
SUBSTITUTE HOUSE BILL 1098

State of Washington

68th Legislature

2023 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Walen, Ramel, Peterson, Senn, Callan, Doglio, Macri, Reeves, Wylie, Pollet, Santos, and Ormsby)

READ FIRST TIME 01/24/23.

1 AN ACT Relating to the duty of clergy to report child abuse or
2 neglect; amending RCW 26.44.030; and reenacting and amending RCW
3 26.44.020.

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

5 **Sec. 1.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3 are
6 each reenacted and amended to read as follows:

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

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
10 or injury of a child by any person under circumstances which cause
11 harm to the child's health, welfare, or safety, excluding conduct
12 permitted under RCW 9A.16.100; or the negligent treatment or
13 maltreatment of a child by a person responsible for or providing care
14 to the child. An abused child is a child who has been subjected to
15 child abuse or neglect as defined in this section.

16 (2) "Child" or "children" means any person under the age of
17 eighteen years of age.

18 (3) "Child forensic interview" means a developmentally sensitive
19 and legally sound method of gathering factual information regarding
20 allegations of child abuse, child neglect, or exposure to violence.
21 This interview is conducted by a competently trained, neutral

1 professional utilizing techniques informed by research and best
2 practice as part of a larger investigative process.

3 (4) "Child protective services" means those services provided by
4 the department designed to protect children from child abuse and
5 neglect and safeguard such children from future abuse and neglect,
6 and conduct investigations of child abuse and neglect reports.
7 Investigations may be conducted regardless of the location of the
8 alleged abuse or neglect. Child protective services includes referral
9 to services to ameliorate conditions that endanger the welfare of
10 children, the coordination of necessary programs and services
11 relevant to the prevention, intervention, and treatment of child
12 abuse and neglect, and services to children to ensure that each child
13 has a permanent home. In determining whether protective services
14 should be provided, the department shall not decline to provide such
15 services solely because of the child's unwillingness or developmental
16 inability to describe the nature and severity of the abuse or
17 neglect.

18 (5) "Child protective services section" means the child
19 protective services section of the department.

20 (6) "Child who is a candidate for foster care" means a child who
21 the department identifies as being at imminent risk of entering
22 foster care but who can remain safely in the child's home or in a
23 kinship placement as long as services or programs that are necessary
24 to prevent entry of the child into foster care are provided, and
25 includes but is not limited to a child whose adoption or guardianship
26 arrangement is at risk of a disruption or dissolution that would
27 result in a foster care placement. The term includes a child for whom
28 there is reasonable cause to believe that any of the following
29 circumstances exist:

30 (a) The child has been abandoned by the parent as defined in RCW
31 13.34.030 and the child's health, safety, and welfare is seriously
32 endangered as a result;

33 (b) The child has been abused or neglected as defined in this
34 chapter and the child's health, safety, and welfare is seriously
35 endangered as a result;

36 (c) There is no parent capable of meeting the child's needs such
37 that the child is in circumstances that constitute a serious danger
38 to the child's development;

39 (d) The child is otherwise at imminent risk of harm.

1 (7) "Children's advocacy center" means a child-focused facility
2 in good standing with the state chapter for children's advocacy
3 centers and that coordinates a multidisciplinary process for the
4 investigation, prosecution, and treatment of sexual and other types
5 of child abuse. Children's advocacy centers provide a location for
6 forensic interviews and coordinate access to services such as, but
7 not limited to, medical evaluations, advocacy, therapy, and case
8 review by multidisciplinary teams within the context of county
9 protocols as defined in RCW 26.44.180 and 26.44.185.

