

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6238**

Chapter 328, Laws of 1998

(partial veto)

55th Legislature  
1998 Regular Session

DEPENDENT CHILDREN

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 12, 1998  
YEAS 46 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House March 11, 1998  
YEAS 98 NAYS 0

CLYDE BALLARD

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Approved April 3, 1998, with the  
exception of section 6, which is  
vetoed.

GARY LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the  
Senate of the State of Washington, do  
hereby certify that the attached is  
**ENGROSSED SUBSTITUTE SENATE BILL 6238**  
as passed by the Senate and the House  
of Representatives on the dates hereon  
set forth.

MIKE O'CONNELL

\_\_\_\_\_  
**Secretary**

FILED

April 3, 1998 - 3:05 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 6238

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AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1998 Regular Session

State of Washington                      55th Legislature                      1998 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens and Swecker)

Read first time 02/05/98.

1            AN ACT Relating to dependent children; and amending RCW 13.34.050,  
2 13.34.060, 13.34.090, 13.34.120, 26.44.030, and 43.20A.870.

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

4            **Sec. 1.** RCW 13.34.050 and 1979 c 155 s 38 are each amended to read  
5 as follows:

6            (1) The court may enter an order directing a law enforcement  
7 officer, probation counselor, or child protective services official to  
8 take a child into custody if: (a) A petition is filed with the  
9 juvenile court alleging that the child is dependent and that the  
10 child's health, safety, and welfare will be seriously endangered if not  
11 taken into custody; (b) an affidavit or declaration is filed by the  
12 department in support of the petition setting forth specific factual  
13 information evidencing reasonable grounds that the child's health,  
14 safety, and welfare will be seriously endangered if not taken into  
15 custody and at least one of the grounds set forth demonstrates a risk  
16 of imminent harm to the child. "Imminent harm" for purposes of this  
17 section shall include, but not be limited to, circumstances of sexual  
18 abuse, or sexual exploitation as defined in RCW 26.44.020; and (c) the  
19 court finds reasonable grounds to believe the child is dependent and

1 that the child's health, safety, and welfare will be seriously  
2 endangered if not taken into custody.

3 (2) Any petition that does not have the necessary affidavit or  
4 declaration demonstrating a risk of imminent harm requires notice and  
5 an opportunity to be heard by the parents.

6 (3) The petition and supporting documentation must be served on the  
7 parent and the entity with whom the child is in custody at the time the  
8 child is removed. Failure to effect service does not invalidate the  
9 petition if service was attempted and the parent could not be found.

10 **Sec. 2.** RCW 13.34.060 and 1990 c 246 s 1 are each amended to read  
11 as follows:

12 (1) A child taken into custody pursuant to RCW 13.34.050 or  
13 26.44.050 shall be immediately placed in shelter care. A child taken  
14 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070  
15 shall be placed in shelter care only when permitted under RCW  
16 13.34.055. "Shelter care" means temporary physical care in a facility  
17 licensed pursuant to RCW 74.15.030 or in a home not required to be  
18 licensed pursuant to that section. Whenever a child is taken into such  
19 custody pursuant to this section, the supervising agency may authorize  
20 evaluations of the child's physical or emotional condition, routine  
21 medical and dental examination and care, and all necessary emergency  
22 care. In no case may a child who is taken into custody pursuant to RCW  
23 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention  
24 facility. No child may be held longer than seventy-two hours,  
25 excluding Saturdays, Sundays and holidays, after such child is taken  
26 into custody unless a court order has been entered for continued  
27 shelter care. The child and his or her parent, guardian, or custodian  
28 shall be informed that they have a right to a shelter care hearing.  
29 The court shall hold a shelter care hearing within seventy-two hours  
30 after the child is taken into custody, excluding Saturdays, Sundays,  
31 and holidays. If a parent, guardian, or legal custodian desires to  
32 waive the shelter care hearing, the court shall determine, on the  
33 record and with the parties present, that such waiver is knowing and  
34 voluntary.

