

# SENATE BILL REPORT

## SB 5749

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As Reported By Senate Committee On:  
Human Services & Corrections, February 25, 1999

**Title:** An act relating to the development of protocols for use during interviews by the department of social and health services in dependency hearings involving allegations of child abuse.

**Brief Description:** Establishing a team to create state-wide protocols for interviews relating to investigations of allegations of child abuse.

**Sponsors:** Senators Long, Hargrove, Kohl-Welles, Winsley, Oke and Stevens.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/12/99, 2/25/99 [DPS-WM].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

**Staff:** Aldo Melchiori (786-7439)

**Background:** In 1994 and 1995, the Department of Social and Health Services (DSHS), Children's Administration, and Division of Children and Family Services became involved with a joint child sexual abuse investigation in Wenatchee, Washington. The investigations were conducted by local law enforcement officials and Child Protective Service social workers. It involved allegations against more than 80 adults and ultimately led to the temporary or permanent removal of at least 42 children from the care of their families. The investigative techniques employed by the investigators have come under public scrutiny.

The Washington State Institute for Public Policy issued a report in January 1997 regarding protocols and training standards for investigations of child sexual abuse. The authors noted that experts recommend ground rules for interviews and that ongoing training is the key to good investigations. More recently, the Office of the Family and Children's Ombudsman issued a specific review of the Wenatchee child sexual abuse investigations.

The ombudsman's review concluded with three recommendations: (1) that social workers be required to document child interviews in a verbatim or near verbatim manner, (2) that specialized and on-going training in child sexual abuse investigative and interview practices be required of all CPS social workers, and (3) that local jurisdictions be required to establish cross-discipline collaborative protocols with elements developed by a state-level task force in which key disciplines are represented.

**Summary of Substitute Bill:** An interdisciplinary team is established under the direction of the Washington State Institute for Public Policy to create statewide protocols for interviews during child abuse investigations. A 17-member team, representing a wide variety of perspectives, is formed on the basis of knowledge and expertise. The institute provides professional and administrative support.

Protocols developed must be grounded on research based practices and standards, provide for the creation of verbatim records of child interviews, minimize the trauma to persons who are interviewed, establish initial and on-going training requirements, and address documentation, record retention, and retrieval. The team is encouraged to make additional recommendations.

The protocols and an implementation plan are presented to the Legislature by December 1, 1999. The protocols are implemented according to the plan, on July 1, 2000, and become mandatory minimum requirements in conducting child abuse investigative interviews by the Department of Social and Health Services and law enforcement. The Washington State Institute for Public Policy reports to the Legislature and Governor every two years on the effectiveness of the protocols.

Department employees conducting interviews of persons involved in allegations of abuse or neglect must retain original written notes and records unless they are preserved verbatim by electronic means.

The department conducts a pilot project in two administrative regions in which investigative interviews are recorded on audiotape.

**Substitute Bill Compared to Original Bill:** Responsibility for direction of the protocol team is changed from the Office of the Family and Children's Ombudsman to the Washington State Institute for Public Policy. A victim's advocate and representative from an agency serving the developmentally disabled were added to the team. The department, prosecuting attorneys and law enforcement have two representatives each. It was clarified that the protocols address investigative interviews of child sexual abuse.

The implementation plan time frame was adjusted and the protocols were redesignated as mandatory minimum requirements to be used by the department and law enforcement. The audiotape pilot project and provisions requiring the retention of written notes and records were added.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 1999.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The bill responds to many of the concerns expressed by the Office of Family and Children's Ombudsman. The Washington Institute for Public Policy is able to perform the assigned tasks. The team is very inclusive.

**Testimony Against:** Some counties have interview protocols in place that may end up being in conflict with those developed by the team. Statewide protocols may not work properly for counties of different sizes.

**Testified:** PRO: Carol Holland, Children’s Administration (with concerns); Suzanne Brown, Washington Coalition of Sexual Assault Programs; Vicki Wallen, Office of Family and Children Ombudsman; CON: Ione George, Kitsap County Prosecuting Attorney; Kathy Goater, King County Prosecuting Attorney.