

# SENATE BILL REPORT

## SHB 1594

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As of March 18, 2013

**Title:** An act relating to interviewing children in child protective services investigations.

**Brief Description:** Concerning interviewing children in child protective services investigations at children's advocacy centers.

**Sponsors:** House Committee on Early Learning & Human Services (originally sponsored by Representatives Sawyer, Roberts, Zeiger, Walsh, Kagi, Fey, Ryu, Freeman, Appleton, Moscoso and Ormsby).

**Brief History:** Passed House: 3/06/13, 97-0.

**Committee Activity:** Human Services & Corrections: 3/18/13.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Shani Bauer (786-7468)

**Background:** In conducting an investigation of alleged abuse or neglect, the Department of Social and Health Services (DSHS) or law enforcement agencies may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside the presence of the parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the investigation.

Prior to commencing the interview, DSHS or the law enforcement agency must determine whether the child wishes a third party to be present for the interview and, if so, must make reasonable efforts to accommodate the child's wishes. Unless the child objects, DSHS or the law enforcement agency must make reasonable efforts to include a third party in the interview so long as the presence of the third party would not jeopardize the course of the investigation.

A Children's Advocacy Center (CAC) is defined in law as a child-focused facility in good standing with Children's Advocacy Centers of Washington (CACWA) and which provides coordination of a multidisciplinary process for the investigation, prosecution, and treatment of child abuse, including child sexual abuse. CACs provide a child-friendly location for forensic interviews and help coordinate access to medical evaluations, advocacy, therapy, and case reviews within the context of the county-based protocols. CACWA is a membership

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association providing training and technical assistance to existing and emerging CACs. CACWA also is the Washington Chapter of the National Children's Alliance, a national membership and accrediting organization for CACs. There are currently 12 accredited CACs located in Washington cities throughout the state and an additional six CACs in the process of becoming accredited.

Traditionally, forensic interviews are conducted when there is a possibility that a criminal case may emerge from the child protective services' investigation. Forensic interviews are often conducted in a standardized manner and used to obtain facts. Forensic interviews serve as the child's recorded statement. Currently, not all child protective services' investigations require forensic interviewing.

**Summary of Bill:** CACs are established as the preferred location for a forensic interview of a child, when access to a CAC is reasonably available.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: CACs assist in increasing prosecution rates for abuse and neglect cases and decreasing the trauma to children in the course of an investigation. This bill just gives direction to prosecutors and law enforcement to use a CAC when one is available. This proposal is meant to be a noncontroversial housekeeping matter. There was a statement at the Senate executive session that an amendment was needed in order to reduce the fiscal cost, but the fiscal impact of the bill is zero. This bill conforms law to current practice to state a preference that the interview be conducted at a CAC. This model has been in place for over two decades and supports three values: (1) improved investigation and prosecution outcomes; (2) cost efficiencies with savings of over \$1,000 per case, in large part due to improved communication when all entities are under one roof; and (3) better services for victims and families.

**Persons Testifying:** PRO: Representative Sawyer, prime sponsor; Seth Dawson, The Children's Advocacy Centers of WA.