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**HOUSE BILL 1875**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Couture, Rule, Schmidt, Low, Reed, Griffey, Timmons, Sandlin, Caldier, Reeves, and Hackney

AN ACT Relating to increasing protections for child welfare workers; amending RCW 9A.36.031 and 74.14B.010; reenacting and amending RCW 74.14B.005; and adding a new section to chapter 74.14B RCW.

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

**Sec.**  RCW 9A.36.031 and 2013 c 256 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself, herself, or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the person is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a firefighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a peace officer with a projectile stun gun; or

(i) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW; or

(j) Assaults a judicial officer, court-related employee, county clerk, or county clerk's employee, while that person is performing his or her official duties at the time of the assault or as a result of that person's employment within the judicial system. For purposes of this subsection, "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions; or

(k) Assaults a person located in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This section shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with RCW 2.28.200 at the time of the assault; or

(l) Assaults a child welfare worker, as defined in RCW 74.14B.005, who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony.

**Sec.**  RCW 74.14B.005 and 2019 c 470 s 18 and 2019 c 64 s 26 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Child welfare worker" means an employee of the department whose job includes supporting or providing child welfare services as defined in RCW 74.13.020 or child protective services as defined in RCW 26.44.020.

(2) "Department" means the department of children, youth, and families.

((~~(2)~~)) (3) "Secretary" means the secretary of the department of children, youth, and families.

NEW SECTION. **Sec.**  A new section is added to chapter 74.14B RCW to read as follows:

(1) A child welfare worker who is required to respond to a private home or other private location to provide services to, monitor, or investigate a family, may make a request to their supervisor to be accompanied by a second trained individual when the child welfare worker has concerns that violence could occur based on a family member's history of violence.

(2) When a request is made under subsection (1) of this section, the department shall arrange for a second trained individual to accompany the child welfare worker unless it is not possible to fulfill the request under the circumstances.

(3) The second trained individual that may accompany a child welfare worker under this section may be:

(a) A law enforcement officer;

(b) A mental health professional;

(c) A first responder, such as a firefighter or emergency medical personnel; or

(d) An employee of the department who is trained as a child welfare worker and acts in a supervisory capacity with respect to other child welfare workers.

(4) No retaliation may be taken against a child welfare worker for requesting that a second trained individual accompany them in providing services to, monitoring, or investigating a family.

**Sec.**  RCW 74.14B.010 and 2019 c 470 s 27 are each amended to read as follows:

(1) Child welfare workers shall meet minimum standards established by the department. Comprehensive training for child welfare workers shall be completed before such child welfare workers are assigned to case-carrying responsibilities as the sole worker assigned to a particular case. Intermittent, part-time, and standby child welfare workers shall be subject to the same minimum standards and training. The minimum training standards under this section must include training related to de-escalation strategies.

(2) Ongoing specialized training shall be provided for child welfare workers responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(3) The department, the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement statewide training that contains consistent elements for persons engaged in the interviewing of children, including law enforcement, prosecution, and child protective services.

(4) The training required by this section shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; (i) address documentation of investigative interviews; and (j) include self-care for child welfare workers.

(5) The identification of domestic violence is critical in ensuring the safety of children in the child welfare system. It is also critical for child welfare workers to support victims of domestic violence while victims continue to care for their children, when possible, as domestic violence perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself as provided in RCW 26.44.020. For these reasons, ongoing domestic violence training and consultation shall be provided to child welfare workers, including how to use the department's practice guide to domestic violence.

(6) By January 1, 2021, the department shall:

(a) Develop and implement an evidence-informed curriculum for supervisors providing support to child welfare workers to better prepare candidates for effective supervisory and leadership roles within the department;

(b) Develop specialized training for child welfare workers that includes simulation and coaching designed to improve clinical and analytical skills;

(c) ((~~Based on the report required under RCW 43.216.7501(3), develop~~)) Develop and implement training for child welfare workers that incorporates trauma-informed care and reflective supervision principles.

(7) ((~~For purposes of this section, "child welfare worker" means an employee of the department whose job includes supporting or providing child welfare services as defined in RCW 74.13.020 or child protective services as defined in RCW 26.44.020.~~)) The department shall offer optional in-service training on de-escalation strategies on at least an annual basis to all child welfare workers.

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