violation.

6 NEW SECTION. **Sec. 10.** (1) The citizen review panels may examine  
7 any child abuse and neglect case referred to the panel.

8 (2) Members of the legislature may refer child abuse and neglect  
9 cases, in writing, to the panel in the legislator's district for  
10 review. The panels may also receive written requests for review from  
11 the family and children's ombudsman and from the department of social  
12 and health services. No other entity or individual may refer cases to  
13 the citizen review panels.

14 NEW SECTION. **Sec. 11.** (1) Notwithstanding any confidentiality  
15 laws, if the citizen review panel finds possible criminal activity, the  
16 panel shall turn the investigation and information over to the local  
17 prosecuting attorney in the county in which the case resides.

18 (2) If the panel finds possible civil infractions, the panel shall  
19 turn the findings over to any interested citizen, if the conditions set  
20 forth in RCW 74.13.500 through 74.13.525 are met. The courts shall  
21 award attorney fees, costs, and triple damages, and may impose punitive  
22 damages if the citizens prevail in court.

23 NEW SECTION. **Sec. 12.** (1) All powers, duties, and functions of  
24 the department of community, trade, and economic development pertaining  
25 to entering into and administering contracts and implementation of  
26 rules, policies, and procedures pursuant to sections 2 and 7 of this  
27 act are transferred to the office of the family and children's  
28 ombudsman. All references to the director or the department of  
29 community, trade, and economic development in the Revised Code of  
30 Washington shall be construed to mean the director or the office of the  
31 family and children's ombudsman when referring to the functions  
32 transferred in this section.

33 (2)(a) All reports, documents, surveys, books, records, files,  
34 papers, or written material in the possession of the department of  
35 community, trade, and economic development pertaining to the powers,  
36 functions, and duties transferred shall be delivered to the custody of

1 the office of the family and children's ombudsman. All cabinets,  
2 furniture, office equipment, motor vehicles, and other tangible  
3 property employed by the department of community, trade, and economic  
4 development in carrying out the powers, functions, and duties  
5 transferred shall be made available to the office of the family and  
6 children's ombudsman. All funds, credits, or other assets held in  
7 connection with the powers, functions, and duties transferred shall be  
8 assigned to the office of the family and children's ombudsman.

9 (b) Any appropriations made to the department of community, trade,  
10 and economic development for carrying out the powers, functions, and  
11 duties transferred shall, on the effective date of this section, be  
12 transferred and credited to the office of the family and children's  
13 ombudsman.

14 (c) Whenever any question arises as to the transfer of any  
15 personnel, funds, books, documents, records, papers, files, equipment,  
16 or other tangible property used or held in the exercise of the powers  
17 and the performance of the duties and functions transferred, the  
18 director of financial management shall make a determination as to the  
19 proper allocation and certify the same to the state agencies concerned.

20 (3) All employees of the department of community, trade, and  
21 economic development engaged in performing the powers, functions, and  
22 duties transferred are transferred to the jurisdiction of the office of  
23 the family and children's ombudsman. All employees classified under  
24 chapter 41.06 RCW, the state civil service law, are assigned to the  
25 office of the family and children's ombudsman to perform their usual  
26 duties upon the same terms as formerly, without any loss of rights,  
27 subject to any action that may be appropriate thereafter in accordance  
28 with the laws and rules governing state civil service.

29 (4) All rules and all pending business before the department of  
30 community, trade, and economic development pertaining to the powers,  
31 functions, and duties transferred shall be continued and acted upon by  
32 the office of the family and children's ombudsman. All existing  
33 contracts and obligations shall remain in full force and shall be  
34 performed by the office of the family and children's ombudsman.

35 (5) The transfer of the powers, duties, functions, and personnel of  
36 the department of community, trade, and economic development shall not  
37 affect the validity of any act performed before the effective date of  
38 this section.

1 (6) If apportionments of budgeted funds are required because of the  
2 transfers directed by this section, the director of financial  
3 management shall certify the apportionments to the agencies affected,  
4 the state auditor, and the state treasurer. Each of these shall make  
5 the appropriate transfer and adjustments in funds and appropriation  
6 accounts and equipment records in accordance with the certification.

7 (7) Nothing contained in this section may be construed to alter any  
8 existing collective bargaining unit or the provisions of any existing  
9 collective bargaining agreement until the agreement has expired or  
10 until the bargaining unit has been modified by action of the personnel  
11 board as provided by law.

12 **Sec. 13.** RCW 44.04.220 and 1996 c 131 s 1 are each amended to read  
13 as follows:

14 (1) There is created the legislative children's oversight committee  
15 for the purpose of monitoring and ensuring compliance with  
16 administrative acts, relevant statutes, rules, and policies pertaining  
17 to family and children services and the placement, supervision, and  
18 treatment of children in the state's care or in state-licensed  
19 facilities or residences. The committee shall consist of three  
20 senators and three representatives from the legislature. The senate  
21 members of the committee shall be appointed by the president of the  
22 senate. The house members of the committee shall be appointed by the  
23 speaker of the house. Not more than two members from each chamber  
24 shall be from the same political party. Members shall be appointed  
25 before the close of each regular session of the legislature during an  
26 odd-numbered year.

