

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 6206

Chapter 211, Laws of 2008

60th Legislature
2008 Regular Session

AGENCY REVIEWS AND REPORTS--CHILD ABUSE

EFFECTIVE DATE: 06/12/08 - Except section 5, which becomes effective 10/01/08.

Passed by the Senate March 10, 2008
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2008
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 6206** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 27, 2008, 4:35 p.m.

FILED

March 28, 2008

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 6206

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Zarelli, Pflug, Hargrove, and Stevens)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to agency reviews and reports regarding child
2 abuse, neglect, and near fatalities; amending RCW 74.13.640,
3 43.06A.100, and 26.44.030; reenacting and amending RCW 26.44.030;
4 adding new sections to chapter 43.06A RCW; creating a new section;
5 providing an effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read
8 as follows:

9 (1) The department of social and health services shall conduct a
10 child fatality review in the event of an unexpected death of a minor in
11 the state who is in the care of or receiving services described in
12 chapter 74.13 RCW from the department or who has been in the care of or
13 received services described in chapter 74.13 RCW from the department
14 within one year preceding the minor's death.

15 (2) Upon conclusion of a child fatality review required pursuant to
16 subsection (1) of this section, the department shall within one hundred
17 eighty days following the fatality issue a report on the results of the
18 review (~~to the appropriate committees of the legislature and shall~~
19 ~~make copies of the report available to the public upon request~~),

1 unless an extension has been granted by the governor. Reports shall be
2 distributed to the appropriate committees of the legislature, and the
3 department shall create a public web site where all child fatality
4 review reports required under this section shall be posted and
5 maintained.

6 (3) The department shall develop and implement procedures to carry
7 out the requirements of subsections (1) and (2) of this section.

8 (4) In the event a child fatality is the result of apparent abuse
9 or neglect by the child's parent or caregiver, the department shall
10 ensure that the fatality review team is comprised of individuals who
11 had no previous involvement in the case and whose professional
12 expertise is pertinent to the dynamics of the case.

13 (5) In the event of a near-fatality of a child who is in the care
14 of or receiving services described in this chapter from the department
15 or who has been in the care of or received services described in this
16 chapter from the department within one year preceding the
17 near-fatality, the department shall promptly notify the office of the
18 family and children's ombudsman.

19 NEW SECTION. Sec. 2. A new section is added to chapter 43.06A RCW
20 to read as follows:

21 The office of the family and children's ombudsman shall issue an
22 annual report to the legislature on the status of the implementation of
23 child fatality review recommendations.

24 **Sec. 3.** RCW 43.06A.100 and 1999 c 390 s 5 are each amended to read
25 as follows:

26 The department of social and health services shall:

27 (1) Allow the ombudsman or the ombudsman's designee to communicate
28 privately with any child in the custody of the department for the
29 purposes of carrying out its duties under this chapter;

30 (2) Permit the ombudsman or the ombudsman's designee physical
31 access to state institutions serving children, and state licensed
32 facilities or residences for the purpose of carrying out its duties
33 under this chapter;

34 (3) Upon the ombudsman's request, grant the ombudsman or the
35 ombudsman's designee the right to access, inspect, and copy all

1 relevant information, records, or documents in the possession or
2 control of the department that the ombudsman considers necessary in an
3 investigation; and

4 (4) Grant the office of the family and children's ombudsman
5 unrestricted on-line access to the case and management information
6 system (CAMIS) or any successor information system for the purpose of
7 carrying out its duties under this chapter.

8 **Sec. 4.** RCW 26.44.030 and 2007 c 387 s 3 are each amended to read
9 as follows:

10 (1)(a) When any practitioner, county coroner or medical examiner,
11 law enforcement officer, professional school personnel, registered or
12 licensed nurse, social service counselor, psychologist, pharmacist,
13 employee of the department of early learning, licensed or certified
14 child care providers or their employees, employee of the department,
15 juvenile probation officer, placement and liaison specialist,
16 responsible living skills program staff, HOPE center staff, or state
17 family and children's ombudsman or any volunteer in the ombudsman's
18 office has reasonable cause to believe that a child has suffered abuse
19 or neglect, he or she shall report such incident, or cause a report to
20 be made, to the proper law enforcement agency or to the department as
21 provided in RCW 26.44.040.

