

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6555

Chapter 259, Laws of 2012

62nd Legislature
2012 Regular Session

CHILD PROTECTIVE SERVICES

EFFECTIVE DATE: 06/07/12 - Except sections 1 and 3 through 10,
which become effective 12/01/13.

Passed by the Senate March 7, 2012
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 6, 2012
YEAS 80 NAYS 17

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6555** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 30, 2012, 1:47 p.m.

FILED

March 30, 2012

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6555

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Human Services & Corrections (originally sponsored by
Senators Hargrove, Shin, and Roach)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to child protective services; amending RCW
2 26.44.030, 26.44.031, 26.44.050, and 26.44.125, and 26.44.010;
3 reenacting and amending RCW 26.44.020, 74.13.020, and 74.13.031; adding
4 new sections to chapter 26.44 RCW; adding a new section to chapter 4.24
5 RCW; creating new sections; and providing an effective date.

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

7 **Sec. 1.** RCW 26.44.020 and 2010 c 176 s 1 are each reenacted and
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or
12 injury of a child by any person under circumstances which cause harm to
13 the child's health, welfare, or safety, excluding conduct permitted
14 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
15 child by a person responsible for or providing care to the child. An
16 abused child is a child who has been subjected to child abuse or
17 neglect as defined in this section.

18 (2) "Child" or "children" means any person under the age of
19 eighteen years of age.

1 (3) "Child protective services" means those services provided by
2 the department designed to protect children from child abuse and
3 neglect and safeguard such children from future abuse and neglect, and
4 conduct investigations of child abuse and neglect reports.
5 Investigations may be conducted regardless of the location of the
6 alleged abuse or neglect. Child protective services includes referral
7 to services to ameliorate conditions that endanger the welfare of
8 children, the coordination of necessary programs and services relevant
9 to the prevention, intervention, and treatment of child abuse and
10 neglect, and services to children to ensure that each child has a
11 permanent home. In determining whether protective services should be
12 provided, the department shall not decline to provide such services
13 solely because of the child's unwillingness or developmental inability
14 to describe the nature and severity of the abuse or neglect.

15 (4) "Child protective services section" means the child protective
16 services section of the department.

17 (5) "Children's advocacy center" means a child-focused facility in
18 good standing with the state chapter for children's advocacy centers
19 and that coordinates a multidisciplinary process for the investigation,
20 prosecution, and treatment of sexual and other types of child abuse.
21 Children's advocacy centers provide a location for forensic interviews
22 and coordinate access to services such as, but not limited to, medical
23 evaluations, advocacy, therapy, and case review by multidisciplinary
24 teams within the context of county protocols as defined in RCW
25 26.44.180 and 26.44.185.

26 (6) "Clergy" means any regularly licensed or ordained minister,
27 priest, or rabbi of any church or religious denomination, whether
28 acting in an individual capacity or as an employee or agent of any
29 public or private organization or institution.

30 (7) "Court" means the superior court of the state of Washington,
31 juvenile department.

32 (8) "Department" means the state department of social and health
33 services.

34 (9) "Family assessment" means a comprehensive assessment of child
35 safety, risk of subsequent child abuse or neglect, and family strengths
36 and needs that is applied to a child abuse or neglect report. Family
37 assessment does not include a determination as to whether child abuse

1 or neglect occurred, but does determine the need for services to
2 address the safety of the child and the risk of subsequent
3 maltreatment.

4 (10) "Family assessment response" means a way of responding to
5 certain reports of child abuse or neglect made under this chapter using
6 a differential response approach to child protective services. The
7 family assessment response shall focus on the safety of the child, the
8 integrity and preservation of the family, and shall assess the status
9 of the child and the family in terms of risk of abuse and neglect
10 including the parent's or guardian's or other caretaker's capacity and
11 willingness to protect the child and, if necessary, plan and arrange
12 the provision of services to reduce the risk and otherwise support the
13 family. No one is named as a perpetrator, and no investigative finding
14 is entered in the record as a result of a family assessment.

15 (11) "Founded" means the determination following an investigation
16 by the department that, based on available information, it is more
17 likely than not that child abuse or neglect did occur.

18 ~~((+10))~~ (12) "Inconclusive" means the determination following an
19 investigation by the department, prior to October 1, 2008, that based
20 on available information a decision cannot be made that more likely
21 than not, child abuse or neglect did or did not occur.

22 ~~((+11))~~ (13) "Institution" means a private or public hospital or
23 any other facility providing medical diagnosis, treatment, or care.

24 ~~((+12))~~ (14) "Law enforcement agency" means the police department,
25 the prosecuting attorney, the state patrol, the director of public
26 safety, or the office of the sheriff.

27 ~~((+13))~~ (15) "Malice" or "maliciously" means an intent, wish, or
28 design to intimidate, annoy, or injure another person. Such malice may
29 be inferred from an act done in willful disregard of the rights of
30 another, or an act wrongfully done without just cause or excuse, or an
31 act or omission of duty betraying a willful disregard of social duty.

32 ~~((+14))~~ (16) "Negligent treatment or maltreatment" means an act or
33 a failure to act, or the cumulative effects of a pattern of conduct,
34 behavior, or inaction, that evidences a serious disregard of
35 consequences of such magnitude as to constitute a clear and present
36 danger to a child's health, welfare, or safety, including but not
37 limited to conduct prohibited under RCW 9A.42.100. When considering
38 whether a clear and present danger exists, evidence of a parent's

1 substance abuse as a contributing factor to negligent treatment or
2 maltreatment shall be given great weight. The fact that siblings share
3 a bedroom is not, in and of itself, negligent treatment or
4 maltreatment. Poverty, homelessness, or exposure to domestic violence
5 as defined in RCW 26.50.010 that is perpetrated against someone other
6 than the child does not constitute negligent treatment or maltreatment
7 in and of itself.

8 ~~((+15+))~~ (17) "Pharmacist" means any registered pharmacist under
9 chapter 18.64 RCW, whether acting in an individual capacity or as an
10 employee or agent of any public or private organization or institution.

