

**SHB 2224** - S COMM AMD

By Committee on Human Services

**NOT CONSIDERED 03/07/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The department of children, youth,  
4 and families shall conduct a study to improve its risks, strengths,  
5 and needs assessment tool used in the risk assessment process when  
6 investigating alleged child abuse and neglect referrals described in  
7 RCW 26.44.030(19) to:

8 (a) Identify family risks, strengths, and needs at the time of  
9 the initial child protective services investigation or family  
10 assessment response to help inform the most appropriate service path  
11 for the family;

12 (b) Identify the risk of harm to a child when substance use  
13 disorder is a factor in the case or high potency synthetic opioids,  
14 such as fentanyl, are a condition in the home;

15 (c) Determine the service needs of the family and support  
16 caseworkers to identify and transition families to appropriate,  
17 available services quickly; and

18 (d) Support reassessment and monitoring of family progress.

19 (2) By November 1, 2024, and in compliance with RCW 43.01.036,  
20 the department of children, youth, and families shall provide data  
21 and information to the legislature on the department of children,  
22 youth, and families' efforts to improve its risks, strengths, and  
23 needs assessment tool based on the study required under subsection  
24 (1) of this section. The department shall also provide data,  
25 information, and analysis on the effect its efforts would have upon  
26 racial disproportionality within the risk assessment process.

27 (3) This section expires August 1, 2025.

28 **Sec. 2.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to  
29 read as follows:

1 (1) (a) When any practitioner, county coroner or medical examiner,  
2 law enforcement officer, professional school personnel, registered or  
3 licensed nurse, social service counselor, psychologist, pharmacist,  
4 employee of the department of children, youth, and families, licensed  
5 or certified child care providers or their employees, employee of the  
6 department of social and health services, juvenile probation officer,  
7 placement and liaison specialist, responsible living skills program  
8 staff, HOPE center staff, state family and children's ombuds or any  
9 volunteer in the ombuds's office, or host home program has reasonable  
10 cause to believe that a child has suffered abuse or neglect, he or  
11 she shall report such incident, or cause a report to be made, to the  
12 proper law enforcement agency or to the department as provided in RCW  
13 26.44.040.

14 (b) When any person, in his or her official supervisory capacity  
15 with a nonprofit or for-profit organization, has reasonable cause to  
16 believe that a child has suffered abuse or neglect caused by a person  
17 over whom he or she regularly exercises supervisory authority, he or  
18 she shall report such incident, or cause a report to be made, to the  
19 proper law enforcement agency, provided that the person alleged to  
20 have caused the abuse or neglect is employed by, contracted by, or  
21 volunteers with the organization and coaches, trains, educates, or  
22 counsels a child or children or regularly has unsupervised access to  
23 a child or children as part of the employment, contract, or voluntary  
24 service. No one shall be required to report under this section when  
25 he or she obtains the information solely as a result of a privileged  
26 communication as provided in RCW 5.60.060.

27 Nothing in this subsection (1) (b) shall limit a person's duty to  
28 report under (a) of this subsection.

29 For the purposes of this subsection, the following definitions  
30 apply:

31 (i) "Official supervisory capacity" means a position, status, or  
32 role created, recognized, or designated by any nonprofit or for-  
33 profit organization, either for financial gain or without financial  
34 gain, whose scope includes, but is not limited to, overseeing,  
35 directing, or managing another person who is employed by, contracted  
36 by, or volunteers with the nonprofit or for-profit organization.

37 (ii) "Organization" includes a sole proprietor, partnership,  
38 corporation, limited liability company, trust, association, financial  
39 institution, governmental entity, other than the federal government,  
40 and any other individual or group engaged in a trade, occupation,

1 enterprise, governmental function, charitable function, or similar  
2 activity in this state whether or not the entity is operated as a  
3 nonprofit or for-profit entity.

4 (iii) "Reasonable cause" means a person witnesses or receives a  
5 credible written or oral report alleging abuse, including sexual  
6 contact, or neglect of a child.