10 (8) "~~(Clergy)~~ Member of the clergy" means any regularly
11 licensed, accredited, or ordained minister, priest, ~~((θ))~~ rabbi,
12 imam, elder, or similarly situated religious or spiritual leader of
13 any church ~~((θ))~~, religious denomination, religious body, spiritual
14 community, or sect, or person performing official duties that are
15 recognized as the duties of a member of the clergy under the
16 discipline, tenets, doctrine, or custom of the person's church,
17 religious denomination, religious body, spiritual community, or sect,
18 whether acting in an individual capacity or as an employee ~~((θ))~~,
19 agent, or official of any public or private organization or
20 institution.

21 (9) "Court" means the superior court of the state of Washington,
22 juvenile department.

23 (10) "Department" means the department of children, youth, and
24 families.

25 (11) "Experiencing homelessness" means lacking a fixed, regular,
26 and adequate nighttime residence, including circumstances such as
27 sharing the housing of other persons due to loss of housing, economic
28 hardship, fleeing domestic violence, or a similar reason as described
29 in the federal McKinney-Vento homeless assistance act (Title 42
30 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

31 (12) "Family assessment" means a comprehensive assessment of
32 child safety, risk of subsequent child abuse or neglect, and family
33 strengths and needs that is applied to a child abuse or neglect
34 report. Family assessment does not include a determination as to
35 whether child abuse or neglect occurred, but does determine the need
36 for services to address the safety of the child and the risk of
37 subsequent maltreatment.

38 (13) "Family assessment response" means a way of responding to
39 certain reports of child abuse or neglect made under this chapter
40 using a differential response approach to child protective services.

1 The family assessment response shall focus on the safety of the
2 child, the integrity and preservation of the family, and shall assess
3 the status of the child and the family in terms of risk of abuse and
4 neglect including the parent's or guardian's or other caretaker's
5 capacity and willingness to protect the child and, if necessary, plan
6 and arrange the provision of services to reduce the risk and
7 otherwise support the family. No one is named as a perpetrator, and
8 no investigative finding is entered in the record as a result of a
9 family assessment.

10 (14) "Founded" means the determination following an investigation
11 by the department that, based on available information, it is more
12 likely than not that child abuse or neglect did occur.

13 (15) "Inconclusive" means the determination following an
14 investigation by the department of social and health services, prior
15 to October 1, 2008, that based on available information a decision
16 cannot be made that more likely than not, child abuse or neglect did
17 or did not occur.

18 (16) "Institution" means a private or public hospital or any
19 other facility providing medical diagnosis, treatment, or care.

20 (17) "Law enforcement agency" means the police department, the
21 prosecuting attorney, the state patrol, the director of public
22 safety, or the office of the sheriff.

23 (18) "Malice" or "maliciously" means an intent, wish, or design
24 to intimidate, annoy, or injure another person. Such malice may be
25 inferred from an act done in willful disregard of the rights of
26 another, or an act wrongfully done without just cause or excuse, or
27 an act or omission of duty betraying a willful disregard of social
28 duty.

29 (19) "Negligent treatment or maltreatment" means an act or a
30 failure to act, or the cumulative effects of a pattern of conduct,
31 behavior, or inaction, that evidences a serious disregard of
32 consequences of such magnitude as to constitute a clear and present
33 danger to a child's health, welfare, or safety, including but not
34 limited to conduct prohibited under RCW 9A.42.100. When considering
35 whether a clear and present danger exists, evidence of a parent's
36 substance abuse as a contributing factor to negligent treatment or
37 maltreatment shall be given great weight. The fact that siblings
38 share a bedroom is not, in and of itself, negligent treatment or
39 maltreatment. Poverty, experiencing homelessness, or exposure to
40 domestic violence as defined in RCW 7.105.010 that is perpetrated

1 against someone other than the child does not constitute negligent
2 treatment or maltreatment in and of itself.

3 (20) "Pharmacist" means any registered pharmacist under chapter
4 18.64 RCW, whether acting in an individual capacity or as an employee
5 or agent of any public or private organization or institution.