35 (2) Whenever a child is taken into custody by child protective  
36 services pursuant to a court order issued under RCW 13.34.050 or when  
37 child protective services is notified that a child has been taken into  
38 custody pursuant to RCW 26.44.050 or 26.44.056, child protective

1 services shall make reasonable efforts to inform the parents, guardian,  
2 or legal custodian of the fact that the child has been taken into  
3 custody, the reasons why the child was taken into custody, and their  
4 legal rights under this title as soon as possible and in no event  
5 longer than twenty-four hours after the child has been taken into  
6 custody or twenty-four hours after child protective services has been  
7 notified that the child has been taken into custody. The notice of  
8 custody and rights may be given by any means reasonably certain of  
9 notifying the parents including, but not limited to, written,  
10 telephone, or in person oral notification. If the initial notification  
11 is provided by a means other than writing, child protective services  
12 shall make reasonable efforts to also provide written notification.

13 The written notice of custody and rights shall be in substantially  
14 the following form:

15 "NOTICE

16 Your child has been placed in temporary custody under the  
17 supervision of Child Protective Services (or other person or agency).  
18 You have important legal rights and you must take steps to protect your  
19 interests.

20 1. A court hearing will be held before a judge within 72 hours of  
21 the time your child is taken into custody. You should call the court  
22 at  (insert appropriate phone number here)  for specific  
23 information about the date, time, and location of the court hearing.

24 2. You have the right to have a lawyer represent you at the  
25 hearing.  You have the right to records the department intends to rely  
26  upon. A lawyer can look at the files in your case, talk to child  
27 protective services and other agencies, tell you about the law, help  
28 you understand your rights, and help you at hearings. If you cannot  
29 afford a lawyer, the court will appoint one to represent you. To get  
30 a court-appointed lawyer you must contact:  (explain local  
31  procedure) .

32 3. At the hearing, you have the right to speak on your own behalf,  
33 to introduce evidence, to examine witnesses, and to receive a decision  
34 based solely on the evidence presented to the judge.

35 You should be present at this hearing. If you do not come, the  
36 judge will not hear what you have to say.

1 You may call the Child Protective Services' caseworker for more  
2 information about your child. The caseworker's name and telephone  
3 number are:  (insert name and telephone number) ."

4 Upon receipt of the written notice, the parent, guardian, or legal  
5 custodian shall acknowledge such notice by signing a receipt prepared  
6 by child protective services. If the parent, guardian, or legal  
7 custodian does not sign the receipt, the reason for lack of a signature  
8 shall be written on the receipt. The receipt shall be made a part of  
9 the court's file in the dependency action.

10 If after making reasonable efforts to provide notification, child  
11 protective services is unable to determine the whereabouts of the  
12 parents, guardian, or legal custodian, the notice shall be delivered or  
13 sent to the last known address of the parent, guardian, or legal  
14 custodian.

15 (3) If child protective services is not required to give notice  
16 under subsection (2) of this section, the juvenile court counselor  
17 assigned to the matter shall make all reasonable efforts to advise the  
18 parents, guardian, or legal custodian of the time and place of any  
19 shelter care hearing, request that they be present, and inform them of  
20 their basic rights as provided in RCW 13.34.090.

21 (4) Reasonable efforts to advise and to give notice, as required in  
22 subsections (2) and (3) of this section, shall include, at a minimum,  
23 investigation of the whereabouts of the parent, guardian, or legal  
24 custodian. If such reasonable efforts are not successful, or the  
25 parent, guardian, or legal custodian does not appear at the shelter  
26 care hearing, the juvenile court counselor or caseworker shall testify  
27 at the hearing or state in a declaration:

28 (a) The efforts made to investigate the whereabouts of, and to  
29 advise, the parent, guardian, or legal custodian; and

30 (b) Whether actual advice of rights was made, to whom it was made,  
31 and how it was made, including the substance of any oral communication  
32 or copies of written materials used.

33 (5) At the commencement of the shelter care hearing the court shall  
34 advise the parties of their basic rights as provided in RCW 13.34.090  
35 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not  
36 been retained by the parent or guardian and if the parent or guardian  
37 is indigent, unless the court finds that the right to counsel has been  
38 expressly and voluntarily waived in court.