22 (b) When any person, in his or her official supervisory capacity
23 with a nonprofit or for-profit organization, has reasonable cause to
24 believe that a child has suffered abuse or neglect caused by a person
25 over whom he or she regularly exercises supervisory authority, he or
26 she shall report such incident, or cause a report to be made, to the
27 proper law enforcement agency, provided that the person alleged to have
28 caused the abuse or neglect is employed by, contracted by, or
29 volunteers with the organization and coaches, trains, educates, or
30 counsels a child or children or regularly has unsupervised access to a
31 child or children as part of the employment, contract, or voluntary
32 service. No one shall be required to report under this section when he
33 or she obtains the information solely as a result of a privileged
34 communication as provided in RCW 5.60.060.

35 Nothing in this subsection (1)(b) shall limit a person's duty to
36 report under (a) of this subsection.

1 For the purposes of this subsection, the following definitions
2 apply:

3 (i) "Official supervisory capacity" means a position, status, or
4 role created, recognized, or designated by any nonprofit or for-profit
5 organization, either for financial gain or without financial gain,
6 whose scope includes, but is not limited to, overseeing, directing, or
7 managing another person who is employed by, contracted by, or
8 volunteers with the nonprofit or for-profit organization.

9 (ii) "Regularly exercises supervisory authority" means to act in
10 his or her official supervisory capacity on an ongoing or continuing
11 basis with regards to a particular person.

12 (c) The reporting requirement also applies 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 has suffered abuse or neglect,
18 he or she shall report the incident, or cause a report to be made, to
19 the proper law enforcement agency or to the department as provided in
20 RCW 26.44.040.

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

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

36 (2) The reporting requirement of subsection (1) of this section
37 does not apply to the discovery of abuse or neglect that occurred
38 during childhood if it is discovered after the child has become an

1 adult. However, if there is reasonable cause to believe other children
2 are or may be at risk of abuse or neglect by the accused, the reporting
3 requirement of subsection (1) of this section does apply.

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

8 (4) The department, upon receiving a report of an incident of
9 alleged abuse or neglect pursuant to this chapter, involving a child
10 who has died or has had physical injury or injuries inflicted upon him
11 or her other than by accidental means or who has been subjected to
12 alleged sexual abuse, shall report such incident to the proper law
13 enforcement agency. In emergency cases, where the child's welfare is
14 endangered, the department shall notify the proper law enforcement
15 agency within twenty-four hours after a report is received by the
16 department. In all other cases, the department shall notify the law
17 enforcement agency within seventy-two hours after a report is received
18 by the department. If the department makes an oral report, a written
19 report must also be made to the proper law enforcement agency within
20 five days thereafter.

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

36 (6) Any county prosecutor or city attorney receiving a report under
37 subsection (5) of this section shall notify the victim, any persons the

1 victim requests, and the local office of the department, of the
2 decision to charge or decline to charge a crime, within five days of
3 making the decision.

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

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

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

33 (10) Upon receiving reports of alleged abuse or neglect, the
34 department or law enforcement agency may interview children. The
35 interviews may be conducted on school premises, at day-care facilities,
36 at the child's home, or at other suitable locations outside of the
37 presence of parents. Parental notification of the interview must occur
38 at the earliest possible point in the investigation that will not

1 jeopardize the safety or protection of the child or the course of the
2 investigation. Prior to commencing the interview the department or law
3 enforcement agency shall determine whether the child wishes a third
4 party to be present for the interview and, if so, shall make reasonable
5 efforts to accommodate the child's wishes. Unless the child objects,
6 the department or law enforcement agency shall make reasonable efforts
7 to include a third party in any interview so long as the presence of
8 the third party will not jeopardize the course of the investigation.

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

13 (12) In investigating and responding to allegations of child abuse
14 and neglect, the department may conduct background checks as authorized
15 by state and federal law.

16 (13) If a report of alleged abuse or neglect is founded and
17 constitutes the third founded report received by the department within
18 the last twelve months involving the same child or family, the
19 department shall promptly notify the office of the family and
20 children's ombudsman of the contents of the report. The department
21 shall also notify the ombudsman of the disposition of the report.

