
SECOND SUBSTITUTE HOUSE BILL 1439

State of Washington

68th Legislature

2024 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Goodman, Eslick, Simmons, Walen, Fey, Reed, Doglio, Davis, and Leavitt)

READ FIRST TIME 01/23/24.

1 AN ACT Relating to child exposure to violence; reenacting and
2 amending RCW 26.44.020; adding a new section to chapter 26.44 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
6 multidisciplinary team approach coordinated by children's advocacy
7 centers improves interagency communication, increases the
8 effectiveness of the investigation and prosecution of child abuse,
9 and results in fewer interviews with and less trauma for the child.

10 (2) The legislature finds that current language defining
11 children's advocacy centers was written more than 20 years ago, when
12 such centers were just beginning to develop in our state.
13 Additionally, current language defining child forensic interviews was
14 also written at a time when there were few, if any, designated
15 specialized child forensic interviewers in Washington.

16 (3) Children's exposure to violence in Washington state is
17 occurring at an alarming rate and is a traumatic, adverse experience
18 that can have severe and long-lasting consequences. This traumatic
19 disruption of healthy development is a significant public health
20 crisis.

1 (4) Children exposed to violence can heal if given access to
2 specialized resources, evidence-based treatment, and proper support
3 that promotes the well-being of them and their families.

4 (5) Therefore, because the legislature finds children's advocacy
5 centers employ trauma-informed, research-based, best practices that
6 help child victims of abuse and children exposed to violence heal and
7 reduce the risk of future abuse and other negative consequences, the
8 legislature finds it necessary to update definitions and guidance to
9 ensure support for children's advocacy centers by more accurately
10 defining the work they do, and the tools necessary to support their
11 work.

12 **Sec. 2.** RCW 26.44.020 and 2023 c 122 s 5 are each amended to
13 read as follows:

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

16 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
17 female genital mutilation as defined in RCW 18.130.460, or injury of
18 a child by any person under circumstances which cause harm to the
19 child's health, welfare, or safety, excluding conduct permitted under
20 RCW 9A.16.100; or the negligent treatment or maltreatment of a child
21 by a person responsible for or providing care to the child. An abused
22 child is a child who has been subjected to child abuse or neglect as
23 defined in this section.

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

26 (3) "Child forensic interview" means a developmentally sensitive
27 ~~((and)), legally sound ((method of gathering factual information~~
28 ~~regarding allegations of child abuse, child neglect, or exposure to~~
29 ~~violence. This interview is conducted by a competently trained,~~
30 ~~neutral professional utilizing techniques informed by research and~~
31 ~~best practice as part of a larger investigative process)), culturally
32 responsive, fact-finding interview of a child that is recorded as
33 part of the multidisciplinary team response in child abuse
34 investigations for the purpose of eliciting a child's unique
35 information when there are concerns of possible abuse or when the
36 child has been exposed to violence against another person. Child
37 forensic interviews are conducted in a supportive and nonleading
38 manner by a professional with specialized training in a research-
39 based forensic interview model for conducting child forensic~~

1 interviews, ideally conducted in a neutral location such as a
2 children's advocacy center and may be observed by approved members of
3 the multidisciplinary child protection team as outlined in county
4 child abuse investigation protocols under RCW 26.44.180.

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

20 (5) "Child protective services section" means the child
21 protective services section of the department.

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

32 (a) The child has been abandoned by the parent as defined in RCW
33 13.34.030 and the child's health, safety, and welfare is seriously
34 endangered as a result;

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

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

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

2 (7) "Children's advocacy center" means a child-focused (~~(facility~~
3 ~~in good standing with the state chapter for children's advocacy~~
4 ~~centers and that coordinates a multidisciplinary process for the~~
5 ~~investigation, prosecution, and treatment of sexual and other types~~
6 ~~of child abuse)~~), trauma-informed, facility-based program that
7 provides a safe, neutral location for child forensic interviews,
8 facilitates a coordinated and comprehensive approach to addressing
9 the needs of children traumatized by abuse and those who have
10 witnessed, or been exposed to violence, follows national
11 accreditation standards, and is in good standing with the children's
12 advocacy centers of Washington. Children's advocacy centers support a
13 coordinated multidisciplinary response to allegations of abuse that
14 promotes efficient interagency communication and information sharing,
15 ongoing collaboration of key individuals, and a network of support
16 for children and families. Children's advocacy centers (~~(provide a~~
17 ~~location for forensic interviews and)~~) coordinate access to services
18 (~~(such as)~~) including, but not limited to(, medical): Medical
19 evaluations, advocacy, therapy, and facilitation of case review (by
20 ~~multidisciplinary teams)~~) within the context of county protocols as
21 defined in RCW 26.44.180 and 26.44.185.