11 ~~((+16+))~~ (18) "Practitioner of the healing arts" or "practitioner"
12 means a person licensed by this state to practice podiatric medicine
13 and surgery, optometry, chiropractic, nursing, dentistry, osteopathic
14 medicine and surgery, or medicine and surgery or to provide other
15 health services. The term "practitioner" includes a duly accredited
16 Christian Science practitioner. A person who is being furnished
17 Christian Science treatment by a duly accredited Christian Science
18 practitioner will not be considered, for that reason alone, a neglected
19 person for the purposes of this chapter.

20 ~~((+17+))~~ (19) "Professional school personnel" include, but are not
21 limited to, teachers, counselors, administrators, child care facility
22 personnel, and school nurses.

23 ~~((+18+))~~ (20) "Psychologist" means any person licensed to practice
24 psychology under chapter 18.83 RCW, whether acting in an individual
25 capacity or as an employee or agent of any public or private
26 organization or institution.

27 ~~((+19+))~~ (21) "Screened-out report" means a report of alleged child
28 abuse or neglect that the department has determined does not rise to
29 the level of a credible report of abuse or neglect and is not referred
30 for investigation.

31 ~~((+20+))~~ (22) "Sexual exploitation" includes: (a) Allowing,
32 permitting, or encouraging a child to engage in prostitution by any
33 person; or (b) allowing, permitting, encouraging, or engaging in the
34 obscene or pornographic photographing, filming, or depicting of a child
35 by any person.

36 ~~((+21+))~~ (23) "Sexually aggressive youth" means a child who is
37 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

1 (~~(22)~~) (24) "Social service counselor" means anyone engaged in a
2 professional capacity during the regular course of employment in
3 encouraging or promoting the health, welfare, support, or education of
4 children, or providing social services to adults or families, including
5 mental health, drug and alcohol treatment, and domestic violence
6 programs, whether in an individual capacity, or as an employee or agent
7 of any public or private organization or institution.

8 (~~(23)~~) (25) "Supervising agency" means an agency licensed by the
9 state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that
10 has entered into a performance-based contract with the department to
11 provide child welfare services.

12 (~~(24)~~) (26) "Unfounded" means the determination following an
13 investigation by the department that available information indicates
14 that, more likely than not, child abuse or neglect did not occur, or
15 that there is insufficient evidence for the department to determine
16 whether the alleged child abuse did or did not occur.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW
18 to read as follows:

19 (1) No later than December 1, 2013, the department shall implement
20 the family assessment response. The department may implement the
21 family assessment response on a phased-in basis, by geographical area.

22 (2) The department shall develop an implementation plan in
23 consultation with stakeholders, including tribes. The department shall
24 submit a report of the implementation plan to the appropriate
25 committees of the legislature by December 31, 2012. At a minimum, the
26 following must be developed before implementation and included in the
27 report to the legislature:

28 (a) Description of the family assessment response practice model;

29 (b) Identification of possible additional noninvestigative
30 responses or pathways;

31 (c) Development of an intake screening tool and a family assessment
32 tool specifically to be used in the family assessment response. The
33 family assessment tool must, at minimum, evaluate the safety of the
34 child and determine services needed by the family to improve or restore
35 family well-being;

36 (d) Delineation of staff training requirements;

37 (e) Development of strategies to reduce disproportionality;

1 (f) Development of strategies to assist and connect families with
2 the appropriate private or public housing support agencies, for those
3 parents whose inability to obtain or maintain safe housing creates a
4 risk of harm to the child, risk of out-of-home placement of the child,
5 or a barrier to reunification;

6 (g) Identification of methods to involve local community partners
7 in the development of community-based resources to meet families'
8 needs. Local community partners may include, but are not limited to:
9 Alumni of the foster care system and veteran parents, local private
10 service delivery agencies, schools, local health departments and other
11 health care providers, juvenile court, law enforcement, office of
12 public defense social workers or local defense attorneys, domestic
13 violence victims advocates, and other available community-based
14 entities;

15 (h) Delineation of procedures to assure continuous quality
16 assurance;

17 (i) Identification of current departmental expenditures for
18 services appropriate for the family assessment response, to the
19 greatest practicable extent;

20 (j) Identification of philanthropic funding and other private
21 funding available to supplement public resources in response to
22 identified family needs;

23 (k) Mechanisms to involve the child's Washington state tribe, if
24 any, in any family assessment response, when the child subject to the
25 family assessment response is an Indian child, as defined in RCW
26 13.38.040;

27 (l) A potential phase-in schedule if proposed; and

28 (m) Recommendations for legislative action required to implement
29 the plan.

30 **Sec. 3.** RCW 26.44.030 and 2009 c 480 s 1 are each amended to read
31 as follows:

32 (1)(a) When any practitioner, county coroner or medical examiner,
33 law enforcement officer, professional school personnel, registered or
34 licensed nurse, social service counselor, psychologist, pharmacist,
35 employee of the department of early learning, licensed or certified
36 child care providers or their employees, employee of the department,
37 juvenile probation officer, placement and liaison specialist,

1 responsible living skills program staff, HOPE center staff, or state
2 family and children's ombudsman or any volunteer in the ombudsman's
3 office has reasonable cause to believe that a child has suffered abuse
4 or neglect, he or she shall report such incident, or cause a report to
5 be made, to the proper law enforcement agency or to the department as
6 provided in RCW 26.44.040.

7 (b) When any person, in his or her official supervisory capacity
8 with a nonprofit or for-profit organization, has reasonable cause to
9 believe that a child has suffered abuse or neglect caused by a person
10 over whom he or she regularly exercises supervisory authority, he or
11 she shall report such incident, or cause a report to be made, to the
12 proper law enforcement agency, provided that the person alleged to have
13 caused the abuse or neglect is employed by, contracted by, or
14 volunteers with the organization and coaches, trains, educates, or
15 counsels a child or children or regularly has unsupervised access to a
16 child or children as part of the employment, contract, or voluntary
17 service. No one shall be required to report under this section when he
18 or she obtains the information solely as a result of a privileged
19 communication as provided in RCW 5.60.060.