22 (14) The department shall maintain investigation records and
23 conduct timely and periodic reviews of all cases constituting abuse and
24 neglect. The department shall maintain a log of screened-out
25 nonabusive cases.

26 ((+14+)) (15) The department shall use a risk assessment process
27 when investigating alleged child abuse and neglect referrals. The
28 department shall present the risk factors at all hearings in which the
29 placement of a dependent child is an issue. Substance abuse must be a
30 risk factor. The department shall, within funds appropriated for this
31 purpose, offer enhanced community-based services to persons who are
32 determined not to require further state intervention.

33 ((+15+)) (16) Upon receipt of a report of alleged abuse or neglect
34 the law enforcement agency may arrange to interview the person making
35 the report and any collateral sources to determine if any malice is
36 involved in the reporting.

37 ((+16+)) (17) The department shall make reasonable efforts to learn
38 the name, address, and telephone number of each person making a report

1 of abuse or neglect under this section. The department shall provide
2 assurances of appropriate confidentiality of the identification of
3 persons reporting under this section. If the department is unable to
4 learn the information required under this subsection, the department
5 shall only investigate cases in which: (a) The department believes
6 there is a serious threat of substantial harm to the child; (b) the
7 report indicates conduct involving a criminal offense that has, or is
8 about to occur, in which the child is the victim; or (c) the department
9 has, after investigation, a report of abuse or neglect that has been
10 founded with regard to a member of the household within three years of
11 receipt of the referral.

12 (18) Upon receiving a report of alleged abuse or neglect involving
13 a child under the court's jurisdiction under chapter 13.34 RCW, the
14 department shall promptly notify the child's guardian ad litem of the
15 report's contents. The department shall also notify the guardian ad
16 litem of the disposition of the report. For purposes of this
17 subsection, "guardian ad litem" has the meaning provided in RCW
18 13.34.030.

19 **Sec. 5.** RCW 26.44.030 and 2007 c 387 s 3 and 2007 c 220 s 2 are
20 each reenacted and amended to read as follows:

21 (1)(a) When any practitioner, county coroner or medical examiner,
22 law enforcement officer, professional school personnel, registered or
23 licensed nurse, social service counselor, psychologist, pharmacist,
24 employee of the department of early learning, licensed or certified
25 child care providers or their employees, employee of the department,
26 juvenile probation officer, placement and liaison specialist,
27 responsible living skills program staff, HOPE center staff, or state
28 family and children's ombudsman or any volunteer in the ombudsman's
29 office has reasonable cause to believe that a child has suffered abuse
30 or neglect, he or she shall report such incident, or cause a report to
31 be made, to the proper law enforcement agency or to the department as
32 provided in RCW 26.44.040.

33 (b) When any person, in his or her official supervisory capacity
34 with a nonprofit or for-profit organization, has reasonable cause to
35 believe that a child has suffered abuse or neglect caused by a person
36 over whom he or she regularly exercises supervisory authority, he or
37 she shall report such incident, or cause a report to be made, to the

1 proper law enforcement agency, provided that the person alleged to have
2 caused the abuse or neglect is employed by, contracted by, or
3 volunteers with the organization and coaches, trains, educates, or
4 counsels a child or children or regularly has unsupervised access to a
5 child or children as part of the employment, contract, or voluntary
6 service. No one shall be required to report under this section when he
7 or she obtains the information solely as a result of a privileged
8 communication as provided in RCW 5.60.060.

9 Nothing in this subsection (1)(b) shall limit a person's duty to
10 report under (a) of this subsection.

11 For the purposes of this subsection, the following definitions
12 apply:

13 (i) "Official supervisory capacity" means a position, status, or
14 role created, recognized, or designated by any nonprofit or for-profit
15 organization, either for financial gain or without financial gain,
16 whose scope includes, but is not limited to, overseeing, directing, or
17 managing another person who is employed by, contracted by, or
18 volunteers with the nonprofit or for-profit organization.