1 (6) The court shall hear evidence regarding notice given to, and  
2 efforts to notify, the parent, guardian, or legal custodian and shall  
3 examine the need for shelter care. The court shall make an express  
4 finding as to whether the notice required under subsections (2) and (3)  
5 of this section was given to the parent, guardian, or legal custodian.  
6 All parties have the right to present testimony to the court regarding  
7 the need or lack of need for shelter care. Hearsay evidence before the  
8 court regarding the need or lack of need for shelter care must be  
9 supported by sworn testimony, affidavit, or declaration of the person  
10 offering such evidence.

11 (7) The juvenile court probation counselor shall submit a  
12 recommendation to the court as to the further need for shelter care,  
13 except that such recommendation shall be submitted by the department of  
14 social and health services in cases where the petition alleging  
15 dependency has been filed by the department of social and health  
16 services, unless otherwise ordered by the court.

17 (8) The court shall release a child alleged to be dependent to the  
18 care, custody, and control of the child's parent, guardian, or legal  
19 custodian unless the court finds there is reasonable cause to believe  
20 that:

21 (a) After consideration of the specific services that have been  
22 provided, reasonable efforts have been made to prevent or eliminate the  
23 need for removal of the child from the child's home and to make it  
24 possible for the child to return home; and

25 (b)(i) The child has no parent, guardian, or legal custodian to  
26 provide supervision and care for such child; or

27 (ii) The release of such child would present a serious threat of  
28 substantial harm to such child; or

29 (iii) The parent, guardian, or custodian to whom the child could be  
30 released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

31 If the court does not release the child to his or her parent,  
32 guardian, or legal custodian, the court shall order continued shelter  
33 care or order placement with another suitable person, and the court  
34 shall set forth its reasons for the order. The court shall enter a  
35 finding as to whether subsections (2) and (3) of this section have been  
36 complied with. If actual notice was not given to the parent, guardian,  
37 or legal custodian and the whereabouts of such person is known or can  
38 be ascertained, the court shall order the supervising agency or the  
39 department of social and health services to make reasonable efforts to

1 advise the parent, guardian, or legal custodian of the status of the  
2 case, including the date and time of any subsequent hearings, and their  
3 rights under RCW 13.34.090.

4 (9) An order releasing the child on any conditions specified in  
5 this section may at any time be amended, with notice and hearing  
6 thereon, so as to return the child to shelter care for failure of the  
7 parties to conform to the conditions originally imposed.

8 The court shall consider whether nonconformance with any conditions  
9 resulted from circumstances beyond the control of the parent and give  
10 weight to that fact before ordering return of the child to shelter  
11 care.

12 (10) A shelter care order issued pursuant to this section may be  
13 amended at any time with notice and hearing thereon. The shelter care  
14 decision of placement shall be modified only upon a showing of change  
15 in circumstances. No child may be detained for longer than thirty days  
16 without an order, signed by the judge, authorizing continued shelter  
17 care.

18 (11) Any parent, guardian, or legal custodian who for good cause is  
19 unable to attend the initial shelter care hearing may request that a  
20 subsequent shelter care hearing be scheduled. The request shall be  
21 made to the clerk of the court where the petition is filed prior to the  
22 initial shelter care hearing. The hearing shall be held within  
23 seventy-two hours of the request, excluding Saturdays, Sundays, and  
24 holidays. The clerk shall notify all other parties of the hearing by  
25 any reasonable means.

26 **Sec. 3.** RCW 13.34.090 and 1990 c 246 s 4 are each amended to read  
27 as follows:

28 (1) Any party has a right to be represented by an attorney in all  
29 proceedings under this chapter, to introduce evidence, to be heard in  
30 his or her own behalf, to examine witnesses, to receive a decision  
31 based solely on the evidence adduced at the hearing, and to an unbiased  
32 fact-finder.