7 (iv) "Regularly exercises supervisory authority" means to act in  
8 his or her official supervisory capacity on an ongoing or continuing  
9 basis with regards to a particular person.

10 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

11 (c) The reporting requirement also applies to department of  
12 corrections personnel who, in the course of their employment, observe  
13 offenders or the children with whom the offenders are in contact. If,  
14 as a result of observations or information received in the course of  
15 his or her employment, any department of corrections personnel has  
16 reasonable cause to believe that a child has suffered abuse or  
17 neglect, he or she shall report the incident, or cause a report to be  
18 made, to the proper law enforcement agency or to the department as  
19 provided in RCW 26.44.040.

20 (d) The reporting requirement shall also apply to any adult who  
21 has reasonable cause to believe that a child who resides with them,  
22 has suffered severe abuse, and is able or capable of making a report.  
23 For the purposes of this subsection, "severe abuse" means any of the  
24 following: Any single act of abuse that causes physical trauma of  
25 sufficient severity that, if left untreated, could cause death; any  
26 single act of sexual abuse that causes significant bleeding, deep  
27 bruising, or significant external or internal swelling; or more than  
28 one act of physical abuse, each of which causes bleeding, deep  
29 bruising, significant external or internal swelling, bone fracture,  
30 or unconsciousness.

31 (e) The reporting requirement also applies to guardians ad litem,  
32 including court-appointed special advocates, appointed under Titles  
33 11 and 13 RCW and this title, who in the course of their  
34 representation of children in these actions have reasonable cause to  
35 believe a child has been abused or neglected.

36 (f) The reporting requirement in (a) of this subsection also  
37 applies to administrative and academic or athletic department  
38 employees, including student employees, of institutions of higher  
39 education, as defined in RCW 28B.10.016, and of private institutions  
40 of higher education.

1 (g) The report must be made at the first opportunity, but in no  
2 case longer than forty-eight hours after there is reasonable cause to  
3 believe that the child has suffered abuse or neglect. The report must  
4 include the identity of the accused if known.

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

12 (3) Any other person who has reasonable cause to believe that a  
13 child has suffered abuse or neglect may report such incident to the  
14 proper law enforcement agency or to the department as provided in RCW  
15 26.44.040.

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

30 (5) Any law enforcement agency receiving a report of an incident  
31 of alleged abuse or neglect pursuant to this chapter, involving a  
32 child who has died or has had physical injury or injuries inflicted  
33 upon him or her other than by accidental means, or who has been  
34 subjected to alleged sexual abuse, shall report such incident in  
35 writing as provided in RCW 26.44.040 to the proper county prosecutor  
36 or city attorney for appropriate action whenever the law enforcement  
37 agency's investigation reveals that a crime may have been committed.  
38 The law enforcement agency shall also notify the department of all  
39 reports received and the law enforcement agency's disposition of  
40 them. In emergency cases, where the child's welfare is endangered,

1 the law enforcement agency shall notify the department within twenty-  
2 four hours. In all other cases, the law enforcement agency shall  
3 notify the department within seventy-two hours after a report is  
4 received by the law enforcement agency.

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

10 (7) The department may conduct ongoing case planning and  
11 consultation with those persons or agencies required to report under  
12 this section, with consultants designated by the department, and with  
13 designated representatives of Washington Indian tribes if the client  
14 information exchanged is pertinent to cases currently receiving child  
15 protective services. Upon request, the department shall conduct such  
16 planning and consultation with those persons required to report under  
17 this section if the department determines it is in the best interests  
18 of the child. Information considered privileged by statute and not  
19 directly related to reports required by this section must not be  
20 divulged without a valid written waiver of the privilege.

21 (8) Any case referred to the department by a physician licensed  
22 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
23 opinion that child abuse, neglect, or sexual assault has occurred and  
24 that the child's safety will be seriously endangered if returned  
25 home, the department shall file a dependency petition unless a second  
26 licensed physician of the parents' choice believes that such expert  
27 medical opinion is incorrect. If the parents fail to designate a  
28 second physician, the department may make the selection. If a  
29 physician finds that a child has suffered abuse or neglect but that  
30 such abuse or neglect does not constitute imminent danger to the  
31 child's health or safety, and the department agrees with the  
32 physician's assessment, the child may be left in the parents' home  
33 while the department proceeds with reasonable efforts to remedy  
34 parenting deficiencies.