22 (8) "Clergy" means any regularly licensed or ordained minister,
23 priest, or rabbi of any church or religious denomination, whether
24 acting in an individual capacity or as an employee or agent of any
25 public or private organization or institution.

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

28 (10) "Department" means the department of children, youth, and
29 families.

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

36 (12) "Family assessment" means a comprehensive assessment of
37 child safety, risk of subsequent child abuse or neglect, and family
38 strengths and needs that is applied to a child abuse or neglect
39 report. Family assessment does not include a determination as to
40 whether child abuse or neglect occurred, but does determine the need

1 for services to address the safety of the child and the risk of
2 subsequent maltreatment.

3 (13) "Family assessment response" means a way of responding to
4 certain reports of child abuse or neglect made under this chapter
5 using a differential response approach to child protective services.
6 The family assessment response shall focus on the safety of the
7 child, the integrity and preservation of the family, and shall assess
8 the status of the child and the family in terms of risk of abuse and
9 neglect including the parent's or guardian's or other caretaker's
10 capacity and willingness to protect the child and, if necessary, plan
11 and arrange the provision of services to reduce the risk and
12 otherwise support the family. No one is named as a perpetrator, and
13 no investigative finding is entered in the record as a result of a
14 family assessment.

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

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

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

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

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

34 (19) "Negligent treatment or maltreatment" means an act or a
35 failure to act, or the cumulative effects of a pattern of conduct,
36 behavior, or inaction, that evidences a serious disregard of
37 consequences of such magnitude as to constitute a clear and present
38 danger to a child's health, welfare, or safety, including but not
39 limited to conduct prohibited under RCW 9A.42.100. When considering
40 whether a clear and present danger exists, evidence of a parent's

1 substance abuse as a contributing factor to negligent treatment or
2 maltreatment shall be given great weight. The fact that siblings
3 share a bedroom is not, in and of itself, negligent treatment or
4 maltreatment. Poverty, experiencing homelessness, or exposure to
5 domestic violence as defined in RCW 7.105.010 that is perpetrated
6 against someone other than the child does not constitute negligent
7 treatment or maltreatment in and of itself.

8 (20) "Pharmacist" means any registered pharmacist under chapter
9 18.64 RCW, whether acting in an individual capacity or as an employee
10 or agent of any public or private organization or institution.

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

20 (22) "Prevention and family services and programs" means specific
21 mental health prevention and treatment services, substance abuse
22 prevention and treatment services, and in-home parent skill-based
23 programs that qualify for federal funding under the federal family
24 first prevention services act, P.L. 115-123. For purposes of this
25 chapter, prevention and family services and programs are not remedial
26 services or family reunification services as described in RCW
27 13.34.025(2).

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

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

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

39 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or
40 encouraging a child to engage in prostitution by any person; or (b)

1 allowing, permitting, encouraging, or engaging in the obscene or
2 pornographic photographing, filming, or depicting of a child by any
3 person.

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

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

14 (29) "Unfounded" means the determination following an
15 investigation by the department that available information indicates
16 that, more likely than not, child abuse or neglect did not occur, or
17 that there is insufficient evidence for the department to determine
18 whether the alleged child abuse did or did not occur.

19 (30) "Children's advocacy centers of Washington" is a membership
20 organization and state chapter of the national children's alliance
21 whose primary purpose is to support the development and
22 sustainability of children's advocacy centers and multidisciplinary
23 child protection teams in Washington state as provided under RCW
24 26.44.175.

25 NEW SECTION. Sec. 3. A new section is added to chapter 26.44
26 RCW to read as follows:

27 (1) Statewide and regional peer review of child forensic
28 interviews serve as quality assurance mechanisms that reinforce the
29 methodologies utilized in child forensic interviewing and provide
30 support and problem solving for participants.

31 (2) Child forensic interview recordings of closed cases may be
32 used as part of a structured and confidential peer review, if hosted
33 by an accredited or developing children's advocacy center or the
34 children's advocacy centers of Washington. Any information reviewed
35 or discussed during the peer review process is and must remain
36 confidential and must not be disclosed except where authorized under
37 state or federal law. The hosting organization's policies regarding
38 interview selection criteria and parent, guardian, or caregiver

1 consent must be followed. All participants in a peer review must sign
2 a confidentiality agreement that:

3 (a) Prohibits verbal or written disclosure of any information
4 received in any peer review process; and

5 (b) Requires disclosure of any personal, professional, or social
6 acquaintance with anyone associated with the case before attending a
7 peer review session.

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