33 (2) At all stages of a proceeding in which a child is alleged to be  
34 dependent (~~((pursuant to))~~) as defined in RCW 13.34.030~~((+2))~~ (4), the  
35 child's parent, guardian, or legal custodian has the right to be  
36 represented by counsel, and if indigent, to have counsel appointed for  
37 him or her by the court. Unless waived in court, counsel shall be  
38 provided to the child's parent, guardian, or legal custodian, if such

1 person (a) has appeared in the proceeding or requested the court to  
2 appoint counsel and (b) is financially unable to obtain counsel because  
3 of indigency as defined in chapter 10.101 RCW.

4 (3) If a party to an action under this chapter is represented by  
5 counsel, no order shall be provided to that party for his or her  
6 signature without prior notice and provision of the order to counsel.

7 (4) Copies of department of social and health services or  
8 supervising agency records to which parents have legal access pursuant  
9 to chapter 13.50 RCW shall be given to the child's parent, guardian,  
10 legal custodian, or his or her legal counsel, prior to any shelter care  
11 hearing and within ((twenty)) fifteen days after the department or  
12 supervising agency receives a written request for such records from the  
13 parent, guardian, legal custodian, or his or her legal counsel. These  
14 records shall be provided to the child's parents, guardian, legal  
15 custodian, or legal counsel a reasonable period of time prior to the  
16 shelter care hearing in order to allow an opportunity to review the  
17 records prior to the hearing. These records shall be legible and shall  
18 be provided at no expense to the parents, guardian, legal custodian, or  
19 his or her counsel. When the records are served on legal counsel,  
20 legal counsel shall have the opportunity to review the records with the  
21 parents and shall review the records with the parents prior to the  
22 shelter care hearing.

23 **Sec. 4.** RCW 13.34.120 and 1996 c 249 s 14 are each amended to read  
24 as follows:

25 (1) To aid the court in its decision on disposition, a social  
26 study, consisting of a written evaluation of matters relevant to the  
27 disposition of the case, shall be made by the person or agency filing  
28 the petition. A parent may submit a counselor's or health care  
29 provider's evaluation of the parent, which shall either be included in  
30 the social study or considered in conjunction with the social study.  
31 The study shall include all social records and may also include facts  
32 relating to the child's cultural heritage, and shall be made available  
33 to the court. The court shall consider the social file, social study,  
34 guardian ad litem report, the court-appointed special advocate's  
35 report, if any, and any reports filed by a party at the disposition  
36 hearing in addition to evidence produced at the fact-finding hearing.  
37 At least ten working days before the disposition hearing, the  
38 department shall mail to the parent and his or her attorney a copy of



1 the agency's social study and proposed service plan, which shall be in  
2 writing or in a form understandable to the parents or custodians. In  
3 addition, the department shall provide an opportunity for parents to  
4 review and comment on the plan at the community service office. If the  
5 parents disagree with the agency's plan or any part thereof, the  
6 parents shall submit to the court at least twenty-four hours before the  
7 hearing, in writing, or signed oral statement, an alternative plan to  
8 correct the problems which led to the finding of dependency. This  
9 section shall not interfere with the right of the parents or custodians  
10 to submit oral arguments regarding the disposition plan at the hearing.

11 (2) In addition to the requirements set forth in subsection (1) of  
12 this section, a predisposition study to the court in cases of  
13 dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall  
14 contain the following information:

15 (a) A statement of the specific harm or harms to the child that  
16 intervention is designed to alleviate;

17 (b) A description of the specific programs, for both the parents  
18 and child, that are needed in order to prevent serious harm to the  
19 child; the reasons why such programs are likely to be useful; the  
20 availability of any proposed services; and the agency's overall plan  
21 for ensuring that the services will be delivered. The description  
22 shall identify services chosen and approved by the parent;

23 (c) If removal is recommended, a full description of the reasons  
24 why the child cannot be protected adequately in the home, including a  
25 description of any previous efforts to work with the parents and the  
26 child in the home; the in-home treatment programs which have been  
27 considered and rejected; the preventive services that have been offered  
28 or provided and have failed to prevent the need for out-of-home  
29 placement, unless the health, safety, and welfare of the child cannot  
30 be protected adequately in the home; and the parents' attitude toward  
31 placement of the child;

32 (d) A statement of the likely harms the child will suffer as a  
33 result of removal. This section should include an exploration of the  
34 nature of the parent-child attachment and the meaning of separation and  
35 loss to both the parents and the child;

36 (e) A description of the steps that will be taken to minimize harm  
37 to the child that may result if separation occurs; and

38 (f) Behavior that will be expected before determination that  
39 supervision of the family or placement is no longer necessary.