35 (9) Persons or agencies exchanging information under subsection  
36 (7) of this section shall not further disseminate or release the  
37 information except as authorized by state or federal statute.  
38 Violation of this subsection is a misdemeanor.

39 (10) Upon receiving a report that a child is a candidate for  
40 foster care as defined in RCW 26.44.020, the department may provide

1 prevention and family services and programs to the child's parents,  
2 guardian, or caregiver. The department may not be held civilly liable  
3 for the decision regarding whether to provide prevention and family  
4 services and programs, or for the provision of those services and  
5 programs, for a child determined to be a candidate for foster care.

6 (11) Upon receiving a report of alleged abuse or neglect, the  
7 department shall make reasonable efforts to learn the name, address,  
8 and telephone number of each person making a report of abuse or  
9 neglect under this section. The department shall provide assurances  
10 of appropriate confidentiality of the identification of persons  
11 reporting under this section. If the department is unable to learn  
12 the information required under this subsection, the department shall  
13 only investigate cases in which:

14 (a) The department believes there is a serious threat of  
15 substantial harm to the child;

16 (b) The report indicates conduct involving a criminal offense  
17 that has, or is about to occur, in which the child is the victim; or

18 (c) The department has a prior founded report of abuse or neglect  
19 with regard to a member of the household that is within three years  
20 of receipt of the referral.

21 (12)(a) Upon receiving a report of alleged abuse or neglect, the  
22 department shall use one of the following discrete responses to  
23 reports of child abuse or neglect that are screened in and accepted  
24 for departmental response:

25 (i) Investigation; or

26 (ii) Family assessment.

27 (b) In making the response in (a) of this subsection the  
28 department shall:

29 (i) Use a method by which to assign cases to investigation or  
30 family assessment which are based on an array of factors that may  
31 include the presence of: Imminent danger, level of risk, number of  
32 previous child abuse or neglect reports, or other presenting case  
33 characteristics, such as the type of alleged maltreatment and the age  
34 of the alleged victim. Age of the alleged victim shall not be used as  
35 the sole criterion for determining case assignment;

36 (ii) Allow for a change in response assignment based on new  
37 information that alters risk or safety level;

38 (iii) Allow families assigned to family assessment to choose to  
39 receive an investigation rather than a family assessment;

1 (iv) Provide a full investigation if a family refuses the initial  
2 family assessment;

3 (v) Provide voluntary services to families based on the results  
4 of the initial family assessment. If a family refuses voluntary  
5 services, and the department cannot identify specific facts related  
6 to risk or safety that warrant assignment to investigation under this  
7 chapter, and there is not a history of reports of child abuse or  
8 neglect related to the family, then the department must close the  
9 family assessment response case. However, if at any time the  
10 department identifies risk or safety factors that warrant an  
11 investigation under this chapter, then the family assessment response  
12 case must be reassigned to investigation;

13 (vi) Conduct an investigation, and not a family assessment, in  
14 response to an allegation that, the department determines based on  
15 the intake assessment:

16 (A) Indicates a child's health, safety, and welfare will be  
17 seriously endangered if not taken into custody for reasons including,  
18 but not limited to, sexual abuse and sexual exploitation of the child  
19 as defined in this chapter;

20 (B) Poses a serious threat of substantial harm to a child;

21 (C) Constitutes conduct involving a criminal offense that has, or  
22 is about to occur, in which the child is the victim;

23 (D) The child is an abandoned child as defined in RCW 13.34.030;

24 (E) The child is an adjudicated dependent child as defined in RCW  
25 13.34.030, or the child is in a facility that is licensed, operated,  
26 or certified for care of children by the department under chapter  
27 74.15 RCW.