6 (21) "Practitioner of the healing arts" or "practitioner" means a
7 person licensed by this state to practice podiatric medicine and
8 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
9 medicine and surgery, or medicine and surgery or to provide other
10 health services. The term "practitioner" includes a duly accredited
11 Christian Science practitioner. A person who is being furnished
12 Christian Science treatment by a duly accredited Christian Science
13 practitioner will not be considered, for that reason alone, a
14 neglected person for the purposes of this chapter.

15 (22) "Prevention and family services and programs" means specific
16 mental health prevention and treatment services, substance abuse
17 prevention and treatment services, and in-home parent skill-based
18 programs that qualify for federal funding under the federal family
19 first prevention services act, P.L. 115-123. For purposes of this
20 chapter, prevention and family services and programs are not remedial
21 services or family reunification services as described in RCW
22 13.34.025(2).

23 (23) "Professional school personnel" include, but are not limited
24 to, teachers, counselors, administrators, child care facility
25 personnel, and school nurses.

26 (24) "Psychologist" means any person licensed to practice
27 psychology under chapter 18.83 RCW, whether acting in an individual
28 capacity or as an employee or agent of any public or private
29 organization or institution.

30 (25) "Screened-out report" means a report of alleged child abuse
31 or neglect that the department has determined does not rise to the
32 level of a credible report of abuse or neglect and is not referred
33 for investigation.

34 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or
35 encouraging a child to engage in prostitution by any person; or (b)
36 allowing, permitting, encouraging, or engaging in the obscene or
37 pornographic photographing, filming, or depicting of a child by any
38 person.

39 (27) "Sexually aggressive youth" means a child who is defined in
40 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

1 (28) "Social service counselor" means anyone engaged in a
2 professional capacity during the regular course of employment in
3 encouraging or promoting the health, welfare, support, or education
4 of children, or providing social services to adults or families,
5 including mental health, drug and alcohol treatment, and domestic
6 violence programs, whether in an individual capacity, or as an
7 employee or agent of any public or private organization or
8 institution.

9 (29) "Unfounded" means the determination following an
10 investigation by the department that available information indicates
11 that, more likely than not, child abuse or neglect did not occur, or
12 that there is insufficient evidence for the department to determine
13 whether the alleged child abuse did or did not occur.

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

16 (1)(a) When any practitioner, member of the clergy, county
17 coroner or medical examiner, law enforcement officer, professional
18 school personnel, registered or licensed nurse, social service
19 counselor, psychologist, pharmacist, employee of the department of
20 children, youth, and families, licensed or certified child care
21 providers or their employees, employee of the department of social
22 and health services, juvenile probation officer, placement and
23 liaison specialist, responsible living skills program staff, HOPE
24 center staff, state family and children's ombuds or any volunteer in
25 the ombuds's office, or host home program has reasonable cause to
26 believe that a child has suffered abuse or neglect, he or she shall
27 report such incident, or cause a report to be made, to the proper law
28 enforcement agency or to the department as provided in RCW 26.44.040.

29 (b) When any person, in his or her official supervisory capacity
30 with a nonprofit or for-profit organization, has reasonable cause to
31 believe that a child has suffered abuse or neglect caused by a person
32 over whom he or she regularly exercises supervisory authority, he or
33 she shall report such incident, or cause a report to be made, to the
34 proper law enforcement agency, provided that the person alleged to
35 have caused the abuse or neglect is employed by, contracted by, or
36 volunteers with the organization and coaches, trains, educates, or
37 counsels a child or children or regularly has unsupervised access to
38 a child or children as part of the employment, contract, or voluntary
39 service. No one shall be required to report under this section when

1 he or she obtains the information solely as a result of a privileged
2 communication as provided in RCW 5.60.060.

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

5 For the purposes of this subsection, the following definitions
6 apply:

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

13 (ii) "Organization" includes a sole proprietor, partnership,
14 corporation, limited liability company, trust, association, financial
15 institution, governmental entity, other than the federal government,
16 and any other individual or group engaged in a trade, occupation,
17 enterprise, governmental function, charitable function, or similar
18 activity in this state whether or not the entity is operated as a
19 nonprofit or for-profit entity.