20 Nothing in this subsection (1)(b) shall limit a person's duty to
21 report under (a) of this subsection.

22 For the purposes of this subsection, the following definitions
23 apply:

24 (i) "Official supervisory capacity" means a position, status, or
25 role created, recognized, or designated by any nonprofit or for-profit
26 organization, either for financial gain or without financial gain,
27 whose scope includes, but is not limited to, overseeing, directing, or
28 managing another person who is employed by, contracted by, or
29 volunteers with the nonprofit or for-profit organization.

30 (ii) "Regularly exercises supervisory authority" means to act in
31 his or her official supervisory capacity on an ongoing or continuing
32 basis with regards to a particular person.

33 (c) The reporting requirement also applies to department of
34 corrections personnel who, in the course of their employment, observe
35 offenders or the children with whom the offenders are in contact. If,
36 as a result of observations or information received in the course of
37 his or her employment, any department of corrections personnel has
38 reasonable cause to believe that a child has suffered abuse or neglect,

1 he or she shall report the incident, or cause a report to be made, to
2 the proper law enforcement agency or to the department as provided in
3 RCW 26.44.040.

4 (d) The reporting requirement shall also apply to any adult who has
5 reasonable cause to believe that a child who resides with them, has
6 suffered severe abuse, and is able or capable of making a report. For
7 the purposes of this subsection, "severe abuse" means any of the
8 following: Any single act of abuse that causes physical trauma of
9 sufficient severity that, if left untreated, could cause death; any
10 single act of sexual abuse that causes significant bleeding, deep
11 bruising, or significant external or internal swelling; or more than
12 one act of physical abuse, each of which causes bleeding, deep
13 bruising, significant external or internal swelling, bone fracture, or
14 unconsciousness.

15 (e) The reporting requirement also applies to guardians ad litem,
16 including court-appointed special advocates, appointed under Titles 11,
17 13, and 26 RCW, who in the course of their representation of children
18 in these actions have reasonable cause to believe a child has been
19 abused or neglected.

20 (f) The report must be made at the first opportunity, but in no
21 case longer than forty-eight hours after there is reasonable cause to
22 believe that the child has suffered abuse or neglect. The report must
23 include the identity of the accused if known.

24 (2) The reporting requirement of subsection (1) of this section
25 does not apply to the discovery of abuse or neglect that occurred
26 during childhood if it is discovered after the child has become an
27 adult. However, if there is reasonable cause to believe other children
28 are or may be at risk of abuse or neglect by the accused, the reporting
29 requirement of subsection (1) of this section does apply.

30 (3) Any other person who has reasonable cause to believe that a
31 child has suffered abuse or neglect may report such incident to the
32 proper law enforcement agency or to the department of social and health
33 services as provided in RCW 26.44.040.

34 (4) The department, upon receiving a report of an incident of
35 alleged abuse or neglect pursuant to this chapter, involving a child
36 who has died or has had physical injury or injuries inflicted upon him
37 or her other than by accidental means or who has been subjected to
38 alleged sexual abuse, shall report such incident to the proper law

1 enforcement agency. In emergency cases, where the child's welfare is
2 endangered, the department shall notify the proper law enforcement
3 agency within twenty-four hours after a report is received by the
4 department. In all other cases, the department shall notify the law
5 enforcement agency within seventy-two hours after a report is received
6 by the department. If the department makes an oral report, a written
7 report must also be made to the proper law enforcement agency within
8 five days thereafter.

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

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

29 (7) The department may conduct ongoing case planning and
30 consultation with those persons or agencies required to report under
31 this section, with consultants designated by the department, and with
32 designated representatives of Washington Indian tribes if the client
33 information exchanged is pertinent to cases currently receiving child
34 protective services. Upon request, the department shall conduct such
35 planning and consultation with those persons required to report under
36 this section if the department determines it is in the best interests
37 of the child. Information considered privileged by statute and not

1 directly related to reports required by this section must not be
2 divulged without a valid written waiver of the privilege.

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

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

21 (10) Upon receiving a report of alleged abuse or neglect, the
22 department shall make reasonable efforts to learn the name, address,
23 and telephone number of each person making a report of abuse or neglect
24 under this section. The department shall provide assurances of
25 appropriate confidentiality of the identification of persons reporting
26 under this section. If the department is unable to learn the
27 information required under this subsection, the department shall only
28 investigate cases in which:

29 (a) The department believes there is a serious threat of
30 substantial harm to the child;

31 (b) The report indicates conduct involving a criminal offense that
32 has, or is about to occur, in which the child is the victim; or

33 (c) The department has a prior founded report of abuse or neglect
34 with regard to a member of the household that is within three years of
35 receipt of the referral.

36 (11)(a) Upon receiving a report of alleged abuse or neglect, the
37 department shall use one of the following discrete responses to reports

1 of child abuse or neglect that are screened in and accepted for
2 departmental response:

3 (i) Investigation; or

4 (ii) Family assessment.

5 (b) In making the response in (a) of this subsection the department
6 shall:

7 (i) Use a method by which to assign cases to investigation or
8 family assessment which are based on an array of factors that may
9 include the presence of: Imminent danger, level of risk, number of
10 previous child abuse or neglect reports, or other presenting case
11 characteristics, such as the type of alleged maltreatment and the age
12 of the alleged victim. Age of the alleged victim shall not be used as
13 the sole criterion for determining case assignment;

14 (ii) Allow for a change in response assignment based on new
15 information that alters risk or safety level;

16 (iii) Allow families assigned to family assessment to choose to
17 receive an investigation rather than a family assessment;

18 (iv) Provide a full investigation if a family refuses the initial
19 family assessment;

20 (v) Provide voluntary services to families based on the results of
21 the initial family assessment. If a family refuses voluntary services,
22 and the department cannot identify specific facts related to risk or
23 safety that warrant assignment to investigation under this chapter, and
24 there is not a history of reports of child abuse or neglect related to
25 the family, then the department must close the family assessment
26 response case. However, if at any time the department identifies risk
27 or safety factors that warrant an investigation under this chapter,
28 then the family assessment response case must be reassigned to
29 investigation;

30 (vi) Conduct an investigation, and not a family assessment, in
31 response to an allegation that, the department determines based on the
32 intake assessment:

33 (A) Poses a risk of "imminent harm" consistent with the definition
34 provided in RCW 13.34.050, which includes, but is not limited to,
35 sexual abuse and sexual exploitation as defined in this chapter;

36 (B) Poses a serious threat of substantial harm to a child;

37 (C) Constitutes conduct involving a criminal offense that has, or
38 is about to occur, in which the child is the victim;

1 (D) The child is an abandoned child as defined in RCW 13.34.030;

2 (E) The child is an adjudicated dependent child as defined in RCW
3 13.34.030, or the child is in a facility that is licensed, operated, or
4 certified for care of children by the department under chapter 74.15
5 RCW, or by the department of early learning.

