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**SUBSTITUTE SENATE BILL 5730**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Randall, Das, Lovelett, Saldaña, Trudeau, and C. Wilson)

AN ACT Relating to confidentiality rights of child victims and witnesses; amending RCW 7.69A.030; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that exposure to trauma can seriously undermine a child's ability to focus and learn in school. The legislature finds that the effects of trauma can be compounded by the lack of an appropriate response, which can lead to school failure, truancy, suspension, expulsion, dropping out, or future involvement in the juvenile justice system. The legislature finds that handle with care programs have been implemented in 65 cities across the country and in multiple counties in Washington state. The legislature recognizes that handle with care programs let school officials know when a student has been involved in a traumatic event without disclosing any additional details in order to provide services and supports for that student. The legislature recognizes the importance of privacy for students. The legislature recognizes that for over two years, a handle with care program has been successfully implemented in the Bremerton school district but that statutory language authorizing this process lacks clarity. The legislature resolves to clarify existing law to allow public and private agencies, such as school districts, to continue to access basic contact information of students involved in incidents in order to facilitate a more appropriate response at school.

**Sec.**  RCW 7.69A.030 and 2004 c 120 s 9 are each amended to read as follows:

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.

(2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.

(3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.

(4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services or supports to the child victim or witness. Information distributed to private or governmental agencies pursuant to this section shall be limited to information necessary to provide services or supports to the child victim or witness.

(5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.

(6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.

(7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

(8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.

(9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.

(10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.

(11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

**--- END ---**