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

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

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

27 (c) The reporting requirement also applies to department of
28 corrections personnel who, in the course of their employment, observe
29 offenders or the children with whom the offenders are in contact. If,
30 as a result of observations or information received in the course of
31 his or her employment, any department of corrections personnel has
32 reasonable cause to believe that a child has suffered abuse or
33 neglect, he or she shall report the incident, or cause a report to be
34 made, to the proper law enforcement agency or to the department as
35 provided in RCW 26.44.040.

36 (d) The reporting requirement shall also apply to any adult who
37 has reasonable cause to believe that a child who resides with them,
38 has suffered severe abuse, and is able or capable of making a report.
39 For the purposes of this subsection, "severe abuse" means any of the
40 following: Any single act of abuse that causes physical trauma of

1 sufficient severity that, if left untreated, could cause death; any
2 single act of sexual abuse that causes significant bleeding, deep
3 bruising, or significant external or internal swelling; or more than
4 one act of physical abuse, each of which causes bleeding, deep
5 bruising, significant external or internal swelling, bone fracture,
6 or unconsciousness.

7 (e) The reporting requirement also applies to guardians ad litem,
8 including court-appointed special advocates, appointed under Titles
9 11 and 13 RCW and this title, who in the course of their
10 representation of children in these actions have reasonable cause to
11 believe a child has been abused or neglected.

12 (f) The reporting requirement in (a) of this subsection also
13 applies to administrative and academic or athletic department
14 employees, including student employees, of institutions of higher
15 education, as defined in RCW 28B.10.016, and of private institutions
16 of higher education.

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

21 (2) The reporting requirement of subsection (1) of this section
22 does not apply to the discovery of abuse or neglect that occurred
23 during childhood if it is discovered after the child has become an
24 adult. However, if there is reasonable cause to believe other
25 children are or may be at risk of abuse or neglect by the accused,
26 the reporting requirement of subsection (1) of this section does
27 apply.

28 (3) Any other person who has reasonable cause to believe that a
29 child has suffered abuse or neglect may report such incident to the
30 proper law enforcement agency or to the department as provided in RCW
31 26.44.040.

32 (4) The department, upon receiving a report of an incident of
33 alleged abuse or neglect pursuant to this chapter, involving a child
34 who has died or has had physical injury or injuries inflicted upon
35 him or her other than by accidental means or who has been subjected
36 to alleged sexual abuse, shall report such incident to the proper law
37 enforcement agency, including military law enforcement, if
38 appropriate. In emergency cases, where the child's welfare is
39 endangered, the department shall notify the proper law enforcement
40 agency within twenty-four hours after a report is received by the

1 department. In all other cases, the department shall notify the law
2 enforcement agency within seventy-two hours after a report is
3 received by the department. If the department makes an oral report, a
4 written report must also be made to the proper law enforcement agency
5 within five days thereafter.

6 (5) Any law enforcement agency receiving a report of an incident
7 of alleged abuse or neglect pursuant to this chapter, involving a
8 child who has died or has had physical injury or injuries inflicted
9 upon him or her other than by accidental means, or who has been
10 subjected to alleged sexual abuse, shall report such incident in
11 writing as provided in RCW 26.44.040 to the proper county prosecutor
12 or city attorney for appropriate action whenever the law enforcement
13 agency's investigation reveals that a crime may have been committed.
14 The law enforcement agency shall also notify the department of all
15 reports received and the law enforcement agency's disposition of
16 them. In emergency cases, where the child's welfare is endangered,
17 the law enforcement agency shall notify the department within twenty-
18 four hours. In all other cases, the law enforcement agency shall
19 notify the department within seventy-two hours after a report is
20 received by the law enforcement agency.