28 (c) In addition, the department may use a family assessment  
29 response to assess for and provide prevention and family services and  
30 programs, as defined in RCW 26.44.020, for the following children and  
31 their families, consistent with requirements under the federal family  
32 first prevention services act and this section:

33 (i) A child who is a candidate for foster care, as defined in RCW  
34 26.44.020; and

35 (ii) A child who is in foster care and who is pregnant,  
36 parenting, or both.

37 (d) The department may not be held civilly liable for the  
38 decision to respond to an allegation of child abuse or neglect by  
39 using the family assessment response under this section unless the

1 state or its officers, agents, or employees acted with reckless  
2 disregard.

3 (13) (a) For reports of alleged abuse or neglect that are accepted  
4 for investigation by the department, the investigation shall be  
5 conducted within time frames established by the department in rule.  
6 In no case shall the investigation extend longer than ninety days  
7 from the date the report is received, unless the investigation is  
8 being conducted under a written protocol pursuant to RCW 26.44.180  
9 and a law enforcement agency or prosecuting attorney has determined  
10 that a longer investigation period is necessary. At the completion of  
11 the investigation, the department shall make a finding that the  
12 report of child abuse or neglect is founded or unfounded.

13 (b) If a court in a civil or criminal proceeding, considering the  
14 same facts or circumstances as are contained in the report being  
15 investigated by the department, makes a judicial finding by a  
16 preponderance of the evidence or higher that the subject of the  
17 pending investigation has abused or neglected the child, the  
18 department shall adopt the finding in its investigation.

19 (14) For reports of alleged abuse or neglect that are responded  
20 to through family assessment response, the department shall:

21 (a) Provide the family with a written explanation of the  
22 procedure for assessment of the child and the family and its  
23 purposes;

24 (b) Collaborate with the family to identify family strengths,  
25 resources, and service needs, and develop a service plan with the  
26 goal of reducing risk of harm to the child and improving or restoring  
27 family well-being;

28 (c) Complete the family assessment response within forty-five  
29 days of receiving the report except as follows:

30 (i) Upon parental agreement, the family assessment response  
31 period may be extended up to one hundred twenty days. The  
32 department's extension of the family assessment response period must  
33 be operated within the department's appropriations;

34 (ii) For cases in which the department elects to use a family  
35 assessment response as authorized under subsection (12)(c) of this  
36 section, and upon agreement of the child's parent, legal guardian,  
37 legal custodian, or relative placement, the family assessment  
38 response period may be extended up to one year. The department's  
39 extension of the family assessment response must be operated within  
40 the department's appropriations.



1 (d) Offer services to the family in a manner that makes it clear  
2 that acceptance of the services is voluntary;

3 (e) Implement the family assessment response in a consistent and  
4 cooperative manner;

5 (f) Have the parent or guardian agree to participate in services  
6 before services are initiated. The department shall inform the  
7 parents of their rights under family assessment response, all of  
8 their options, and the options the department has if the parents do  
9 not agree to participate in services.

10 (15)(a) In conducting an investigation or family assessment of  
11 alleged abuse or neglect, the department or law enforcement agency:

12 (i) May interview children. If the department determines that the  
13 response to the allegation will be family assessment response, the  
14 preferred practice is to request a parent's, guardian's, or  
15 custodian's permission to interview the child before conducting the  
16 child interview unless doing so would compromise the safety of the  
17 child or the integrity of the assessment. The interviews may be  
18 conducted on school premises, at day-care facilities, at the child's  
19 home, or at other suitable locations outside of the presence of  
20 parents. If the allegation is investigated, parental notification of  
21 the interview must occur at the earliest possible point in the  
22 investigation that will not jeopardize the safety or protection of  
23 the child or the course of the investigation. Prior to commencing the  
24 interview the department or law enforcement agency shall determine  
25 whether the child wishes a third party to be present for the  
26 interview and, if so, shall make reasonable efforts to accommodate  
27 the child's wishes. Unless the child objects, the department or law  
28 enforcement agency shall make reasonable efforts to include a third  
29 party in any interview so long as the presence of the third party  
30 will not jeopardize the course of the investigation; and

31 (ii) Shall have access to all relevant records of the child in  
32 the possession of mandated reporters and their employees.

