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**SUBSTITUTE HOUSE BILL 1171**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Pollet and Goodman)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to exempting attorney higher education employees  
2 from mandated reporting of child abuse and neglect as it relates to  
3 information gained in the course of providing legal representation to  
4 a client; amending RCW 26.44.030; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that reporting of  
7 abuse and neglect of children by employees, including student  
8 employees, of academic, administrative, and athletic departments of  
9 public and private institutions of higher education is vitally  
10 important to prevent such abuse and neglect, and that such employees  
11 in higher education may be in positions to observe and report abuse  
12 that may not be readily observed by others.

13 The legislature also finds that the values underlying the duty of  
14 lawyers to preserve the confidentiality of client information may be  
15 inadvertently undermined and violated if attorney employees who  
16 supervise law students in clinical practices where such students are  
17 inadvertently required to disclose information related to the  
18 representation of a client. If such information is not clearly  
19 exempted from mandated reporting, clients will be denied adequate  
20 representation by students and the attorney faculty or academic  
21 employees supervising them in clinical programs.

1           Therefore, the legislature finds it is necessary to clarify that  
2 the mandated reporting requirement for child abuse and neglect should  
3 not override the obligation of attorneys to maintain confidentiality  
4 of information relating to the representation of a client.

5           **Sec. 2.** RCW 26.44.030 and 2024 c 298 s 6 are each amended to  
6 read as follows:

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

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

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

35           For the purposes of this subsection, the following definitions  
36 apply:

37           (i) "Official supervisory capacity" means a position, status, or  
38 role created, recognized, or designated by any nonprofit or for-  
39 profit organization, either for financial gain or without financial

1 gain, whose scope includes, but is not limited to, overseeing,  
2 directing, or managing another person who is employed by, contracted  
3 by, or volunteers with the nonprofit or for-profit organization.

4 (ii) "Organization" includes a sole proprietor, partnership,  
5 corporation, limited liability company, trust, association, financial  
6 institution, governmental entity, other than the federal government,  
7 and any other individual or group engaged in a trade, occupation,  
8 enterprise, governmental function, charitable function, or similar  
9 activity in this state whether or not the entity is operated as a  
10 nonprofit or for-profit entity.

11 (iii) "Reasonable cause" means a person witnesses or receives a  
12 credible written or oral report alleging abuse, including sexual  
13 contact, or neglect of a child.

14 (iv) "Regularly exercises supervisory authority" means to act in  
15 his or her official supervisory capacity on an ongoing or continuing  
16 basis with regards to a particular person.

17 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

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

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

38 (e) The reporting requirement also applies to guardians ad litem,  
39 including court-appointed special advocates, appointed under Titles  
40 11 and 13 RCW and this title, who in the course of their

1 representation of children in these actions have reasonable cause to  
2 believe a child has been abused or neglected.

3 (f) ~~((The))~~ (i) Except as provided in (f)(ii) of this subsection,  
4 the reporting requirement in (a) of this subsection also applies to  
5 administrative and academic or athletic department employees,  
6 including student employees, of institutions of higher education, as  
7 defined in RCW 28B.10.016, and of private institutions of higher  
8 education.

9 (ii) The reporting requirement in (a) of this subsection does not  
10 apply to:

11 (A) An attorney who is employed by an institution of higher  
12 education, as defined in RCW 28B.10.016, or private institution of  
13 higher education as it relates to information related to the  
14 representation of a client; and

15 (B) An employee working under the supervision or direction of an  
16 attorney described in subsection (1)(f)(ii)(A) of this section as it  
17 relates to information related to the representation of a client.

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

22 (2) The reporting requirement of subsection (1) of this section  
23 does not apply to the discovery of abuse or neglect that occurred  
24 during childhood if it is discovered after the child has become an  
25 adult. However, if there is reasonable cause to believe other  
26 children are or may be at risk of abuse or neglect by the accused,  
27 the reporting requirement of subsection (1) of this section does  
28 apply.

29 (3) Any other person who has reasonable cause to believe that a  
30 child has suffered abuse or neglect may report such incident to the  
31 proper law enforcement agency or to the department as provided in RCW  
32 26.44.040.

33 (4) The department, upon receiving a report of an incident of  
34 alleged abuse or neglect pursuant to this chapter, involving a child  
35 who has died or has had physical injury or injuries inflicted upon  
36 him or her other than by accidental means or who has been subjected  
37 to alleged sexual abuse, shall report such incident to the proper law  
38 enforcement agency, including military law enforcement, if  
39 appropriate. In emergency cases, where the child's welfare is  
40 endangered, the department shall notify the proper law enforcement

1 agency within twenty-four hours after a report is received by the  
2 department. In all other cases, the department shall notify the law  
3 enforcement agency within seventy-two hours after a report is  
4 received by the department. If the department makes an oral report, a  
5 written report must also be made to the proper law enforcement agency  
6 within five days thereafter.

