

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE HOUSE BILL 1054**

52nd Legislature  
1991 Regular Session

Passed by the House March 20, 1991  
Yeas 98 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate April 12, 1991  
Yeas 45 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1054** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

Secretary of State  
State of Washington



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**SUBSTITUTE HOUSE BILL 1054**

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AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

**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. The  
3 report shall include the identity of the accused if known.

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

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

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

1       (~~(4)~~) (5) Any law enforcement agency receiving a report of an  
2 incident of abuse or neglect pursuant to this chapter, involving a  
3 child or adult dependent or developmentally disabled person who has  
4 died or has had physical injury or injuries inflicted upon him or her  
5 other than by accidental means, or who has been subjected to sexual  
6 abuse, shall report such incident in writing as provided in RCW  
7 26.44.040 to the proper county prosecutor or city attorney for  
8 appropriate action whenever the law enforcement agency's investigation  
9 reveals that a crime may have been committed. The law enforcement  
10 agency shall also notify the department of all reports received and the  
11 law enforcement agency's disposition of them. In emergency cases, where  
12 the child, adult dependent, or developmentally disabled person's  
13 welfare is endangered, the law enforcement agency shall notify the  
14 department within twenty-four hours. In all other cases, the law  
15 enforcement agency shall notify the department within seventy-two hours  
16 after a report is received by the law enforcement agency.

17       (~~(5)~~) (6) Any county prosecutor or city attorney receiving a  
18 report under subsection (~~(4)~~) (5) of this section shall notify the  
19 victim, any persons the victim requests, and the local office of the  
20 department, of the decision to charge or decline to charge a crime,  
21 within five days of making the decision.

22       (~~(6)~~) (7) The department may conduct ongoing case planning and  
23 consultation with those persons or agencies required to report under  
24 this section, with consultants designated by the department, and with  
25 designated representatives of Washington Indian tribes if the client  
26 information exchanged is pertinent to cases currently receiving child  
27 protective services or department case services for the developmentally  
28 disabled. Upon request, the department shall conduct such planning and  
29 consultation with those persons required to report under this section  
30 if the department determines it is in the best interests of the child

1 or developmentally disabled person. Information considered privileged  
2 by statute and not directly related to reports required by this section  
3 shall not be divulged without a valid written waiver of the privilege.

4 ~~((7))~~ (8) Any case referred to the department by a physician  
5 licensed under chapter 18.57 or 18.71 RCW on the basis of an expert  
6 medical opinion that child abuse, neglect, or sexual assault has  
7 occurred and that the child's safety will be seriously endangered if  
8 returned home, the department shall file a dependency petition unless  
9 a second licensed physician of the parents' choice believes that such  
10 expert medical opinion is incorrect. If the parents fail to designate  
11 a second physician, the department may make the selection. If a  
12 physician finds that a child has suffered abuse or neglect but that  
13 such abuse or neglect does not constitute imminent danger to the  
14 child's health or safety, and the department agrees with the  
15 physician's assessment, the child may be left in the parents' home  
16 while the department proceeds with reasonable efforts to remedy  
17 parenting deficiencies.

18 ~~((8))~~ (9) Persons or agencies exchanging information under  
19 subsection ~~((6))~~ (7) of this section shall not further disseminate or  
20 release the information except as authorized by state or federal  
21 statute. Violation of this subsection is a misdemeanor.

22 ~~((9))~~ (10) Upon receiving reports of abuse or neglect, the  
23 department or law enforcement agency may interview children. The  
24 interviews may be conducted on school premises, at day-care facilities,  
25 at the child's home, or at other suitable locations outside of the  
26 presence of parents. Parental notification of the interview shall  
27 occur at the earliest possible point in the investigation that will not  
28 jeopardize the safety or protection of the child or the course of the  
29 investigation. Prior to commencing the interview the department or law  
30 enforcement agency shall determine whether the child wishes a third

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

6 ~~((10))~~ (11) Upon receiving a report of incidents, conditions, or  
7 circumstances of child abuse and neglect, the department shall have  
8 access to all relevant records of the child in the possession of  
9 mandated reporters and their employees.

10 ~~((11))~~ (12) The department shall maintain investigation records  
11 and conduct timely and periodic reviews of all cases constituting abuse  
12 and neglect. The department shall maintain a log of screened-out  
13 nonabusive cases.

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

21 The department shall report to the ways and means committees of the  
22 senate and house of representatives on the use of the tool by December  
23 1, 1989. The report shall include recommendations on the continued use  
24 and possible expanded use of the tool.

25 ~~((13))~~ (14) Upon receipt of such report the law enforcement  
26 agency may arrange to interview the person making the report and any  
27 collateral sources to determine if any malice is involved in the  
28 reporting.

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