
SENATE BILL 6084

State of Washington

52nd Legislature

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By Senators L. Smith, Craswell, Stratton, Metcalf, Oke and Roach

Read first time 01/15/92. Referred to Committee on Children & Family Services.

1 AN ACT Relating to interviews of children conducted by the
2 department of social and health services; and amending RCW 26.44.030.

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

4 **Sec. 1.** RCW 26.44.030 and 1991 c 111 s 1 are each amended to read
5 as follows:

6 (1) When any practitioner, professional school personnel,
7 registered or licensed nurse, social service counselor, psychologist,
8 pharmacist, licensed or certified child care providers or their
9 employees, employee of the department, or juvenile probation officer
10 has reasonable cause to believe that a child or adult dependent or
11 developmentally disabled person, has suffered abuse or neglect, he or
12 she shall report such incident, or cause a report to be made, to the
13 proper law enforcement agency or to the department as provided in RCW
14 26.44.040. The report shall be made at the first opportunity, but in

1 no case longer than forty-eight hours after there is reasonable cause
2 to believe that the child or adult has suffered abuse or neglect. The
3 report shall include the identity of the accused if known.

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

11 (3) Any other person who has reasonable cause to believe that a
12 child or adult dependent or developmentally disabled person has
13 suffered abuse or neglect may report such incident to the proper law
14 enforcement agency or to the department of social and health services
15 as provided in RCW 26.44.040.

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

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

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

22 (7) The department may conduct ongoing case planning and
23 consultation with those persons or agencies required to report under
24 this section, with consultants designated by the department, and with
25 designated representatives of Washington Indian tribes if the client
26 information exchanged is pertinent to cases currently receiving child
27 protective services or department case services for the developmentally
28 disabled. Upon request, the department shall conduct such planning and
29 consultation with those persons required to report under this section
30 if the department determines it is in the best interests of the child

1 or developmentally disabled person. Information considered privileged
2 by statute and not directly related to reports required by this section
3 shall not be divulged without a valid written waiver of the privilege.

4 (8) Any case referred to the department by a physician licensed
5 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
6 opinion that child abuse, neglect, or sexual assault has occurred and
7 that the child's safety will be seriously endangered if returned home,
8 the department shall file a dependency petition unless a second
9 licensed physician of the parents' choice believes that such expert
10 medical opinion is incorrect. If the parents fail to designate a
11 second physician, the department may make the selection. If a
12 physician finds that a child has suffered abuse or neglect but that
13 such abuse or neglect does not constitute imminent danger to the
14 child's health or safety, and the department agrees with the
15 physician's assessment, the child may be left in the parents' home
16 while the department proceeds with reasonable efforts to remedy
17 parenting deficiencies.

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

22 (10) Upon receiving reports of abuse or neglect, the department or
23 law enforcement agency may interview children. The interviews may be
24 conducted on school premises, at day-care facilities, at the child's
25 home, or at other suitable locations outside of the presence of
26 parents. Parental notification of the interview shall occur at the
27 earliest possible point in the investigation that will not jeopardize
28 the safety or protection of the child or the course of the
29 investigation. Prior to commencing the interview the department or law
30 enforcement agency shall determine whether the child wishes a third

1 party to be present for the interview and(~~(, if so,)~~) shall make
2 reasonable efforts to accommodate the child's wishes. Unless the child
3 objects, the department or law enforcement agency shall make reasonable
4 efforts to include a third party in any interview so long as the
5 presence of the third party will not jeopardize the course of the
6 investigation. The department shall videotape any interview of a child
7 conducted under this section without a law enforcement officer present.

8 (11) Upon receiving a report of incidents, conditions, or
9 circumstances of child abuse and neglect, the department shall have
10 access to all relevant records of the child in the possession of
11 mandated reporters and their employees.

12 (12) The department shall maintain investigation records and
13 conduct timely and periodic reviews of all cases constituting abuse and
14 neglect. The department shall maintain a log of screened-out
15 nonabusive cases.

16 (13) The department of social and health services shall, within
17 funds appropriated for this purpose, use a risk assessment tool when
18 investigating child abuse and neglect referrals. The tool shall be
19 used, on a pilot basis, in three local office service areas. The
20 department shall, within funds appropriated for this purpose, offer
21 enhanced community-based services to persons who are determined not to
22 require further state intervention.

23 ~~((The department shall report to the ways and means committees of
24 the senate and house of representatives on the use of the tool by
25 December 1, 1989. The report shall include recommendations on the
26 continued use and possible expanded use of the tool.))~~

27 (14) Upon receipt of such report the law enforcement agency may
28 arrange to interview the person making the report and any collateral
29 sources to determine if any malice is involved in the reporting.