7 (5) Any law enforcement agency receiving a report of an incident  
8 of alleged abuse or neglect pursuant to this chapter, involving a  
9 child who has died or has had physical injury or injuries inflicted  
10 upon him or her other than by accidental means, or who has been  
11 subjected to alleged sexual abuse, shall report such incident in  
12 writing as provided in RCW 26.44.040 to the proper county prosecutor  
13 or city attorney for appropriate action whenever the law enforcement  
14 agency's investigation reveals that a crime may have been committed.  
15 The law enforcement agency shall also notify the department of all  
16 reports received and the law enforcement agency's disposition of  
17 them. In emergency cases, where the child's welfare is endangered,  
18 the law enforcement agency shall notify the department within twenty-  
19 four hours. In all other cases, the law enforcement agency shall  
20 notify the department within seventy-two hours after a report is  
21 received by the law enforcement agency.

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

27 (7) The department may conduct ongoing case planning and  
28 consultation with those persons or agencies required to report under  
29 this section, with consultants designated by the department, and with  
30 designated representatives of Washington Indian tribes if the client  
31 information exchanged is pertinent to cases currently receiving child  
32 protective services. Upon request, the department shall conduct such  
33 planning and consultation with those persons required to report under  
34 this section if the department determines it is in the best interests  
35 of the child. Information considered privileged by statute and not  
36 directly related to reports required by this section must not be  
37 divulged without a valid written waiver of the privilege.

38 (8) Any case referred to the department by a physician licensed  
39 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
40 opinion that child abuse, neglect, or sexual assault has occurred and

1 that the child's safety will be seriously endangered if returned  
2 home, the department shall file a dependency petition unless a second  
3 licensed physician of the parents' choice believes that such expert  
4 medical opinion is incorrect. If the parents fail to designate a  
5 second physician, the department may make the selection. If a  
6 physician finds that a child has suffered abuse or neglect but that  
7 such abuse or neglect does not constitute imminent danger to the  
8 child's health or safety, and the department agrees with the  
9 physician's assessment, the child may be left in the parents' home  
10 while the department proceeds with reasonable efforts to remedy  
11 parenting deficiencies.

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

16 (10) Upon receiving a report that a child is a candidate for  
17 foster care as defined in RCW 26.44.020, the department may provide  
18 prevention and family services and programs to the child's parents,  
19 guardian, or caregiver. The department may not be held civilly liable  
20 for the decision regarding whether to provide prevention and family  
21 services and programs, or for the provision of those services and  
22 programs, for a child determined to be a candidate for foster care.

23 (11) Upon receiving a report of alleged abuse or neglect, the  
24 department shall make reasonable efforts to learn the name, address,  
25 and telephone number of each person making a report of abuse or  
26 neglect under this section. The department shall provide assurances  
27 of appropriate confidentiality of the identification of persons  
28 reporting under this section. If the department is unable to learn  
29 the information required under this subsection, the department shall  
30 only investigate cases in which:

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

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

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

38 (12)(a) Upon receiving a report of alleged abuse or neglect, the  
39 department shall use one of the following discrete responses to

1 reports of child abuse or neglect that are screened in and accepted  
2 for departmental response:

- 3 (i) Investigation; or
- 4 (ii) Family assessment.

5 (b) In making the response in (a) of this subsection the  
6 department shall:

7 (i) Use a method by which to assign cases to investigation or  
8 family assessment which are based on an array of factors that may  
9 include the presence of: Imminent danger, level of risk, number of  
10 previous child abuse or neglect reports, or other presenting case  
11 characteristics, such as the type of alleged maltreatment and the age  
12 of the alleged victim. Age of the alleged victim shall not be used as  
13 the sole criterion for determining case assignment;

14 (ii) Allow for a change in response assignment based on new  
15 information that alters risk or safety level;

16 (iii) Allow families assigned to family assessment to choose to  
17 receive an investigation rather than a family assessment;

18 (iv) Provide a full investigation if a family refuses the initial  
19 family assessment;

20 (v) Provide voluntary services to families based on the results  
21 of the initial family assessment. If a family refuses voluntary  
22 services, and the department cannot identify specific facts related  
23 to risk or safety that warrant assignment to investigation under this  
24 chapter, and there is not a history of reports of child abuse or  
25 neglect related to the family, then the department must close the  
26 family assessment response case. However, if at any time the  
27 department identifies risk or safety factors that warrant an  
28 investigation under this chapter, then the family assessment response  
29 case must be reassigned to investigation;

30 (vi) Conduct an investigation, and not a family assessment, in  
31 response to an allegation that, the department determines based on  
32 the intake assessment:

33 (A) Indicates a child's health, safety, and welfare will be  
34 seriously endangered if not taken into custody for reasons including,  
35 but not limited to, sexual abuse and sexual exploitation of the child  
36 as defined in this chapter;

37 (B) Poses a serious threat of substantial harm to a child;

38 (C) Constitutes conduct involving a criminal offense that has, or  
39 is about to occur, in which the child is the victim;

40 (D) The child is an abandoned child as defined in RCW 13.34.030;

1 (E) The child is an adjudicated dependent child as defined in RCW  
2 13.34.030, or the child is in a facility that is licensed, operated,  
3 or certified for care of children by the department under chapter  
4 74.15 RCW.