1       **Sec. 5.** RCW 26.44.030 and 1997 c 386 s 25 are each amended to read  
2 as follows:

3       (1)(a) When any practitioner, county coroner or medical examiner,  
4 law enforcement officer, professional school personnel, registered or  
5 licensed nurse, social service counselor, psychologist, pharmacist,  
6 licensed or certified child care providers or their employees, employee  
7 of the department, juvenile probation officer, or state family and  
8 children's ombudsman or any volunteer in the ombudsman's office has  
9 reasonable cause to believe that a child or adult dependent or  
10 developmentally disabled person, 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) The reporting requirement shall also apply to department of  
15 corrections personnel who, in the course of their employment, observe  
16 offenders or the children with whom the offenders are in contact. If,  
17 as a result of observations or information received in the course of  
18 his or her employment, any department of corrections personnel has  
19 reasonable cause to believe that a child or adult dependent or  
20 developmentally disabled person has suffered abuse or neglect, he or  
21 she shall report the incident, or cause a report to be made, to the  
22 proper law enforcement agency or to the department as provided in RCW  
23 26.44.040.

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

36       (d) The report shall be made at the first opportunity, but in no  
37 case longer than forty-eight hours after there is reasonable cause to  
38 believe that the child or adult has suffered abuse or neglect. The  
39 report shall include the identity of the accused if known.

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

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

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

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

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

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

9 (7) The department may conduct ongoing case planning and  
10 consultation with those persons or agencies required to report under  
11 this section, with consultants designated by the department, and with  
12 designated representatives of Washington Indian tribes if the client  
13 information exchanged is pertinent to cases currently receiving child  
14 protective services or department case services for the developmentally  
15 disabled. Upon request, the department shall conduct such planning and  
16 consultation with those persons required to report under this section  
17 if the department determines it is in the best interests of the child  
18 or developmentally disabled person. Information considered privileged  
19 by statute and not directly related to reports required by this section  
20 shall not be 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 home,  
25 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 (7)  
36 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.

1 (10) Upon receiving reports of alleged abuse or neglect, the  
2 department or law enforcement agency may interview children. The  
3 interviews may be conducted on school premises, at day-care facilities,  
4 at the child's home, or at other suitable locations outside of the  
5 presence of parents. Parental notification of the interview shall  
6 occur at the earliest possible point in the investigation that will not  
7 jeopardize the safety or protection of the child or the course of the  
8 investigation. Prior to commencing the interview the department or law  
9 enforcement agency shall determine whether the child wishes a third  
10 party to be present for the interview and, if so, shall make reasonable  
11 efforts to accommodate the child's wishes. Unless the child objects,  
12 the department or law enforcement agency shall make reasonable efforts  
13 to include a third party in any interview so long as the presence of  
14 the third party will not jeopardize the course of the investigation.

15 (11) Upon receiving a report of alleged child abuse and neglect,  
16 the department or investigating law enforcement agency shall have  
17 access to all relevant records of the child in the possession of  
18 mandated reporters and their employees.

19 (12) The department shall maintain investigation records and  
20 conduct timely and periodic reviews of all cases constituting abuse and  
21 neglect. The department shall maintain a log of screened-out  
22 nonabusive cases.

23 (13) The department shall use a risk assessment process when  
24 investigating alleged child abuse and neglect referrals. The  
25 department shall present the risk factors at all hearings in which the  
26 placement of a dependent child is an issue. Substance abuse must be a  
27 risk factor. The department shall, within funds appropriated for this  
28 purpose, offer enhanced community-based services to persons who are  
29 determined not to require further state intervention.