6 (c) The department may not be held civilly liable for the decision
7 to respond to an allegation of child abuse or neglect by using the
8 family assessment response under this section unless the state or its
9 officers, agents, or employees acted with reckless disregard.

10 (12)(a) For reports of alleged abuse or neglect that are accepted
11 for investigation by the department, the investigation shall be
12 conducted within time frames established by the department in rule. In
13 no case shall the investigation extend longer than ninety days from the
14 date the report is received, unless the investigation is being
15 conducted under a written protocol pursuant to RCW 26.44.180 and a law
16 enforcement agency or prosecuting attorney has determined that a longer
17 investigation period is necessary. At the completion of the
18 investigation, the department shall make a finding that the report of
19 child abuse or neglect is founded or unfounded.

20 (b) If a court in a civil or criminal proceeding, considering the
21 same facts or circumstances as are contained in the report being
22 investigated by the department, makes a judicial finding by a
23 preponderance of the evidence or higher that the subject of the pending
24 investigation has abused or neglected the child, the department shall
25 adopt the finding in its investigation.

26 ((+12+)) (13) For reports of alleged abuse or neglect that are
27 responded to through family assessment response, the department shall:

28 (a) Provide the family with a written explanation of the procedure
29 for assessment of the child and the family and its purposes;

30 (b) Collaborate with the family to identify family strengths,
31 resources, and service needs, and develop a service plan with the goal
32 of reducing risk of harm to the child and improving or restoring family
33 well-being;

34 (c) Complete the family assessment response within forty-five days
35 of receiving the report; however, upon parental agreement, the family
36 assessment response period may be extended up to ninety days;

37 (d) Offer services to the family in a manner that makes it clear
38 that acceptance of the services is voluntary;

1 (e) Implement the family assessment response in a consistent and
2 cooperative manner;

3 (f) Have the parent or guardian sign an agreement to participate in
4 services before services are initiated that informs the parents of
5 their rights under family assessment response, all of their options,
6 and the options the department has if the parents do not sign the
7 consent form.

8 (14) In conducting an investigation or family assessment of alleged
9 abuse or neglect, the department or law enforcement agency:

10 (a) May interview children. If the department determines that the
11 response to the allegation will be family assessment response, the
12 preferred practice is to request a parent's, guardian's, or custodian's
13 permission to interview the child before conducting the child interview
14 unless doing so would compromise the safety of the child or the
15 integrity of the assessment. The interviews may be conducted on school
16 premises, at day-care facilities, at the child's home, or at other
17 suitable locations outside of the presence of parents. If the
18 allegation is investigated, parental notification of the interview must
19 occur at the earliest possible point in the investigation that will not
20 jeopardize the safety or protection of the child or the course of the
21 investigation. Prior to commencing the interview the department or law
22 enforcement agency shall determine whether the child wishes a third
23 party to be present for the interview and, if so, shall make reasonable
24 efforts to accommodate the child's wishes. Unless the child objects,
25 the department or law enforcement agency shall make reasonable efforts
26 to include a third party in any interview so long as the presence of
27 the third party will not jeopardize the course of the investigation;
28 and

29 (b) Shall have access to all relevant records of the child in the
30 possession of mandated reporters and their employees.

31 ~~((+13))~~ (15) If a report of alleged abuse or neglect is founded
32 and constitutes the third founded report received by the department
33 within the last twelve months involving the same child or family, the
34 department shall promptly notify the office of the family and
35 children's ombudsman of the contents of the report. The department
36 shall also notify the ombudsman of the disposition of the report.

37 ~~((+14))~~ (16) In investigating and responding to allegations of

1 child abuse and neglect, the department may conduct background checks
2 as authorized by state and federal law.

3 ~~((+15))~~ (17)(a) The department shall maintain investigation
4 records and conduct timely and periodic reviews of all founded cases of
5 abuse and neglect. The department shall maintain a log of screened-out
6 nonabusive cases.

7 (b) In the family assessment response, the department shall not
8 make a finding as to whether child abuse or neglect occurred. No one
9 shall be named as a perpetrator and no investigative finding shall be
10 entered in the department's child abuse or neglect database.

11 ~~((+16))~~ (18) The department shall use a risk assessment process
12 when investigating alleged child abuse and neglect referrals. The
13 department shall present the risk factors at all hearings in which the
14 placement of a dependent child is an issue. Substance abuse must be a
15 risk factor. ~~((The department shall, within funds appropriated for~~
16 ~~this purpose, offer enhanced community based services to persons who~~
17 ~~are determined not to require further state intervention.~~

18 ~~(+17))~~ (19) Upon receipt of a report of alleged abuse or neglect
19 the law enforcement agency may arrange to interview the person making
20 the report and any collateral sources to determine if any malice is
21 involved in the reporting.

22 ~~((+18))~~ (20) Upon receiving a report of alleged abuse or neglect
23 involving a child under the court's jurisdiction under chapter 13.34
24 RCW, the department shall promptly notify the child's guardian ad litem
25 of the report's contents. The department shall also notify the
26 guardian ad litem of the disposition of the report. For purposes of
27 this subsection, "guardian ad litem" has the meaning provided in RCW
28 13.34.030.

29 **Sec. 4.** RCW 26.44.031 and 2007 c 220 s 3 are each amended to read
30 as follows:

31 (1) To protect the privacy in reporting and the maintenance of
32 reports of nonaccidental injury, neglect, death, sexual abuse, and
33 cruelty to children by their parents, and to safeguard against
34 arbitrary, malicious, or erroneous information or actions, the
35 department shall not disclose or maintain information related to
36 reports of child abuse or neglect except as provided in this section or
37 as otherwise required by state and federal law.

