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**SUBSTITUTE HOUSE BILL 1054**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley, Orr, R. King and Sheldon; by request of Dept. of Social and Health Services).

Read first time March 6, 1991.

1            AN ACT Relating to reports of abuse of children or adult dependent  
2 or developmentally disabled persons; amending RCW 26.44.030; and  
3 repealing RCW 26.44.070.

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

5            **Sec. 1.** RCW 26.44.030 and 1989 c 22 s 1 are each amended to read  
6 as follows:

7            (1) When any practitioner, professional school personnel,  
8 registered or licensed nurse, social service counselor, psychologist,  
9 pharmacist, licensed or certified child care providers or their  
10 employees, employee of the department, or juvenile probation officer  
11 has reasonable cause to believe that a child or adult dependent or  
12 developmentally disabled person, has suffered abuse or neglect, he or  
13 she shall report such incident, or cause a report to be made, to the  
14 proper law enforcement agency or to the department as provided in RCW  
15 26.44.040. The report shall be made at the first opportunity, but in

1 no case longer than forty-eight hours after there is reasonable cause  
2 to believe that the child or adult has suffered abuse or neglect.

3 (2) The reporting requirement of subsection (1) of this section  
4 does not apply to the discovery of abuse or neglect that occurred  
5 during childhood if it is discovered after the child has become an  
6 adult.

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

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

26 (~~(4)~~) (5) Any law enforcement agency receiving a report of an  
27 incident of abuse or neglect pursuant to this chapter, involving a  
28 child or adult dependent or developmentally disabled person who has  
29 died or has had physical injury or injuries inflicted upon him or her  
30 other than by accidental means, or who has been subjected to sexual

1 abuse, shall report such incident in writing as provided in RCW  
2 26.44.040 to the proper county prosecutor or city attorney for  
3 appropriate action whenever the law enforcement agency's investigation  
4 reveals that a crime may have been committed. The law enforcement  
5 agency shall also notify the department of all reports received and the  
6 law enforcement agency's disposition of them. In emergency cases, where  
7 the child, adult dependent, or developmentally disabled person's  
8 welfare is endangered, the law enforcement agency shall notify the  
9 department within twenty-four hours. In all other cases, the law  
10 enforcement agency shall notify the department within seventy-two hours  
11 after a report is received by the law enforcement agency.

12 ~~((5))~~ (6) Any county prosecutor or city attorney receiving a  
13 report under subsection ~~((4))~~ (5) of this section shall notify the  
14 victim, any persons the victim requests, and the local office of the  
15 department, of the decision to charge or decline to charge a crime,  
16 within five days of making the decision.

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

29 ~~((7))~~ (8) Any case referred to the department by a physician  
30 licensed under chapter 18.57 or 18.71 RCW on the basis of an expert

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

13       (~~(8)~~) (9) Persons or agencies exchanging information under  
14 subsection (~~(6)~~) (7) of this section shall not further disseminate or  
15 release the information except as authorized by state or federal  
16 statute. Violation of this subsection is a misdemeanor.

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

1        (~~(10)~~) (11) Upon receiving a report of incidents, conditions, or  
2 circumstances of child abuse and neglect, the department shall have  
3 access to all relevant records of the child in the possession of  
4 mandated reporters and their employees.

5        (~~(11)~~) (12) The department shall maintain investigation records  
6 and conduct timely and periodic reviews of all cases constituting abuse  
7 and neglect. The department shall maintain a log of screened-out  
8 nonabusive cases.

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

16        The department shall report to the ways and means committees of the  
17 senate and house of representatives on the use of the tool by December  
18 1, 1989. The report shall include recommendations on the continued use  
19 and possible expanded use of the tool.

20        (~~(13)~~) (14) Upon receipt of such report the law enforcement  
21 agency may arrange to interview the person making the report and any  
22 collateral sources to determine if any malice is involved in the  
23 reporting.

24        NEW SECTION.    **Sec. 2.**    RCW 26.44.070 and 1987 c 524 s 12, 1987 c  
25 206 s 6, 1986 c 269 s 3, 1984 c 97 s 6, 1981 c 164 s 4, 1977 ex.s. c 80  
26 s 29, 1975 1st ex.s. c 217 s 7, 1972 ex.s. c 46 s 1, & 1969 ex.s. c 35  
27 s 6 are each repealed.