19 (ii) "Regularly exercises supervisory authority" means to act in
20 his or her official supervisory capacity on an ongoing or continuing
21 basis with regards to a particular person.

22 (c) The reporting requirement also applies to department of
23 corrections personnel who, in the course of their employment, observe
24 offenders or the children with whom the offenders are in contact. If,
25 as a result of observations or information received in the course of
26 his or her employment, any department of corrections personnel has
27 reasonable cause to believe that a child has suffered abuse or neglect,
28 he or she shall report the incident, or cause a report to be made, to
29 the proper law enforcement agency or to the department as provided in
30 RCW 26.44.040.

31 (d) The reporting requirement shall also apply to any adult who has
32 reasonable cause to believe that a child who resides with them, has
33 suffered severe abuse, and is able or capable of making a report. For
34 the purposes of this subsection, "severe abuse" means any of the
35 following: Any single act of abuse that causes physical trauma of
36 sufficient severity that, if left untreated, could cause death; any
37 single act of sexual abuse that causes significant bleeding, deep
38 bruising, or significant external or internal swelling; or more than

1 one act of physical abuse, each of which causes bleeding, deep
2 bruising, significant external or internal swelling, bone fracture, or
3 unconsciousness.

4 (e) The report must be made at the first opportunity, but in no
5 case longer than forty-eight hours after there is reasonable cause to
6 believe that the child has suffered abuse or neglect. The report must
7 include the identity of the accused if known.

8 (2) The reporting requirement of subsection (1) of this section
9 does not apply to the discovery of abuse or neglect that occurred
10 during childhood if it is discovered after the child has become an
11 adult. However, if there is reasonable cause to believe other children
12 are or may be at risk of abuse or neglect by the accused, the reporting
13 requirement of subsection (1) of this section does apply.

14 (3) Any other person who has reasonable cause to believe that a
15 child has suffered abuse or neglect may report such incident to the
16 proper law enforcement agency or to the department of social and health
17 services as provided in RCW 26.44.040.

18 (4) The department, upon receiving a report of an incident of
19 alleged abuse or neglect pursuant to this chapter, involving a child
20 who has died or has had physical injury or injuries inflicted upon him
21 or her other than by accidental means or who has been subjected to
22 alleged sexual abuse, shall report such incident to the proper law
23 enforcement agency. In emergency cases, where the child's welfare is
24 endangered, the department shall notify the proper law enforcement
25 agency within twenty-four hours after a report is received by the
26 department. In all other cases, the department shall notify the law
27 enforcement agency within seventy-two hours after a report is received
28 by the department. If the department makes an oral report, a written
29 report must also be made to the proper law enforcement agency within
30 five days thereafter.

31 (5) Any law enforcement agency receiving a report of an incident of
32 alleged abuse or neglect pursuant to this chapter, involving a child
33 who has died or has had physical injury or injuries inflicted upon him
34 or her other than by accidental means, or who has been subjected to
35 alleged sexual abuse, shall report such incident in writing as provided
36 in RCW 26.44.040 to the proper county prosecutor or city attorney for
37 appropriate action whenever the law enforcement agency's investigation
38 reveals that a crime may have been committed. The law enforcement

1 agency shall also notify the department of all reports received and the
2 law enforcement agency's disposition of them. In emergency cases,
3 where the child's welfare is endangered, the law enforcement agency
4 shall notify the department within twenty-four hours. In all other
5 cases, the law enforcement agency shall notify the department within
6 seventy-two hours after a report is received by the law enforcement
7 agency.

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

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

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

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

5 (10) Upon receiving a report of alleged abuse or neglect, the
6 department shall make reasonable efforts to learn the name, address,
7 and telephone number of each person making a report of abuse or neglect
8 under this section. The department shall provide assurances of
9 appropriate confidentiality of the identification of persons reporting
10 under this section. If the department is unable to learn the
11 information required under this subsection, the department shall only
12 investigate cases in which:

13 (a) The department believes there is a serious threat of
14 substantial harm to the child;

15 (b) The report indicates conduct involving a criminal offense that
16 has, or is about to occur, in which the child is the victim; or

17 (c) The department has a prior founded report of abuse or neglect
18 with regard to a member of the household that is within three years of
19 receipt of the referral.