30 The department shall provide annual reports to the legislature on  
31 the effectiveness of the risk assessment process.

32 (14) Upon receipt of a report of alleged abuse or neglect the law  
33 enforcement agency may arrange to interview the person making the  
34 report and any collateral sources to determine if any malice is  
35 involved in the reporting.

36 (15) The department shall make reasonable efforts to learn the  
37 name, address, and telephone number of each person making a report of  
38 abuse or neglect under this section. The department shall provide  
39 assurances of appropriate confidentiality of the identification of

1 persons reporting under this section. If the department is unable to  
2 learn the information required under this subsection, the department  
3 shall only investigate cases in which: (a) The department believes  
4 there is a serious threat of substantial harm to the child; (b) the  
5 report indicates conduct involving a criminal offense that has, or is  
6 about to occur, in which the child is the victim; or (c) the department  
7 has, after investigation, a report of abuse or neglect that has been  
8 founded with regard to a member of the household within three years of  
9 receipt of the referral.

10 *\*Sec. 6. RCW 43.20A.870 and 1997 c 386 s 47 are each amended to*  
11 *read as follows:*

12 *(1) The department shall prepare an annual quality assurance report*  
13 *that shall include but is not limited to: (~~(1)~~) (a) Performance*  
14 *outcomes regarding health and safety of children in the children's*  
15 *services system; (~~(2)~~) (b) children's length of stay in out-of-home*  
16 *placement from each date of referral; (~~(3)~~) (c) adherence to*  
17 *permanency planning timelines; and (~~(4)~~) (d) the response time on*  
18 *child protective services investigations differentiated by risk level*  
19 *determined at intake. The report shall be provided to the governor and*  
20 *legislature not later than July 1.*

21 *(2) In cases where a dependency action has been initiated and in*  
22 *cases where a family has been referred to the alternative response*  
23 *system, the department shall report:*

24 *(a) The number of cases where substance abuse is an identified risk*  
25 *factor in the risk factor assessment;*

26 *(b) The number of cases where substance abuse is the factor or a*  
27 *primary factor in the risk assessment;*

28 *(c) The number of cases where substance abuse treatment is*  
29 *recommended for a parent;*

30 *(d) The period parent's referred to substance abuse treatment wait*  
31 *before entering substance abuse treatment;*

32 *(e) The number of cases where substance abuse is a factor and*  
33 *substance abuse treatment is provided;*

34 *(f) The number of cases where substance abuse is a factor and*  
35 *substance abuse treatment is not provided, including the reason why*  
36 *treatment was not provided; and*

37 *(g) The number of cases where no dependency is filed because a*  
38 *parent receives substance abuse treatment.*

1 \*Sec. 6 was vetoed. See message at end of chapter.

Passed the Senate March 12, 1998.

Passed the House March 11, 1998.

Approved by the Governor April 3, 1998, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State April 3, 1998.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 6,  
3 Engrossed Substitute Senate Bill No. 6238 entitled:

4 "AN ACT Relating to dependent children;"

5 This bill requires the Department of Social and Health Services to  
6 specify, via affidavit, evidence that harm will come to a particular  
7 child if the child is not taken from his home. The affidavit must  
8 contain evidence of the risk of imminent harm. The bill also requires  
9 quicker access to information for parents, to help give them an  
10 adequate opportunity to make their case at the shelter care hearing.  
11 Under this legislation, parents will be able to become more engaged in  
12 the process of identifying the services they require to prevent serious  
13 harm to a child, were the child returned to them.

14 Section 6 of this legislation would require DSHS to publish a great  
15 deal of new information in its annual quality assurance report. The  
16 required information is not now collected, and there is no indication  
17 why DSHS should start collecting it, or what the usefulness of that  
18 information would be. And, no funding was provided for this purpose.

19 For these reasons, I have vetoed section 6 of Engrossed Substitute  
20 Senate Bill No. 6238.

21 With the exception of section 6, Engrossed Substitute Senate Bill  
22 No. 6238 is approved."