
SUBSTITUTE HOUSE BILL 2510

State of Washington

62nd Legislature

2012 Regular Session

By House Judiciary (originally sponsored by Representatives Kagi, Walsh, Pedersen, Orwall, Jinkins, Dickerson, Ryu, Van De Wege, Darneille, and Roberts)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to limiting government liability during preshelter
2 care investigations of child abuse or neglect; amending RCW 26.44.010;
3 adding a new section to chapter 4.24 RCW; and adding a new section to
4 chapter 26.44 RCW.

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

6 **Sec. 1.** RCW 26.44.010 and 1999 c 176 s 27 are each amended to read
7 as follows:

8 The Washington state legislature finds and declares: The bond
9 between a child and his or her parent, custodian, or guardian is of
10 paramount importance, and any intervention into the life of a child is
11 also an intervention into the life of the parent, custodian, or
12 guardian; however, instances of nonaccidental injury, neglect, death,
13 sexual abuse and cruelty to children by their parents, custodians or
14 guardians have occurred, and in the instance where a child is deprived
15 of his or her right to conditions of minimal nurture, health, and
16 safety, the state is justified in emergency intervention based upon
17 verified information; and therefore the Washington state legislature
18 hereby provides for the reporting of such cases to the appropriate
19 public authorities. It is the intent of the legislature that, as a

1 result of such reports, protective services shall be made available in
2 an effort to prevent further abuses, and to safeguard the general
3 welfare of such children(~~(+ PROVIDED, That such)~~). When the child's
4 interests of basic nurture, physical and mental health, and safety
5 conflict with the interests of a parent, custodian, or guardian, the
6 interests of the child should prevail. When determining whether a
7 child and a parent, custodian, or guardian should be separated during
8 or immediately following an investigation of alleged child abuse or
9 neglect, the safety of the child shall be the department's paramount
10 concern. Reports of child abuse and neglect shall be maintained and
11 disseminated with strictest regard for the privacy of the subjects of
12 such reports and so as to safeguard against arbitrary, malicious or
13 erroneous information or actions(~~(+ PROVIDED FURTHER, That)~~). This
14 chapter shall not be construed to authorize interference with child-
15 raising practices, including reasonable parental discipline, which are
16 not proved to be injurious to the child's health, welfare and safety.

17 NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW
18 to read as follows:

19 (1) Governmental entities, and their officers, agents, employees,
20 and volunteers, are not liable in tort for any of their acts or
21 omissions in emergent placement investigations of child abuse or
22 neglect under chapter 26.44 RCW including, but not limited to, any
23 determination to leave a child with a parent, custodian, or guardian,
24 or to return a child to a parent, custodian, or guardian, unless the
25 act or omission constitutes gross negligence. Emergent placement
26 investigations are those conducted prior to a shelter care hearing
27 under RCW 13.34.065.

28 (2) The department of social and health services and its employees
29 shall comply with the orders of the court, including shelter care and
30 other dependency orders, and are not liable for acts performed to
31 comply with such court orders. In providing reports and
32 recommendations to the court, employees of the department of social and
33 health services are entitled to the same witness immunity as would be
34 provided to any other witness.

35 NEW SECTION. Sec. 3. A new section is added to chapter 26.44 RCW
36 to read as follows:

1 Consistent with the paramount duty of the department to protect the
2 child's interests of basic nurture, physical and mental health, and
3 safety, and the requirement that the child's interests prevail over
4 conflicting interests of a parent, custodian, or guardian, the
5 liability of governmental entities, and their officers, agents,
6 employees, and volunteers, to parents, custodians, or guardians accused
7 of abuse or neglect is limited as provided in section 2 of this act.

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