
SUBSTITUTE SENATE BILL 6454

State of Washington

61st Legislature

2010 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Brandland and Stevens)

READ FIRST TIME 02/04/10.

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) "Children's advocacy center" means a child-focused facility in
16 good standing with the state chapter for children's advocacy centers
17 and that coordinates a multidisciplinary process for the investigation,
18 prosecution, and treatment of sexual and other types of child abuse.
19 Children's advocacy centers provide a location for forensic interviews
20 and coordinate access to services such as, but not limited to, medical
21 evaluations, advocacy, therapy, and case review by multidisciplinary
22 teams within the context of county protocols as defined in RCW
23 26.44.180 and 26.44.185.

24 (6) "Clergy" means any regularly licensed or ordained minister,
25 priest, or rabbi of any church or religious denomination, whether
26 acting in an individual capacity or as an employee or agent of any
27 public or private organization or institution.

28 ((+6)) (7) "Community sexual assault program" means that program
29 as defined in RCW 70.125.030.

30 (8) "Court" means the superior court of the state of Washington,
31 juvenile department.

32 ((+7)) (9) "Department" means the state department of social and
33 health services.

34 ((+8)) (10) "Founded" means the determination following an
35 investigation by the department that, based on available information,
36 it is more likely than not that child abuse or neglect did occur.

37 ((+9)) (11) "Inconclusive" means the determination following an

1 investigation by the department, prior to October 1, 2008, that based
2 on available information a decision cannot be made that more likely
3 than not, child abuse or neglect did or did not occur.

4 ~~((+10+))~~ (12) "Institution" means a private or public hospital or
5 any other facility providing medical diagnosis, treatment, or care.

6 ~~((+11+))~~ (13) "Law enforcement agency" means the police department,
7 the prosecuting attorney, the state patrol, the director of public
8 safety, or the office of the sheriff.

9 ~~((+12+))~~ (14) "Malice" or "maliciously" means an intent, wish, or
10 design to intimidate, annoy, or injure another person. Such malice may
11 be inferred from an act done in willful disregard of the rights of
12 another, or an act wrongfully done without just cause or excuse, or an
13 act or omission of duty betraying a willful disregard of social duty.

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

28 ~~((+14+))~~ (16) "Pharmacist" means any registered pharmacist under
29 chapter 18.64 RCW, whether acting in an individual capacity or as an
30 employee or agent of any public or private organization or institution.

31 ~~((+15+))~~ (17) "Practitioner of the healing arts" or "practitioner"
32 means a person licensed by this state to practice podiatric medicine
33 and surgery, optometry, chiropractic, nursing, dentistry, osteopathic
34 medicine and surgery, or medicine and surgery or to provide other
35 health services. The term "practitioner" includes a duly accredited
36 Christian Science practitioner. A person who is being furnished
37 Christian Science treatment by a duly accredited Christian Science

1 practitioner will not be considered, for that reason alone, a neglected
2 person for the purposes of this chapter.

3 ~~((+16+))~~ (18) "Professional school personnel" include, but are not
4 limited to, teachers, counselors, administrators, child care facility
5 personnel, and school nurses.

6 ~~((+17+))~~ (19) "Psychologist" means any person licensed to practice
7 psychology under chapter 18.83 RCW, whether acting in an individual
8 capacity or as an employee or agent of any public or private
9 organization or institution.

10 ~~((+18+))~~ (20) "Screened-out report" means a report of alleged child
11 abuse or neglect that the department has determined does not rise to
12 the level of a credible report of abuse or neglect and is not referred
13 for investigation.

14 ~~((+19+))~~ (21) "Sexual exploitation" includes: (a) Allowing,
15 permitting, or encouraging a child to engage in prostitution by any
16 person; or (b) allowing, permitting, encouraging, or engaging in the
17 obscene or pornographic photographing, filming, or depicting of a child
18 by any person.

19 ~~((+20+))~~ (22) "Sexually aggressive youth" means a child who is
20 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

21 ~~((+21+))~~ (23) "Social service counselor" means anyone engaged in a
22 professional capacity during the regular course of employment in
23 encouraging or promoting the health, welfare, support, or education of
24 children, or providing social services to adults or families, including
25 mental health, drug and alcohol treatment, and domestic violence
26 programs, whether in an individual capacity, or as an employee or agent
27 of any public or private organization or institution.

28 ~~((+22+))~~ (24) "Supervising agency" means an agency licensed by the
29 state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that
30 has entered into a performance-based contract with the department to
31 provide child welfare services.

32 ~~((+23+))~~ (25) "Unfounded" means the determination following an
33 investigation by the department that available information indicates
34 that, more likely than not, child abuse or neglect did not occur, or
35 that there is insufficient evidence for the department to determine
36 whether the alleged child abuse did or did not occur.

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

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

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

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

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

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

1 be developed by the prosecuting attorney in collaboration with the
2 agencies referenced in this section.

3 (2) Revised and expanded protocols under this section shall be
4 adopted and in place by July 1, 2008. Thereafter, the protocols shall
5 be reviewed every two years to determine whether modifications are
6 needed.

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