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

26 (7) The department may conduct ongoing case planning and
27 consultation with those persons or agencies required to report under
28 this section, with consultants designated by the department, and with
29 designated representatives of Washington Indian tribes if the client
30 information exchanged is pertinent to cases currently receiving child
31 protective services. Upon request, the department shall conduct such
32 planning and consultation with those persons required to report under
33 this section if the department determines it is in the best interests
34 of the child. Information considered privileged by statute and not
35 directly related to reports required by this section must not be
36 divulged without a valid written waiver of the privilege.

37 (8) Any case referred to the department by a physician licensed
38 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
39 opinion that child abuse, neglect, or sexual assault has occurred and
40 that the child's safety will be seriously endangered if returned

1 home, the department shall file a dependency petition unless a second
2 licensed physician of the parents' choice believes that such expert
3 medical opinion is incorrect. If the parents fail to designate a
4 second physician, the department may make the selection. If a
5 physician finds that a child has suffered abuse or neglect but that
6 such abuse or neglect does not constitute imminent danger to the
7 child's health or safety, and the department agrees with the
8 physician's assessment, the child may be left in the parents' home
9 while the department proceeds with reasonable efforts to remedy
10 parenting deficiencies.

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

15 (10) Upon receiving a report that a child is a candidate for
16 foster care as defined in RCW 26.44.020, the department may provide
17 prevention and family services and programs to the child's parents,
18 guardian, or caregiver. The department may not be held civilly liable
19 for the decision regarding whether to provide prevention and family
20 services and programs, or for the provision of those services and
21 programs, for a child determined to be a candidate for foster care.

22 (11) Upon receiving a report of alleged abuse or neglect, the
23 department shall make reasonable efforts to learn the name, address,
24 and telephone number of each person making a report of abuse or
25 neglect under this section. The department shall provide assurances
26 of appropriate confidentiality of the identification of persons
27 reporting under this section. If the department is unable to learn
28 the information required under this subsection, the department shall
29 only investigate cases in which:

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

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

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

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

- 1 (i) Investigation; or
- 2 (ii) Family assessment.

3 (b) In making the response in (a) of this subsection the
4 department shall:

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

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

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

16 (iv) Provide a full investigation if a family refuses the initial
17 family assessment;

18 (v) Provide voluntary services to families based on the results
19 of the initial family assessment. If a family refuses voluntary
20 services, and the department cannot identify specific facts related
21 to risk or safety that warrant assignment to investigation under this
22 chapter, and there is not a history of reports of child abuse or
23 neglect related to the family, then the department must close the
24 family assessment response case. However, if at any time the
25 department identifies risk or safety factors that warrant an
26 investigation under this chapter, then the family assessment response
27 case must be reassigned to investigation;

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

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

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

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

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

39 (E) The child is an adjudicated dependent child as defined in RCW
40 13.34.030, or the child is in a facility that is licensed, operated,

1 or certified for care of children by the department under chapter
2 74.15 RCW.

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

8 (i) A child who is a candidate for foster care, as defined in RCW
9 26.44.020; and

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

12 (d) The department may not be held civilly liable for the
13 decision to respond to an allegation of child abuse or neglect by
14 using the family assessment response under this section unless the
15 state or its officers, agents, or employees acted with reckless
16 disregard.

17 (13)(a) For reports of alleged abuse or neglect that are accepted
18 for investigation by the department, the investigation shall be
19 conducted within time frames established by the department in rule.
20 In no case shall the investigation extend longer than ninety days
21 from the date the report is received, unless the investigation is
22 being conducted under a written protocol pursuant to RCW 26.44.180
23 and a law enforcement agency or prosecuting attorney has determined
24 that a longer investigation period is necessary. At the completion of
25 the investigation, the department shall make a finding that the
26 report of child abuse or neglect is founded or unfounded.

27 (b) If a court in a civil or criminal proceeding, considering the
28 same facts or circumstances as are contained in the report being
29 investigated by the department, makes a judicial finding by a
30 preponderance of the evidence or higher that the subject of the
31 pending investigation has abused or neglected the child, the
32 department shall adopt the finding in its investigation.