33 (b) The Washington state school directors' association shall  
34 adopt a model policy addressing protocols when an interview, as  
35 authorized by this subsection, is conducted on school premises. In  
36 formulating its policy, the association shall consult with the  
37 department and the Washington association of sheriffs and police  
38 chiefs.

39 (16) If a report of alleged abuse or neglect is founded and  
40 constitutes the third founded report received by the department

1 within the last twelve months involving the same child or family, the  
2 department shall promptly notify the office of the family and  
3 children's ombuds of the contents of the report. The department shall  
4 also notify the ombuds of the disposition of the report.

5 (17) In investigating and responding to allegations of child  
6 abuse and neglect, the department may conduct background checks as  
7 authorized by state and federal law.

8 (18)(a) The department shall maintain investigation records and  
9 conduct timely and periodic reviews of all founded cases of abuse and  
10 neglect. The department shall maintain a log of screened-out  
11 nonabusive cases.

12 (b) In the family assessment response, the department shall not  
13 make a finding as to whether child abuse or neglect occurred. No one  
14 shall be named as a perpetrator and no investigative finding shall be  
15 entered in the department's child abuse or neglect database.

16 (19)(a) The department shall use a risk assessment process when  
17 investigating alleged child abuse and neglect referrals. The  
18 department shall present the risk factors at all hearings in which  
19 the placement of a dependent child is an issue. Substance abuse must  
20 be a risk factor.

21 (b) The risk assessment process used under this subsection must  
22 be certified at least once every three years based on current  
23 academic standards for assessment validation, and can be certified by  
24 the office of innovation, alignment, and accountability or an outside  
25 researcher. The certified risk assessment process must address, and  
26 may not exacerbate, racial disproportionality in the child welfare  
27 system.

28 (20) Upon receipt of a report of alleged abuse or neglect the law  
29 enforcement agency may arrange to interview the person making the  
30 report and any collateral sources to determine if any malice is  
31 involved in the reporting.

32 (21) Upon receiving a report of alleged abuse or neglect  
33 involving a child under the court's jurisdiction under chapter 13.34  
34 RCW, the department shall promptly notify the child's guardian ad  
35 litem of the report's contents. The department shall also notify the  
36 guardian ad litem of the disposition of the report. For purposes of  
37 this subsection, "guardian ad litem" has the meaning provided in RCW  
38 13.34.030.

39 (22) The department shall make efforts as soon as practicable to  
40 determine the military status of parents whose children are subject

1 to abuse or neglect allegations. If the department determines that a  
2 parent or guardian is in the military, the department shall notify a  
3 department of defense family advocacy program that there is an  
4 allegation of abuse and neglect that is screened in and open for  
5 investigation that relates to that military parent or guardian.

6 (23) The department shall make available on its public website a  
7 downloadable and printable poster that includes the reporting  
8 requirements included in this section. The poster must be no smaller  
9 than eight and one-half by eleven inches with all information on one  
10 side. The poster must be made available in both the English and  
11 Spanish languages. Organizations that include employees or volunteers  
12 subject to the reporting requirements of this section must clearly  
13 display this poster in a common area. At a minimum, this poster must  
14 include the following:

- 15 (a) Who is required to report child abuse and neglect;
- 16 (b) The standard of knowledge to justify a report;
- 17 (c) The definition of reportable crimes;
- 18 (d) Where to report suspected child abuse and neglect; and
- 19 (e) What should be included in a report and the appropriate  
20 timing."

**SHB 2224** - S COMM AMD  
By Committee on Human Services

**NOT CONSIDERED 03/07/2024**

21 On page 1, line 3 of the title, after "referrals;" strike the  
22 remainder of the title and insert "amending RCW 26.44.030; creating a  
23 new section; and providing an expiration date."

EFFECT: DCYF is to provide the Legislature with data, information, and analysis on the effect its efforts would have upon racial disproportionality within the risk assessment process. The certified risk assessment process used when investigating alleged child abuse and neglect must address, and not exacerbate, racial disproportionality in the child welfare system.

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