1 (2) The department shall destroy all of its records concerning:

2 (a) A screened-out report, within three years from the receipt of
3 the report; and

4 (b) An unfounded or inconclusive report, within six years of
5 completion of the investigation, unless a prior or subsequent founded
6 report has been received regarding the child who is the subject of the
7 report, a sibling or half-sibling of the child, or a parent, guardian,
8 or legal custodian of the child, before the records are destroyed.

9 (3) The department may keep records concerning founded reports of
10 child abuse or neglect as the department determines by rule.

11 (4) ~~((An))~~ No unfounded, screened-out, or inconclusive report or
12 information about a family's participation or nonparticipation in the
13 family assessment response may ~~((not))~~ be disclosed to a child-placing
14 agency, private adoption agency, or any other provider licensed under
15 chapter 74.15 RCW without the consent of the individual who is the
16 subject of the report or family assessment, unless:

17 (a) The individual seeks to become a licensed foster parent or
18 adoptive parent; or

19 (b) The individual is the parent or legal custodian of a child
20 being served by one of the agencies referenced in this subsection.

21 (5)(a) If the department fails to comply with this section, an
22 individual who is the subject of a report may institute proceedings for
23 injunctive or other appropriate relief for enforcement of the
24 requirement to purge information. These proceedings may be instituted
25 in the superior court for the county in which the person resides or, if
26 the person is not then a resident of this state, in the superior court
27 for Thurston county.

28 (b) If the department fails to comply with subsection (4) of this
29 section and an individual who is the subject of the report or family
30 assessment response information is harmed by the disclosure of
31 information, in addition to the relief provided in (a) of this
32 subsection, the court may award a penalty of up to one thousand dollars
33 and reasonable attorneys' fees and court costs to the petitioner.

34 (c) A proceeding under this subsection does not preclude other
35 methods of enforcement provided for by law.

36 (6) Nothing in this section shall prevent the department from
37 retaining general, nonidentifying information which is required for
38 state and federal reporting and management purposes.

1 **Sec. 5.** RCW 26.44.050 and 1999 c 176 s 33 are each amended to read
2 as follows:

3 Except as provided in RCW 26.44.030(11), upon the receipt of a
4 report concerning the possible occurrence of abuse or neglect, the law
5 enforcement agency or the department of social and health services must
6 investigate and provide the protective services section with a report
7 in accordance with chapter 74.13 RCW, and where necessary to refer such
8 report to the court.

9 A law enforcement officer may take, or cause to be taken, a child
10 into custody without a court order if there is probable cause to
11 believe that the child is abused or neglected and that the child would
12 be injured or could not be taken into custody if it were necessary to
13 first obtain a court order pursuant to RCW 13.34.050. The law
14 enforcement agency or the department of social and health services
15 investigating such a report is hereby authorized to photograph such a
16 child for the purpose of providing documentary evidence of the physical
17 condition of the child.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 26.44 RCW
19 to read as follows:

20 (1) Within ten days of the conclusion of the family assessment, the
21 department must meet with the child's parent or guardian to discuss the
22 recommendation for services to address child safety concerns or
23 significant risk of subsequent child maltreatment.

24 (2) If the parent or guardian disagrees with the department's
25 recommendation regarding the provision of services, the department
26 shall convene a family team decision-making meeting to discuss the
27 recommendations and objections. The caseworker's supervisor and area
28 administrator shall attend the meeting.

29 (3) If the department determines, based on the results of the
30 family assessment, that services are not recommended then the
31 department shall close the family assessment response case.

32 **Sec. 7.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and
33 amended to read as follows:

34 For purposes of this chapter:

35 (1) "Case management" means ~~((the management of services delivered~~
36 ~~to children and families in the child welfare system, including~~

1 ~~permanency – services, – caseworker-child – visits, – family – visits, – the~~
2 ~~convening of family group conferences, the development and revision of~~
3 ~~the case plan, the coordination and monitoring of services needed by~~
4 ~~the child and family, – and the assumption of court-related duties,~~
5 ~~excluding legal representation, – including preparing court reports,~~
6 ~~attending judicial hearings and permanency hearings, and ensuring that~~
7 ~~the child is progressing toward permanency within state and federal~~
8 ~~mandates, – including the Indian child welfare act)) convening family~~
9 ~~meetings, developing, revising, and monitoring implementation of any~~
10 ~~case plan or individual service and safety plan, coordinating and~~
11 ~~monitoring services needed by the child and family, caseworker-child~~
12 ~~visits, family visits, and the assumption of court-related duties,~~
13 ~~excluding legal representation, including preparing court reports,~~
14 ~~attending judicial hearings and permanency hearings, and ensuring that~~
15 ~~the child is progressing toward permanency within state and federal~~
16 ~~mandates, including the Indian child welfare act.~~

17 (2) "Child" means:

18 (a) A person less than eighteen years of age; or

19 (b) A person age eighteen to twenty-one years who is eligible to
20 receive the extended foster care services authorized under RCW
21 74.13.031.

22 (3) "Child protective services" has the same meaning as in RCW
23 26.44.020.

24 (4) "Child welfare services" means social services including
25 voluntary and in-home services, out-of-home care, case management, and
26 adoption services which strengthen, supplement, or substitute for,
27 parental care and supervision for the purpose of:

28 (a) Preventing or remedying, or assisting in the solution of
29 problems which may result in families in conflict, or the neglect,
30 abuse, exploitation, or criminal behavior of children;

31 (b) Protecting and caring for dependent, abused, or neglected
32 children;

33 (c) Assisting children who are in conflict with their parents, and
34 assisting parents who are in conflict with their children, with
35 services designed to resolve such conflicts;

36 (d) Protecting and promoting the welfare of children, including the
37 strengthening of their own homes where possible, or, where needed;

1 (e) Providing adequate care of children away from their homes in
2 foster family homes or day care or other child care agencies or
3 facilities.

