
SENATE BILL 5749

State of Washington

56th Legislature

1999 Regular Session

By Senators Long, Hargrove, Kohl-Welles, Winsley, Oke and Stevens

Read first time 02/05/1999. Referred to Committee on Human Services & Corrections.

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 a new
4 section to chapter 43.06A RCW; creating new sections; providing an
5 expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 create an interdisciplinary team, housed in the office of family and
9 children's ombudsman, to review the techniques of interviews conducted
10 of children and adults during allegations of child abuse and to create
11 state-wide protocols for conducting such interviews. The legislature
12 intends to improve the training and resources available to individuals
13 who conduct interviews and to increase the accuracy of risk assessments
14 and determinations of fact associated with interviews.

15 NEW SECTION. **Sec. 2.** (1) There is established, within the office
16 of family and children's ombudsman, an interdisciplinary team to create
17 state-wide protocols to be followed during interviews of children and
18 adults during investigations by the department of social and health

1 services of allegations of child abuse. For purposes of this act,
2 "abuse" means the same as defined in chapter 26.44 RCW.

3 (2) The team shall include a representative from the department of
4 social and health services, a mental health professional certified
5 under chapter 18.19 RCW, a physician licensed under chapter 18.71 RCW,
6 a member of the Washington state bar whose practice is primarily
7 defense oriented, the attorney general, a superior court judge, a
8 prosecuting attorney, a child development specialist, an advanced
9 registered nurse practitioner licensed under chapter 18.79 RCW, a
10 person who has expertise in the operation of video and audio taping, a
11 hospital administrator, a foster parent, a representative from a child-
12 serving agency, and three members of the public. Team members shall be
13 qualified on the basis of knowledge and experience as may contribute to
14 the effectiveness of the team.

15 (3) The team shall be appointed by the ombudsman.

16 (4) Members of the team, except public employees and elected
17 officials, shall be compensated in accordance with RCW 43.03.240. Each
18 member shall be entitled to reimbursement for travel expenses incurred
19 in the performance of their duties as provided in RCW 43.03.050 and
20 43.03.060.

21 (5) The team may determine its own operating procedures, elect its
22 own officers, and shall conduct its business in a manner designed to
23 permit maximum public participation and input in the development of the
24 protocols. The team shall meet no less than monthly.

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

29 (7)(a) The office of family and children's ombudsman shall provide
30 professional, legal, clerical, and administrative support to the team.

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

33 NEW SECTION. **Sec. 3.** (1) The team created in section 2 of this
34 act shall develop state-wide protocols for creating a verbatim record
35 of interviews during investigations of allegations of child abuse.

36 (2) The protocols shall be: (a) Based on research-based practices
37 and standards; (b) provide uniform methods for, and application of, the
38 creation of verbatim records of child interviews; (c) minimize the

1 trauma of persons who are interviewed during abuse investigations; (d)
2 provide methods of reducing the number of interviews necessary whenever
3 possible; (e) assure, to the extent possible, that interviews are
4 thorough, objective, and complete; (f) recognize needs of special
5 populations, such as persons with developmental disabilities; (g)
6 require interviews to be conducted in a manner most likely to permit
7 the interviewed persons the maximum emotional comfort under the
8 circumstances; (h) establish initial and ongoing education and training
9 requirements for persons conducting interviews during investigations of
10 alleged child abuse; (i) recognize all types of allegations of child
11 abuse, regardless of the number of alleged victims or perpetrators; (j)
12 require cross-discipline collaboration and training; and (k) address
13 record retention and retrieval.

14 (3) In addition to the development of protocols, the team is
15 authorized and encouraged to make any additional recommendations it
16 finds appropriate to improve the state's response to allegations of
17 child abuse including reorganization of resources, specialized
18 investigative techniques, recognition of different geographical and
19 cultural needs, and innovative facilities and strategies to reduce
20 child trauma and abuse.

21 (4)(a) The protocols developed by the team shall be presented to
22 the legislature and governor not later than October 1, 1999. The
23 protocols shall include a plan for implementation not later than July
24 1, 2000.

25 (b) The protocols shall be implemented July 1, 2000, and be
26 mandatory in conducting interviews during investigations of alleged
27 child abuse by the department of social and health services, solely for
28 purposes of determining dependency and placement of children under
29 Title 13 RCW.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.06A RCW
31 to read as follows:

32 The ombudsman shall report once every two years to the legislature
33 and governor on the effectiveness of the protocols developed under
34 chapter . . . , Laws of 1999 (this act), their implementation, and
35 changes that have been made in the protocols since the previous report.

1 NEW SECTION. **Sec. 5.** The task force shall report not less than
2 monthly to the senate committee on human services and corrections and
3 the house committee on children and family services.

4 NEW SECTION. **Sec. 6.** Sections 1 through 3 and 5 of this act shall
5 not be codified.

6 NEW SECTION. **Sec. 7.** Sections 1 through 3 and 5 of this act
7 expire January 31, 2001.

8 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 immediately.

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