
SUBSTITUTE SENATE BILL 5749

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Kohl-Welles, Winsley, Oke and Stevens)

Read first time 02/26/1999.

1 AN ACT Relating to the development of protocols for use during
2 interviews by the department of social and health services in
3 dependency hearings involving allegations of child abuse; adding new
4 sections to chapter 26.44 RCW; creating new sections; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.44 RCW
8 to read as follows:

9 The legislature finds that, state-wide, over six thousand child
10 sexual abuse cases were accepted for investigation in 1998. These
11 cases require a significant level of expertise. It is the intent of
12 the legislature to create an interdisciplinary team, under the
13 direction of the Washington state institute for public policy, to
14 review the techniques for investigative interviews conducted of
15 children and adults during allegations of child sexual abuse and to
16 create state-wide protocols for conducting such interviews. The
17 legislature intends to improve the training and resources available to
18 individuals who conduct these interviews and to increase the accuracy
19 of risk assessments and determinations of fact associated with

1 interviews. The legislature further intends that a cadre of child
2 sexual abuse specialists will be developed in the state.

3 NEW SECTION. **Sec. 2.** (1) A team to create protocols for use by
4 the department of social and health services, law enforcement, and
5 prosecuting attorneys in conducting investigative interviews of alleged
6 child sexual abuse is established under the direction of the Washington
7 state institute for public policy, in collaboration with the department
8 of social and health services and the criminal justice training
9 commission.

10 (2) The team shall include two representatives from the department
11 of social and health services, a mental health professional certified
12 under chapter 18.19 RCW, a physician licensed under chapter 18.71 RCW
13 with substantial experience in child sexual abuse examinations, a
14 member of the Washington state bar whose practice is primarily defense
15 oriented, the attorney general, a superior court judge, two prosecuting
16 attorneys, two law enforcement officers who conduct child sexual abuse
17 investigations, a child development specialist, a representative from
18 an agency serving the developmentally disabled, an advanced registered
19 nurse practitioner licensed under chapter 18.79 RCW, a foster parent,
20 a representative from a child-serving agency, and a victim's advocate.
21 Team members shall be qualified on the basis of knowledge and
22 experience as may contribute to the effectiveness of the team.

23 (3) Each entity representing persons identified in subsection (2)
24 of this section shall be requested by the Washington state institute
25 for public policy to appoint a representative.

26 (4) Members of the team, except public employees and elected
27 officials, shall be compensated in accordance with RCW 43.03.240. Each
28 member shall be entitled to reimbursement for travel expenses incurred
29 in the performance of their duties as provided in RCW 43.03.050 and
30 43.03.060.

31 (5) The team shall conduct its business in a manner designed to
32 permit public participation and input in the development of the
33 protocols.

34 (6) The team shall be subject to chapter 42.30 RCW, the state's
35 open meetings act and chapter 42.17 RCW, the public disclosure act and
36 all appropriate state and federal laws regarding confidentiality of
37 information sharing.

1 (7)(a) The institute shall provide professional, clerical, and
2 administrative support to the team.

3 (b) All state and local government agencies shall fully cooperate
4 with the team in the development of the protocols.

5 NEW SECTION. **Sec. 3.** (1) The team created in section 2 of this
6 act shall develop state-wide protocols for investigative interviews of
7 allegations of child sexual abuse.

8 (2) The protocols shall: (a) Be based on research-based practices
9 and standards; (b) minimize the trauma of all persons who are
10 interviewed during abuse investigations; (c) provide methods of
11 reducing the number of investigative interviews necessary whenever
12 possible; (d) assure, to the extent possible, that investigative
13 interviews are thorough, objective, and complete; (e) recognize needs
14 of special populations, such as persons with developmental
15 disabilities; (f) recognize the nature and consequences of
16 victimization; (g) require investigative interviews to be conducted in
17 a manner most likely to permit the interviewed persons the maximum
18 emotional comfort under the circumstances; (h) address record retention
19 and retrieval; and (i) documentation of investigative interviews.

20 (3) The protocols shall address the following: (a) Specialized and
21 ongoing training of law enforcement, prosecuting attorneys, and persons
22 selected by the department to conduct investigative interviews of child
23 sexual abuse cases, maximizing the use of existing resources within the
24 state whenever possible; (b) identification and referral of cases of
25 alleged child sexual abuse, including those involving multiple victims
26 or multiple offenders, to specially trained individuals; (c) provision
27 for collaboration among the department, law enforcement, defense
28 attorneys, prosecutors, and victim advocates; (d) recognition of the
29 differing levels of child intellectual and emotional development and
30 the consequences of development levels on investigative interview
31 techniques; (e) appropriate training, qualifications, and
32 identification of physicians and other medical personnel who have
33 expertise in performing medical examinations of children who may be
34 victims of child sexual abuse; (f) appropriate training, qualification,
35 and identification of therapists who have expertise in child sexual
36 abuse investigative interviews; (g) law enforcement interviews of
37 alleged child sexual abuse victims or offenders involving child sexual

1 abuse; (h) recommended interview team models; and (i) periodic
2 evaluation of child sexual abuse investigative interview performance.

3 (4) In addition to the development of protocols, the team is
4 authorized and encouraged to make any additional recommendations it
5 finds appropriate to improve the state's response to allegations of
6 child sexual abuse including specialized investigative interview
7 techniques, recognition of different geographical, economic, and
8 cultural needs, and innovative facilities and strategies to reduce
9 child trauma and abuse.

10 (5) The protocols developed by the team shall be presented to the
11 legislature not later than December 1, 1999.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.44 RCW
13 to read as follows:

14 Protocols for the investigation of child sexual abuse shall be
15 implemented, according to the implementation plan, July 1, 2000, and,
16 within available funding, be mandatory minimum requirements in
17 conducting investigative interviews of alleged child sexual abuse by
18 the department of social and health services and law enforcement.
19 Specialized and ongoing training, for persons responsible for
20 investigating child sexual abuse including department personnel, law
21 enforcement, and prosecuting attorneys, shall be a priority.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.44 RCW
23 to read as follows:

24 Every employee of the department who conducts an interview of any
25 person involved in an allegation of abuse or neglect shall retain his
26 or her original written records or notes setting forth the content of
27 the interview unless he or she has entered a verbatim copy of the notes
28 into the electronic system operated by the department which is designed
29 for storage, retrieval, and preservation of such records.

30 NEW SECTION. **Sec. 6.** The department shall conduct a pilot project
31 in two of its administrative regions in which investigative interviews
32 of alleged child sexual abuse are recorded on audiotape. The
33 audiotapes may be used only in dependency or criminal proceedings and
34 all copies must be returned to the department at the conclusion of the
35 proceedings. The pilot project shall begin no later than September 1,
36 1999, and end June 31, 2002. The Washington state institute for public

1 policy shall evaluate the pilot project and report to the legislature
2 by December 1, 2001.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.44 RCW
4 to read as follows:

5 The Washington state institute for public policy shall report once
6 every two years to the legislature and governor on the effectiveness of
7 the protocols developed under chapter . . . , Laws of 1999 (this act),
8 their implementation, changes that have been made in the protocols
9 since the previous report, and recommendations for the improvement of
10 the protocols or their implementation.

11 NEW SECTION. **Sec. 8.** Sections 2, 3, and 6 of this act shall not
12 be codified.

13 NEW SECTION. **Sec. 9.** Sections 1 through 3 and 6 of this act
14 expire January 31, 2002.

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