4 "Child welfare services" does not include child protection
5 services.

6 (5) "Committee" means the child welfare transformation design
7 committee.

8 (6) "Department" means the department of social and health
9 services.

10 (7) "Extended foster care services" means residential and other
11 support services the department is authorized to provide to foster
12 children. These services include, but are not limited to, placement in
13 licensed, relative, or otherwise approved care, or supervised
14 independent living settings; assistance in meeting basic needs;
15 independent living services; medical assistance; and counseling or
16 treatment.

17 (8) "Family assessment" means a comprehensive assessment of child
18 safety, risk of subsequent child abuse or neglect, and family strengths
19 and needs that is applied to a child abuse or neglect report. Family
20 assessment does not include a determination as to whether child abuse
21 or neglect occurred, but does determine the need for services to
22 address the safety of the child and the risk of subsequent
23 maltreatment.

24 (9) "Measurable effects" means a statistically significant change
25 which occurs as a result of the service or services a supervising
26 agency is assigned in a performance-based contract, in time periods
27 established in the contract.

28 ((+9)) (10) "Out-of-home care services" means services provided
29 after the shelter care hearing to or for children in out-of-home care,
30 as that term is defined in RCW 13.34.030, and their families, including
31 the recruitment, training, and management of foster parents, the
32 recruitment of adoptive families, and the facilitation of the adoption
33 process, family reunification, independent living, emergency shelter,
34 residential group care, and foster care, including relative placement.

35 ((+10)) (11) "Performance-based contracting" means the structuring
36 of all aspects of the procurement of services around the purpose of the
37 work to be performed and the desired results with the contract
38 requirements set forth in clear, specific, and objective terms with

1 measurable outcomes. Contracts shall also include provisions that link
2 the performance of the contractor to the level and timing of
3 reimbursement.

4 ~~((+11+))~~ (12) "Permanency services" means long-term services
5 provided to secure a child's safety, permanency, and well-being,
6 including foster care services, family reunification services, adoption
7 services, and preparation for independent living services.

8 ~~((+12+))~~ (13) "Primary prevention services" means services which
9 are designed and delivered for the primary purpose of enhancing child
10 and family well-being and are shown, by analysis of outcomes, to reduce
11 the risk to the likelihood of the initial need for child welfare
12 services.

13 ~~((+13+))~~ (14) "Supervising agency" means an agency licensed by the
14 state under RCW 74.15.090, or licensed by a federally recognized Indian
15 tribe located in this state under RCW 74.15.190, that has entered into
16 a performance-based contract with the department to provide case
17 management for the delivery and documentation of child welfare
18 services, as defined in this section.

19 **Sec. 8.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are
20 each reenacted and amended to read as follows:

21 (1) The department and supervising agencies shall develop,
22 administer, supervise, and monitor a coordinated and comprehensive plan
23 that establishes, aids, and strengthens services for the protection and
24 care of runaway, dependent, or neglected children.

25 (2) Within available resources, the department and supervising
26 agencies shall recruit an adequate number of prospective adoptive and
27 foster homes, both regular and specialized, i.e. homes for children of
28 ethnic minority, including Indian homes for Indian children, sibling
29 groups, handicapped and emotionally disturbed, teens, pregnant and
30 parenting teens, and the department shall annually report to the
31 governor and the legislature concerning the department's and
32 supervising agency's success in: (a) Meeting the need for adoptive and
33 foster home placements; (b) reducing the foster parent turnover rate;
34 (c) completing home studies for legally free children; and (d)
35 implementing and operating the passport program required by RCW
36 74.13.285. The report shall include a section entitled "Foster Home
37 Turn-Over, Causes and Recommendations."

1 (3) The department shall investigate complaints of any recent act
2 or failure to act on the part of a parent or caretaker that results in
3 death, serious physical or emotional harm, or sexual abuse or
4 exploitation, or that presents an imminent risk of serious harm, and on
5 the basis of the findings of such investigation, offer child welfare
6 services in relation to the problem to such parents, legal custodians,
7 or persons serving in loco parentis, and/or bring the situation to the
8 attention of an appropriate court, or another community agency. An
9 investigation is not required of nonaccidental injuries which are
10 clearly not the result of a lack of care or supervision by the child's
11 parents, legal custodians, or persons serving in loco parentis. If the
12 investigation reveals that a crime against a child may have been
13 committed, the department shall notify the appropriate law enforcement
14 agency.

15 (4) As provided in RCW 26.44.030(11), the department may respond to
16 a report of child abuse or neglect by using the family assessment
17 response.

18 (5) The department or supervising agencies shall offer, on a
19 voluntary basis, family reconciliation services to families who are in
20 conflict.

21 ((+5)) (6) The department or supervising agencies shall monitor
22 placements of children in out-of-home care and in-home dependencies to
23 assure the safety, well-being, and quality of care being provided is
24 within the scope of the intent of the legislature as defined in RCW
25 74.13.010 and 74.15.010. Under this section children in out-of-home
26 care and in-home dependencies and their caregivers shall receive a
27 private and individual face-to-face visit each month. The department
28 and the supervising agencies shall randomly select no less than ten
29 percent of the caregivers currently providing care to receive one
30 unannounced face-to-face visit in the caregiver's home per year. No
31 caregiver will receive an unannounced visit through the random
32 selection process for two consecutive years. If the caseworker makes
33 a good faith effort to conduct the unannounced visit to a caregiver and
34 is unable to do so, that month's visit to that caregiver need not be
35 unannounced. The department and supervising agencies are encouraged to
36 group monthly visits to caregivers by geographic area so that in the
37 event an unannounced visit cannot be completed, the caseworker may

1 complete other required monthly visits. The department shall use a
2 method of random selection that does not cause a fiscal impact to the
3 department.

4 The department or supervising agencies shall conduct the monthly
5 visits with children and caregivers to whom it is providing child
6 welfare services.