27 (2) The committee shall have the following powers:

28 (a) Selection of its officers and adopt rules for orderly  
29 procedure;

30 (b) Request investigations by the ombudsman of administrative acts;

31 (c) Receive reports of the ombudsman;

32 (d)(i) Obtain access to all relevant records in the possession of  
33 the ombudsman, except as prohibited by law; and (ii) make  
34 recommendations to all branches of government;

35 (e) Request legislation;

36 (f) Conduct hearings into such matters as it deems necessary.



1 (3) Upon receipt of records from the ombudsman, the committee is  
2 subject to the same confidentiality restrictions as the ombudsman under  
3 RCW 43.06A.050.

4 (4) The committee may also review any proposed rules, policies, or  
5 procedures relating to the citizen review panels created under section  
6 2 of this act.

7 **Sec. 14.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are  
8 each reenacted and amended to read as follows:

9 (1) For purposes of this chapter:

10 (a) "Juvenile justice or care agency" means any of the following:  
11 Police, diversion units, court, prosecuting attorney, defense attorney,  
12 detention center, attorney general, the legislative children's  
13 oversight committee, the office of family and children's ombudsman,  
14 members of the citizen review panels created under section 2 of this  
15 act, including the contracting agency, and the panel's staff and  
16 contractors, the department of social and health services and its  
17 contracting agencies, schools; and, in addition, persons or public or  
18 private agencies having children committed to their custody;

19 (b) "Official juvenile court file" means the legal file of the  
20 juvenile court containing the petition or information, motions,  
21 memorandums, briefs, findings of the court, and court orders;

22 (c) "Social file" means the juvenile court file containing the  
23 records and reports of the probation counselor;

24 (d) "Records" means the official juvenile court file, the social  
25 file, and records of any other juvenile justice or care agency in the  
26 case.

27 (2) Each petition or information filed with the court may include  
28 only one juvenile and each petition or information shall be filed under  
29 a separate docket number. The social file shall be filed separately  
30 from the official juvenile court file.

31 (3) It is the duty of any juvenile justice or care agency to  
32 maintain accurate records. To this end:

33 (a) The agency may never knowingly record inaccurate information.  
34 Any information in records maintained by the department of social and  
35 health services relating to a petition filed pursuant to chapter 13.34  
36 RCW that is found by the court, upon proof presented, to be false or  
37 inaccurate shall be corrected or expunged from such records by the  
38 agency;

1 (b) An agency shall take reasonable steps to assure the security of  
2 its records and prevent tampering with them; and

3 (c) An agency shall make reasonable efforts to insure the  
4 completeness of its records, including action taken by other agencies  
5 with respect to matters in its files.

6 (4) Each juvenile justice or care agency shall implement procedures  
7 consistent with the provisions of this chapter to facilitate inquiries  
8 concerning records.

9 (5) Any person who has reasonable cause to believe information  
10 concerning that person is included in the records of a juvenile justice  
11 or care agency and who has been denied access to those records by the  
12 agency may make a motion to the court for an order authorizing that  
13 person to inspect the juvenile justice or care agency record concerning  
14 that person. The court shall grant the motion to examine records  
15 unless it finds that in the interests of justice or in the best  
16 interests of the juvenile the records or parts of them should remain  
17 confidential.

18 (6) A juvenile, or his or her parents, or any person who has  
19 reasonable cause to believe information concerning that person is  
20 included in the records of a juvenile justice or care agency may make  
21 a motion to the court challenging the accuracy of any information  
22 concerning the moving party in the record or challenging the continued  
23 possession of the record by the agency. If the court grants the  
24 motion, it shall order the record or information to be corrected or  
25 destroyed.

26 (7) The person making a motion under subsection (5) or (6) of this  
27 section shall give reasonable notice of the motion to all parties to  
28 the original action and to any agency whose records will be affected by  
29 the motion.

30 (8) The court may permit inspection of records by, or release of  
31 information to, any clinic, hospital, or agency which has the subject  
32 person under care or treatment. The court may also permit inspection  
33 by or release to individuals or agencies, including juvenile justice  
34 advisory committees of county law and justice councils, engaged in  
35 legitimate research for educational, scientific, or public purposes.  
36 The court may also permit inspection of, or release of information  
37 from, records which have been sealed pursuant to RCW 13.50.050(11).  
38 The court shall release to the sentencing guidelines commission records  
39 needed for its research and data-gathering functions under RCW

1 9.94A.040 and other statutes. Access to records or information for  
2 research purposes shall be permitted only if the anonymity of all  
3 persons mentioned in the records or information will be preserved.  
4 Each person granted permission to inspect juvenile justice or care  
5 agency records for research purposes shall present a notarized  
6 statement to the court stating that the names of juveniles and parents  
7 will remain confidential.

8 (9) Juvenile detention facilities shall release records to the  
9 sentencing guidelines commission under RCW 9.94A.040 upon request. The  
10 commission shall not disclose the names of any juveniles or parents  
11 mentioned in the records without the named individual's written  
12 permission.

13 (10) Requirements in this chapter relating to the court's authority  
14 to compel disclosure shall not apply to the legislative children's  
15 oversight committee or the office of the family and children's  
16 ombudsman.

17 NEW SECTION. **Sec. 15.** Section 12 of this act takes effect January  
18 1, 2001.

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