5 (c) In addition, the department may use a family assessment  
6 response to assess for and provide prevention and family services and  
7 programs, as defined in RCW 26.44.020, for the following children and  
8 their families, consistent with requirements under the federal family  
9 first prevention services act and this section:

10 (i) A child who is a candidate for foster care, as defined in RCW  
11 26.44.020; and

12 (ii) A child who is in foster care and who is pregnant,  
13 parenting, or both.

14 (d) The department may not be held civilly liable for the  
15 decision to respond to an allegation of child abuse or neglect by  
16 using the family assessment response under this section unless the  
17 state or its officers, agents, or employees acted with reckless  
18 disregard.

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

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

35 (14) For reports of alleged abuse or neglect that are responded  
36 to through family assessment response, the department shall:

37 (a) Provide the family with a written explanation of the  
38 procedure for assessment of the child and the family and its  
39 purposes;



1 (b) Collaborate with the family to identify family strengths,  
2 resources, and service needs, and develop a service plan with the  
3 goal of reducing risk of harm to the child and improving or restoring  
4 family well-being;

5 (c) Complete the family assessment response within forty-five  
6 days of receiving the report except as follows:

7 (i) Upon parental agreement, the family assessment response  
8 period may be extended up to one hundred twenty days. The  
9 department's extension of the family assessment response period must  
10 be operated within the department's appropriations;

11 (ii) For cases in which the department elects to use a family  
12 assessment response as authorized under subsection (12)(c) of this  
13 section, and upon agreement of the child's parent, legal guardian,  
14 legal custodian, or relative placement, the family assessment  
15 response period may be extended up to one year. The department's  
16 extension of the family assessment response must be operated within  
17 the department's appropriations.

18 (d) Offer services to the family in a manner that makes it clear  
19 that acceptance of the services is voluntary;

20 (e) Implement the family assessment response in a consistent and  
21 cooperative manner;

22 (f) Have the parent or guardian agree to participate in services  
23 before services are initiated. The department shall inform the  
24 parents of their rights under family assessment response, all of  
25 their options, and the options the department has if the parents do  
26 not agree to participate in services.

27 (15)(a) In conducting an investigation or family assessment of  
28 alleged abuse or neglect, the department or law enforcement agency:

29 (i) May interview children. If the department determines that the  
30 response to the allegation will be family assessment response, the  
31 preferred practice is to request a parent's, guardian's, or  
32 custodian's permission to interview the child before conducting the  
33 child interview unless doing so would compromise the safety of the  
34 child or the integrity of the assessment. The interviews may be  
35 conducted on school premises, at day-care facilities, at the child's  
36 home, or at other suitable locations outside of the presence of  
37 parents. If the allegation is investigated, parental notification of  
38 the interview must occur at the earliest possible point in the  
39 investigation that will not jeopardize the safety or protection of  
40 the child or the course of the investigation. Prior to commencing the

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

8 (ii) Shall have access to all relevant records of the child in  
9 the possession of mandated reporters and their employees.

10 (b) The Washington state school directors' association shall  
11 adopt a model policy addressing protocols when an interview, as  
12 authorized by this subsection, is conducted on school premises. In  
13 formulating its policy, the association shall consult with the  
14 department and the Washington association of sheriffs and police  
15 chiefs.

16 (16) If a report of alleged abuse or neglect is founded and  
17 constitutes the third founded report received by the department  
18 within 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 ombuds of the contents of the report. The department shall  
21 also notify the ombuds of the disposition of the report.

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

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

29 (b) In the family assessment response, the department shall not  
30 make a finding as to whether child abuse or neglect occurred. No one  
31 shall be named as a perpetrator and no investigative finding shall be  
32 entered in the department's child abuse or neglect database.

33 (19) The department shall use a risk assessment process when  
34 investigating alleged child abuse and neglect referrals. The  
35 department shall present the risk factors at all hearings in which  
36 the placement of a dependent child is an issue. Substance abuse must  
37 be a risk factor.

38 (20) Upon receipt of a report of alleged abuse or neglect the law  
39 enforcement agency may arrange to interview the person making the

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

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

10 (22) The department shall make efforts as soon as practicable to  
11 determine the military status of parents whose children are subject  
12 to abuse or neglect allegations. If the department determines that a  
13 parent or guardian is in the military, the department shall notify a  
14 department of defense family advocacy program that there is an  
15 allegation of abuse and neglect that is screened in and open for  
16 investigation that relates to that military parent or guardian.

17 (23) The department shall make available on its public website a  
18 downloadable and printable poster that includes the reporting  
19 requirements included in this section. The poster must be no smaller  
20 than eight and one-half by eleven inches with all information on one  
21 side. The poster must be made available in both the English and  
22 Spanish languages. Organizations that include employees or volunteers  
23 subject to the reporting requirements of this section must clearly  
24 display this poster in a common area. At a minimum, this poster must  
25 include the following:

- 26 (a) Who is required to report child abuse and neglect;
- 27 (b) The standard of knowledge to justify a report;
- 28 (c) The definition of reportable crimes;
- 29 (d) Where to report suspected child abuse and neglect; and
- 30 (e) What should be included in a report and the appropriate  
31 timing.

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