7 ~~((+6+))~~ (7) The department and supervising agencies shall have
8 authority to accept custody of children from parents and to accept
9 custody of children from juvenile courts, where authorized to do so
10 under law, to provide child welfare services including placement for
11 adoption, to provide for the routine and necessary medical, dental, and
12 mental health care, or necessary emergency care of the children, and to
13 provide for the physical care of such children and make payment of
14 maintenance costs if needed. Except where required by Public Law 95-
15 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
16 children for adoption from the department shall discriminate on the
17 basis of race, creed, or color when considering applications in their
18 placement for adoption.

19 ~~((+7+))~~ (8) The department and supervising agency shall have
20 authority to provide temporary shelter to children who have run away
21 from home and who are admitted to crisis residential centers.

22 ~~((+8+))~~ (9) The department and supervising agency shall have
23 authority to purchase care for children.

24 ~~((+9+))~~ (10) The department shall establish a children's services
25 advisory committee with sufficient members representing supervising
26 agencies which shall assist the secretary in the development of a
27 partnership plan for utilizing resources of the public and private
28 sectors, and advise on all matters pertaining to child welfare,
29 licensing of child care agencies, adoption, and services related
30 thereto. At least one member shall represent the adoption community.

31 ~~((+10+))~~ (11) The department and supervising agencies shall have
32 authority to provide continued extended foster care services to youth
33 ages eighteen to twenty-one years to participate in or complete a
34 secondary education program or a secondary education equivalency
35 program.

36 ~~((+11+))~~ (12) The department~~((+7-has))~~ shall have authority to
37 provide adoption support benefits, or relative guardianship subsidies
38 on behalf of youth ages eighteen to twenty-one years who achieved

1 permanency through adoption or a relative guardianship at age sixteen
2 or older and who meet the criteria described in subsection (~~(10)~~)
3 (11) of this section.

4 (~~(12)~~) (13) The department shall refer cases to the division of
5 child support whenever state or federal funds are expended for the care
6 and maintenance of a child, including a child with a developmental
7 disability who is placed as a result of an action under chapter 13.34
8 RCW, unless the department finds that there is good cause not to pursue
9 collection of child support against the parent or parents of the child.
10 Cases involving individuals age eighteen through twenty shall not be
11 referred to the division of child support unless required by federal
12 law.

13 (~~(13)~~) (14) The department and supervising agencies shall have
14 authority within funds appropriated for foster care services to
15 purchase care for Indian children who are in the custody of a federally
16 recognized Indian tribe or tribally licensed child-placing agency
17 pursuant to parental consent, tribal court order, or state juvenile
18 court order; and the purchase of such care shall be subject to the same
19 eligibility standards and rates of support applicable to other children
20 for whom the department purchases care.

21 Notwithstanding any other provision of RCW 13.32A.170 through
22 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
23 services to be provided by the department under subsections (4), (~~(6)~~,
24 ~~and~~) (7), and (8) of this section, subject to the limitations of these
25 subsections, may be provided by any program offering such services
26 funded pursuant to Titles II and III of the federal juvenile justice
27 and delinquency prevention act of 1974.

28 (~~(14)~~) (15) Within amounts appropriated for this specific
29 purpose, the supervising agency or department shall provide preventive
30 services to families with children that prevent or shorten the duration
31 of an out-of-home placement.

32 (~~(15)~~) (16) The department and supervising agencies shall have
33 authority to provide independent living services to youths, including
34 individuals who have attained eighteen years of age, and have not
35 attained twenty-one years of age who are or have been in foster care.

36 (~~(16)~~) (17) The department and supervising agencies shall consult
37 at least quarterly with foster parents, including members of the foster
38 parent association of Washington state, for the purpose of receiving

1 information and comment regarding how the department and supervising
2 agencies are performing the duties and meeting the obligations
3 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
4 recruitment of foster homes, reducing foster parent turnover rates,
5 providing effective training for foster parents, and administering a
6 coordinated and comprehensive plan that strengthens services for the
7 protection of children. Consultation shall occur at the regional and
8 statewide levels.

9 (18)(a) The department shall, within current funding levels, place
10 on its public web site a document listing the duties and
11 responsibilities the department has to a child subject to a dependency
12 petition including, but not limited to, the following:

13 (i) Reasonable efforts, including the provision of services, toward
14 reunification of the child with his or her family;

15 (ii) Sibling visits subject to the restrictions in RCW
16 13.34.136(2)(b)(ii);

17 (iii) Parent-child visits;

18 (iv) Statutory preference for placement with a relative or other
19 suitable person, if appropriate; and

20 (v) Statutory preference for an out-of-home placement that allows
21 the child to remain in the same school or school district, if practical
22 and in the child's best interests.

23 (b) The document must be prepared in conjunction with a community-
24 based organization and must be updated as needed.

25 NEW SECTION. **Sec. 9.** The Washington state institute for public
26 policy shall conduct an evaluation of the implementation of the family
27 assessment response. The institute shall define the data to be
28 gathered and maintained. At a minimum, the evaluations must address
29 child safety measures, out-of-home placement rates, re-referral rates,
30 and caseload sizes and demographics. The institute shall deliver its
31 first report no later than December 1, 2014, and its final report by
32 December 1, 2016.

33 NEW SECTION. **Sec. 10.** The department of social and health
34 services shall conduct two client satisfaction surveys of families that
35 have been placed in the family assessment response. The first survey

1 results shall be reported no later than December 1, 2014. The second
2 survey results shall be reported no later than December 1, 2016.

3 **Sec. 11.** RCW 26.44.125 and 1998 c 314 s 9 are each amended to read
4 as follows:

5 (1) A person who is named as an alleged perpetrator after October
6 1, 1998, in a founded report of child abuse or neglect has the right to
7 seek review and amendment of the finding as provided in this section.