20 (11)(a) For reports of alleged abuse or neglect that are accepted
21 for investigation by the department, the investigation shall be
22 conducted within time frames established by the department in rule. In
23 no case shall the investigation extend longer than ninety days from the
24 date the report is received, unless the investigation is being
25 conducted under a written protocol pursuant to RCW 26.44.180 and a law
26 enforcement agency or prosecuting attorney has determined that a longer
27 investigation period is necessary. At the completion of the
28 investigation, the department shall make a finding that the report of
29 child abuse or neglect is founded or unfounded.

30 (b) If a court in a civil or criminal proceeding, considering the
31 same facts or circumstances as are contained in the report being
32 investigated by the department, makes a judicial finding by a
33 preponderance of the evidence or higher that the subject of the pending
34 investigation has abused or neglected the child, the department shall
35 adopt the finding in its investigation.

36 (12) In conducting an investigation of alleged abuse or neglect,
37 the department or law enforcement agency:

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

14 (b) Shall have access to all relevant records of the child in the
15 possession of mandated reporters and their employees.

16 (13) If a report of alleged abuse or neglect is founded and
17 constitutes the third founded report received by the department within
18 the last twelve months involving the same child or family, the
19 department shall promptly notify the office of the family and
20 children's ombudsman of the contents of the report. The department
21 shall also notify the ombudsman of the disposition of the report.

22 (14) In investigating and responding to allegations of child abuse
23 and neglect, the department may conduct background checks as authorized
24 by state and federal law.

25 ~~((+14+))~~ (15) The department shall maintain investigation records
26 and conduct timely and periodic reviews of all founded cases of abuse
27 and neglect. The department shall maintain a log of screened-out
28 nonabusive cases.

29 ~~((+15+))~~ (16) The department shall use a risk assessment process
30 when investigating alleged child abuse and neglect referrals. The
31 department shall present the risk factors at all hearings in which the
32 placement of a dependent child is an issue. Substance abuse must be a
33 risk factor. The department shall, within funds appropriated for this
34 purpose, offer enhanced community-based services to persons who are
35 determined not to require further state intervention.

36 ~~((+16+))~~ (17) Upon receipt of a report of alleged abuse or neglect
37 the law enforcement agency may arrange to interview the person making

1 the report and any collateral sources to determine if any malice is
2 involved in the reporting.

3 (18) Upon receiving a report of alleged abuse or neglect involving
4 a child under the court's jurisdiction under chapter 13.34 RCW, the
5 department shall promptly notify the child's guardian ad litem of the
6 report's contents. The department shall also notify the guardian ad
7 litem of the disposition of the report. For purposes of this
8 subsection, "guardian ad litem" has the meaning provided in RCW
9 13.34.030.

10 NEW SECTION. Sec. 6. A new section is added to chapter 43.06A RCW
11 to read as follows:

12 The ombudsman shall analyze a random sampling of referrals made by
13 mandated reporters during 2006 and 2007 and report to the appropriate
14 committees of the legislature on the following: The number and types
15 of referrals from mandated reporters; the disposition of the referrals
16 by category of mandated reporters; how many referrals resulted in the
17 filing of dependency actions; any patterns established by the
18 department in how it dealt with such referrals; whether the history of
19 fatalities in 2006 and 2007 showed referrals by mandated reporters; and
20 any other information the ombudsman deems relevant. The ombudsman may
21 contract for all or a portion of the tasks essential to completing the
22 analysis and report required under this section. The report is due no
23 later than June 30, 2009.

24 NEW SECTION. Sec. 7. Section 4 of this act expires October 1,
25 2008.

26 NEW SECTION. Sec. 8. Section 5 of this act takes effect October
27 1, 2008.

28 NEW SECTION. Sec. 9. If specific funding for the purposes of this
29 act, referencing this act by bill or chapter number, is not provided by
30 June 30, 2008, in the omnibus appropriations act, this act is null and
31 void.

Passed by the Senate March 10, 2008.
Passed by the House March 5, 2008.
Approved by the Governor March 27, 2008.
Filed in Office of Secretary of State March 28, 2008.