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

35 (a) Provide the family with a written explanation of the
36 procedure for assessment of the child and the family and its
37 purposes;

38 (b) Collaborate with the family to identify family strengths,
39 resources, and service needs, and develop a service plan with the

1 goal of reducing risk of harm to the child and improving or restoring
2 family well-being;

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

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

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

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

18 (e) Implement the family assessment response in a consistent and
19 cooperative manner;

20 (f) Have the parent or guardian agree to participate in services
21 before services are initiated. The department shall inform the
22 parents of their rights under family assessment response, all of
23 their options, and the options the department has if the parents do
24 not agree to participate in services.

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

27 (i) May interview children. If the department determines that the
28 response to the allegation will be family assessment response, the
29 preferred practice is to request a parent's, guardian's, or
30 custodian's permission to interview the child before conducting the
31 child interview unless doing so would compromise the safety of the
32 child or the integrity of the assessment. The interviews may be
33 conducted on school premises, at day-care facilities, at the child's
34 home, or at other suitable locations outside of the presence of
35 parents. If the allegation is investigated, parental notification of
36 the interview must occur at the earliest possible point in the
37 investigation that will not jeopardize the safety or protection of
38 the child or the course of the investigation. Prior to commencing the
39 interview the department or law enforcement agency shall determine
40 whether the child wishes a third party to be present for the

1 interview and, if so, shall make reasonable efforts to accommodate
2 the child's wishes. Unless the child objects, the department or law
3 enforcement agency shall make reasonable efforts to include a third
4 party in any interview so long as the presence of the third party
5 will not jeopardize the course of the investigation; and

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

8 (b) The Washington state school directors' association shall
9 adopt a model policy addressing protocols when an interview, as
10 authorized by this subsection, is conducted on school premises. In
11 formulating its policy, the association shall consult with the
12 department and the Washington association of sheriffs and police
13 chiefs.

14 (16) If a report of alleged abuse or neglect is founded and
15 constitutes the third founded report received by the department
16 within the last twelve months involving the same child or family, the
17 department shall promptly notify the office of the family and
18 children's ombuds of the contents of the report. The department shall
19 also notify the ombuds of the disposition of the report.

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

23 (18)(a) The department shall maintain investigation records and
24 conduct timely and periodic reviews of all founded cases of abuse and
25 neglect. The department shall maintain a log of screened-out
26 nonabusive cases.

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

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

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

1 (21) Upon receiving a report of alleged abuse or neglect
2 involving a child under the court's jurisdiction under chapter 13.34
3 RCW, the department shall promptly notify the child's guardian ad
4 litem of the report's contents. The department shall also notify the
5 guardian ad litem of the disposition of the report. For purposes of
6 this subsection, "guardian ad litem" has the meaning provided in RCW
7 13.34.030.

8 (22) The department shall make efforts as soon as practicable to
9 determine the military status of parents whose children are subject
10 to abuse or neglect allegations. If the department determines that a
11 parent or guardian is in the military, the department shall notify a
12 department of defense family advocacy program that there is an
13 allegation of abuse and neglect that is screened in and open for
14 investigation that relates to that military parent or guardian.

15 (23) The department shall make available on its public website a
16 downloadable and printable poster that includes the reporting
17 requirements included in this section. The poster must be no smaller
18 than eight and one-half by eleven inches with all information on one
19 side. The poster must be made available in both the English and
20 Spanish languages. Organizations that include employees or volunteers
21 subject to the reporting requirements of this section must clearly
22 display this poster in a common area. At a minimum, this poster must
23 include the following:

- 24 (a) Who is required to report child abuse and neglect;
- 25 (b) The standard of knowledge to justify a report;
- 26 (c) The definition of reportable crimes;
- 27 (d) Where to report suspected child abuse and neglect; and
- 28 (e) What should be included in a report and the appropriate
29 timing.

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