

1 1054 AAS 4/12/91

2 **HB 1054** - S COMM AMD

3 By Committee on Children & Family Services

4 Adopted 4/12/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 26.44.030 and 1989 c 22 s 1 are each amended to read
8 as follows:

9 (1) When any practitioner, professional school personnel,
10 registered or licensed nurse, social service counselor, psychologist,
11 pharmacist, licensed or certified child care providers or their
12 employees, employee of the department, or juvenile probation officer
13 has reasonable cause to believe that a child or adult dependent or
14 developmentally disabled person, has suffered abuse or neglect, he or
15 she shall report such incident, or cause a report to be made, to the
16 proper law enforcement agency or to the department as provided in RCW
17 26.44.040. The report shall be made at the first opportunity, but in
18 no case longer than forty-eight hours after there is reasonable cause
19 to believe that the child or adult has suffered abuse or neglect. The
20 report shall include the identity of the accused if known.

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

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

6 (~~(3)~~) (4) The department, upon receiving a report of an incident
7 of abuse or neglect pursuant to this chapter, involving a child or
8 adult dependent or developmentally disabled person who has died or has
9 had physical injury or injuries inflicted upon him or her other than by
10 accidental means or who has been subjected to sexual abuse, shall
11 report such incident to the proper law enforcement agency. In
12 emergency cases, where the child, adult dependent, or developmentally
13 disabled person's welfare is endangered, the department shall notify
14 the proper law enforcement agency within twenty-four hours after a
15 report is received by the department. In all other cases, the
16 department shall notify the law enforcement agency within seventy-two
17 hours after a report is received by the department. If the department
18 makes an oral report, a written report shall also be made to the proper
19 law enforcement agency within five days thereafter.

20 (~~(4)~~) (5) Any law enforcement agency receiving a report of an
21 incident of abuse or neglect pursuant to this chapter, involving a
22 child or adult dependent or developmentally disabled person who has
23 died or has had physical injury or injuries inflicted upon him or her
24 other than by accidental means, or who has been subjected to sexual
25 abuse, shall report such incident in writing as provided in RCW
26 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, where

1 the child, adult dependent, or developmentally disabled person's
2 welfare is endangered, the law enforcement agency shall notify the
3 department within twenty-four hours. In all other cases, the law
4 enforcement agency shall notify the department within seventy-two hours
5 after a report is received by the law enforcement agency.

6 ~~((+5+))~~ (6) Any county prosecutor or city attorney receiving a
7 report under subsection ~~((+4+))~~ (5) of this section shall notify the
8 victim, any persons the victim requests, and the local office of the
9 department, of the decision to charge or decline to charge a crime,
10 within five days of making the decision.

11 ~~((+6+))~~ (7) The department may conduct ongoing case planning and
12 consultation with those persons or agencies required to report under
13 this section, with consultants designated by the department, and with
14 designated representatives of Washington Indian tribes if the client
15 information exchanged is pertinent to cases currently receiving child
16 protective services or department case services for the developmentally
17 disabled. Upon request, the department shall conduct such planning and
18 consultation with those persons required to report under this section
19 if the department determines it is in the best interests of the child
20 or developmentally disabled person. Information considered privileged
21 by statute and not directly related to reports required by this section
22 shall not be divulged without a valid written waiver of the privilege.

23 ~~((+7+))~~ (8) Any case referred to the department by a physician
24 licensed under chapter 18.57 or 18.71 RCW on the basis of an expert
25 medical opinion that child abuse, neglect, or sexual assault has
26 occurred and that the child's safety will be seriously endangered if
27 returned home, the department shall file a dependency petition unless
28 a second licensed physician of the parents' choice believes that such
29 expert medical opinion is incorrect. If the parents fail to designate
30 a second physician, the department may make the selection. If a

1 physician finds that a child has suffered abuse or neglect but that
2 such abuse or neglect does not constitute imminent danger to the
3 child's health or safety, and the department agrees with the
4 physician's assessment, the child may be left in the parents' home
5 while the department proceeds with reasonable efforts to remedy
6 parenting deficiencies.

7 ~~((+8))~~ (9) Persons or agencies exchanging information under
8 subsection ~~((+6))~~ (7) of this section shall not further disseminate or
9 release the information except as authorized by state or federal
10 statute. Violation of this subsection is a misdemeanor.

11 ~~((+9))~~ (10) Upon receiving reports of abuse or neglect, the
12 department or law enforcement agency may interview children. The
13 interviews may be conducted on school premises, at day-care facilities,
14 at the child's home, or at other suitable locations outside of the
15 presence of parents. Parental notification of the interview shall
16 occur at the earliest possible point in the investigation that will not
17 jeopardize the safety or protection of the child or the course of the
18 investigation. Prior to commencing the interview the department or law
19 enforcement agency shall determine whether the child wishes a third
20 party to be present for the interview and, if so, shall make reasonable
21 efforts to accommodate the child's wishes. Unless the child objects,
22 the department or law enforcement agency shall make reasonable efforts
23 to include a third party in any interview so long as the presence of
24 the third party will not jeopardize the course of the investigation.

25 ~~((+10))~~ (11) Upon receiving a report of incidents, conditions, or
26 circumstances of child abuse and neglect, the department shall have
27 access to all relevant records of the child in the possession of
28 mandated reporters and their employees.

29 ~~((+11))~~ (12) The department shall maintain investigation records
30 and conduct timely and periodic reviews of all cases constituting abuse

1 and neglect. The department shall maintain a log of screened-out
2 nonabusive cases.

3 ~~((12))~~ (13) The department of social and health services shall,
4 within funds appropriated for this purpose, use a risk assessment tool
5 when investigating child abuse and neglect referrals. The tool shall be
6 used, on a pilot basis, in three local office service areas. The
7 department shall, within funds appropriated for this purpose, offer
8 enhanced community-based services to persons who are determined not to
9 require further state intervention.

10 The department shall report to the ways and means committees of the
11 senate and house of representatives on the use of the tool by December
12 1, 1989. The report shall include recommendations on the continued use
13 and possible expanded use of the tool.

14 ~~((13))~~ (14) Upon receipt of such report the law enforcement
15 agency may arrange to interview the person making the report and any
16 collateral sources to determine if any malice is involved in the
17 reporting."

18 "NEW SECTION. Sec. 2. RCW 26.44.070 and 1987 c 524 s 12, 1987
19 c 206 s 6, 1986 c 269 s 3, 1984 c 97 s 6, 1981 c 164 s 4, 1977 ex.s. c
20 80 s 29, 1975 1st ex.s. c 217 s 7, 1972 ex.s. c 46 s 1, & 1969 ex.s. c
21 35 s 6 are each repealed."

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24 Adopted 4/12/91 - Voice Vote

25 On page 1, line 2 of the title, after "persons;" strike the
26 remainder of the title and insert "amending RCW 26.44.030; and
27 repealing RCW 26.44.070."