8 (2) Within ~~((twenty))~~ thirty calendar days after ~~((receiving~~
9 ~~written notice from the department))~~ the department has notified the
10 alleged perpetrator under RCW 26.44.100 that ~~((a))~~ the person is named
11 as an alleged perpetrator in a founded report of child abuse or
12 neglect, he or she may request that the department review the finding.
13 The request must be made in writing. The written notice provided by
14 the department must contain at least the following information in plain
15 language:

16 (a) Information about the department's investigative finding as it
17 relates to the alleged perpetrator;

18 (b) Sufficient factual information to apprise the alleged
19 perpetrator of the date and nature of the founded reports;

20 (c) That the alleged perpetrator has the right to submit to child
21 protective services a written response regarding the child protective
22 services finding which, if received, shall be filed in the department's
23 records;

24 (d) That information in the department's records, including
25 information about this founded report, may be considered in a later
26 investigation or proceeding related to a different allegation of child
27 abuse or neglect or child custody;

28 (e) That founded allegations of child abuse or neglect may be used
29 by the department in determining:

30 (i) If a perpetrator is qualified to be licensed or approved to
31 care for children or vulnerable adults; or

32 (ii) If a perpetrator is qualified to be employed by the department
33 in a position having unsupervised access to children or vulnerable
34 adults;

35 (f) That the alleged perpetrator has a right to challenge a founded
36 allegation of child abuse or neglect.

1 (3) If a request for review is not made as provided in this
2 subsection, the alleged perpetrator may not further challenge the
3 finding and shall have no right to agency review or to an adjudicative
4 hearing or judicial review of the finding, unless he or she can show
5 that the department did not comply with the notice requirements of RCW
6 26.44.100.

7 (~~(3)~~) (4) Upon receipt of a written request for review, the
8 department shall review and, if appropriate, may amend the finding.
9 Management level staff within the children's administration designated
10 by the secretary shall be responsible for the review. The review must
11 be completed within thirty days after receiving the written request for
12 review. The review must be conducted in accordance with procedures the
13 department establishes by rule. Upon completion of the review, the
14 department shall notify the alleged perpetrator in writing of the
15 agency's determination. The notification must be sent by certified
16 mail, return receipt requested, to the person's last known address.

17 (~~(4)~~) (5) If, following agency review, the report remains
18 founded, the person named as the alleged perpetrator in the report may
19 request an adjudicative hearing to contest the finding. The
20 adjudicative proceeding is governed by chapter 34.05 RCW and this
21 section. The request for an adjudicative proceeding must be filed
22 within thirty calendar days after receiving notice of the agency review
23 determination. If a request for an adjudicative proceeding is not made
24 as provided in this subsection, the alleged perpetrator may not further
25 challenge the finding and shall have no right to agency review or to an
26 adjudicative hearing or judicial review of the finding.

27 (~~(5)~~) (6) Reviews and hearings conducted under this section are
28 confidential and shall not be open to the public. Information about
29 reports, reviews, and hearings may be disclosed only in accordance with
30 federal and state laws pertaining to child welfare records and child
31 protective services reports.

32 (~~(6)~~) (7) The department may adopt rules to implement this
33 section.

34 **Sec. 12.** RCW 26.44.010 and 1999 c 176 s 27 are each amended to
35 read as follows:

36 The Washington state legislature finds and declares: The bond
37 between a child and his or her parent, custodian, or guardian is of

1 paramount importance, and any intervention into the life of a child is
2 also an intervention into the life of the parent, custodian, or
3 guardian; however, instances of nonaccidental injury, neglect, death,
4 sexual abuse and cruelty to children by their parents, custodians or
5 guardians have occurred, and in the instance where a child is deprived
6 of his or her right to conditions of minimal nurture, health, and
7 safety, the state is justified in emergency intervention based upon
8 verified information; and therefore the Washington state legislature
9 hereby provides for the reporting of such cases to the appropriate
10 public authorities. It is the intent of the legislature that, as a
11 result of such reports, protective services shall be made available in
12 an effort to prevent further abuses, and to safeguard the general
13 welfare of such children(~~(: PROVIDED, That such)~~). When the child's
14 physical or mental health is jeopardized, or the safety of the child
15 conflicts with the legal rights of a parent, custodian, or guardian,
16 the health and safety interests of the child should prevail. When
17 determining whether a child and a parent, custodian, or guardian should
18 be separated during or immediately following an investigation of
19 alleged child abuse or neglect, the safety of the child shall be the
20 department's paramount concern. Reports of child abuse and neglect
21 shall be maintained and disseminated with strictest regard for the
22 privacy of the subjects of such reports and so as to safeguard against
23 arbitrary, malicious or erroneous information or actions(~~(: PROVIDED~~
24 ~~FURTHER, That)~~). This chapter shall not be construed to authorize
25 interference with child- raising practices, including reasonable
26 parental discipline, which are not proved to be injurious to the
27 child's health, welfare and safety.

28 NEW SECTION. Sec. 13. A new section is added to chapter 4.24 RCW
29 to read as follows:

30 (1) Governmental entities, and their officers, agents, employees,
31 and volunteers, are not liable in tort for any of their acts or
32 omissions in emergent placement investigations of child abuse or
33 neglect under chapter 26.44 RCW including, but not limited to, any
34 determination to leave a child with a parent, custodian, or guardian,
35 or to return a child to a parent, custodian, or guardian, unless the
36 act or omission constitutes gross negligence. Emergent placement

1 investigations are those conducted prior to a shelter care hearing
2 under RCW 13.34.065.

3 (2) The department of social and health services and its employees
4 shall comply with the orders of the court, including shelter care and
5 other dependency orders, and are not liable for acts performed to
6 comply with such court orders. In providing reports and
7 recommendations to the court, employees of the department of social and
8 health services are entitled to the same witness immunity as would be
9 provided to any other witness.

10 NEW SECTION. **Sec. 14.** A new section is added to chapter 26.44 RCW
11 to read as follows:

12 Consistent with the paramount concern of the department to protect
13 the child's interests of basic nurture, physical and mental health, and
14 safety, and the requirement that the child's health and safety
15 interests prevail over conflicting legal interests of a parent,
16 custodian, or guardian, the liability of governmental entities, and
17 their officers, agents, employees, and volunteers, to parents,
18 custodians, or guardians accused of abuse or neglect is limited as
19 provided in section 13 of this act.

20 NEW SECTION. **Sec. 15.** Sections 1 and 3 through 10 of this act
21 take effect December 1, 2013.

Passed by the Senate March 7, 2012.

Passed by the House March 6, 2012.

Approved by the Governor March 30, 2012.

Filed in Office of Secretary of State March 30, 2012.