

SENATE BILL REPORT

SB 6084

AS REPORTED BY COMMITTEE ON CHILDREN & FAMILY SERVICES,  
FEBRUARY 7, 1992

**Brief Description:** Requiring certain interviews of children conducted by the department of social and health services to be videotaped.

**SPONSORS:** Senators L. Smith, Craswell, Stratton, Metcalf, Oke and Roach

**SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES**

**Majority Report:** That Substitute Senate Bill No. 6084 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Roach, Chairman; Craswell, and Stratton.

**Minority Report:** Do not pass.

Signed by Senator Talmadge.

**Staff:** Richard Rodger (786-7461)

**Hearing Dates:** January 29, 1992; February 7, 1992

**BACKGROUND:**

Any person may report an incident of child abuse or neglect with a law enforcement agency or with the Department of Social and Health Services. Upon receiving the report the law enforcement agency or the department may conduct interviews with children.

It has been suggested that all interviews conducted with a child which relate to allegations of child abuse or neglect should be videotaped by the department whenever a law enforcement officer is not present.

**SUMMARY:**

When investigating allegations of child abuse or neglect, the department shall videotape all interviews conducted with children whenever a law enforcement officer is not present.

Language concerning a 1989 report by the department is stricken.

**EFFECT OF PROPOSED SUBSTITUTE:**

The interviews shall be recorded by audio tape or videotape. Failure to record the interview shall not affect the admissibility of statements unless the failure was willful.

The willful failure to record an interview shall create a presumption that such statements are inadmissible.

The department shall not make any copies of an audio tape or videotape recorded under this section. The original tape shall be immediately transmitted to the prosecuting attorney's office or the local law enforcement agency to be preserved as evidence.

The person accused of alleged sexual abuse or the person's attorney may view or listen to the tape as necessary to prepare an adequate defense, but the tape shall remain in the custody of the prosecuting attorney's office or the local law enforcement agency. If the tape has been introduced as evidence it shall remain in the custody of the court. If the charges against the accused are dismissed or if the accused is found not guilty, all tapes shall be destroyed.

If an audio tape or videotape is made in compliance with this act, the recorded statements by the child may be admitted into evidence through the audio tape or videotape. A videotaped interview with the child may be admitted into evidence in lieu of the child's live testimony at trial, by stipulation of the accused person and the state, or as otherwise admissible by law.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 18, 1992

**TESTIMONY FOR:**

It may result in fewer interviews of children. It will document the first interviews and will increase the skills of interviewers.

**TESTIMONY AGAINST:**

The bill doesn't address chain of custody, admissibility of the evidence or limitations on access to the tapes. Additional issues include malfunctions and changes in technology.

**TESTIFIED:** PRO: James, Lori and Tina Austin, private citizens; Jim Galbraith, Facts For Freedom; CON: Diana Roberts, DSHS; Leigh Ann Miller, Attorney General's Office; Mary Ann Murphy, Deaconess Medical Center; Ronda Henry, Terry Amrhein, Judy Martin, Tennis Shoe Brigade; Paul Stern, Snohomish County Prosecutor; David Haapaca, Kathy Jenkins, Behavioral Sciences Institute; Margaret Casey, The Children's Alliance; Stephanie Carter, WAPA