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**SENATE BILL 5461**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Cleveland, Darneille, and Wilson, C.

AN ACT Relating to the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations; amending RCW 26.44.180; and adding a new section to chapter 26.44 RCW.

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

**Sec.**  RCW 26.44.180 and 2010 c 176 s 2 are each amended to read as follows:

(1) Each agency involved in investigating child sexual abuse, online sexual exploitation and commercial sexual exploitation of minors, as well as investigations of child fatality, child physical abuse, and criminal child neglect cases, shall document its role in handling cases and how it will coordinate with other local agencies or systems and shall adopt a local protocol based on the state guidelines. The department and local law enforcement agencies may include other agencies and systems that are involved with child sexual abuse victims in the multidisciplinary coordination.

(2) Each county shall develop a written protocol for handling investigations of criminal child sexual abuse ((~~investigations~~)), online sexual exploitation and commercial sexual exploitation of minors, and child fatality, child physical abuse, and criminal child neglect cases. The protocol shall address the coordination of ((~~child sexual abuse~~)) such criminal investigations ((~~between~~)) among multidisciplinary child protection team members, identified as representatives from the prosecutor's office, law enforcement, children's protective services, children's advocacy centers((~~,~~)) where available, local advocacy groups, community sexual assault programs((~~,~~)) as defined in RCW 70.125.030, licensed physical and mental health practitioners, and any other local agency involved in ((~~the~~)) such criminal investigations ((~~of child sexual abuse~~)), including those investigations involving multiple victims and multiple offenders. The protocol shall be developed by the prosecuting attorney with the assistance of the agencies referenced in this subsection.

(3) Local protocols under this section shall be adopted and in place by July 1, 2000, and shall be submitted to the legislature prior to that date. Beginning on the effective date of this section, local protocols under subsection (1) of this section must be reviewed every two years to determine whether modifications are needed.

NEW SECTION. **Sec.**  A new section is added to chapter 26.44 RCW to read as follows:

(1) The legislature finds that the purpose of multidisciplinary child protection teams as described in RCW 26.44.180 (1) and (2) is to ensure the protection and treatment of the child and to advance and coordinate the prompt investigation of suspected cases of child abuse or neglect to reduce the trauma of any child victim.

(2)(a) A multidisciplinary child protection team may meet, review records, and conduct business in the absence of one or more members of the team. When a case as described in RCW 26.44.180 (1) or (2) is referred to the team, records pertaining to the case must be made available to team members. Any member of the team may use or disclose records made available by the team members under this subsection only as necessary for the performance of the member's duties.

(b) Team members may share information about criminal child abuse investigations and case planning following such investigations with other participants in the multidisciplinary coordination. This section is not intended to permit, direct, or compel team members to share information if sharing would constitute a violation of their professional ethical obligations or disclose privileged communications as described in RCW 5.60.060.

(3)(a) Every member of the multidisciplinary child protection team who receives information or records regarding children and families in his or her capacity as a member of the team is subject to the same privacy and confidentiality obligations and confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained by any team member must be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(b) Multidisciplinary child protection team members must execute a confidentiality agreement every year.

(c) This section must not be construed to restrict guarantees of confidentiality provided under state or federal law.

(4) A multidisciplinary child protection team must meet at least monthly or more often as needed. Team meetings are closed to the public and are not subject to chapter 42.30 RCW.

(5) Information and records communicated or provided to the multidisciplinary child protection team members by all providers and agencies, as well as information and records created in the course of a child abuse or neglect case investigation, are deemed private and confidential and are protected from discovery and disclosure by all applicable statutory and common law protections. Existing civil and criminal penalties apply to the inappropriate disclosure of information held by team members.

(6) Any person who presented information before the multidisciplinary child protection team or who is a team member may testify as to matters within the person's knowledge. However, in a civil or criminal proceeding, such person or team member may not be questioned about opinions formed as a result of the case consultation meetings.

(7) Any multidisciplinary child protection team member whose action in facilitating the exchange and sharing of information in serving any child in the course of the member's profession, specialties, interests, or occupation, for the purpose of ensuring the safety of the child and the community and providing early intervention to avert more serious problems, is immune from any civil liability arising out of any good faith act relevant to participation on the team that might otherwise be incurred or imposed under this section. In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

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