

CERTIFICATION OF ENROLLMENT

SENATE BILL 5359

63rd Legislature
2013 Regular Session

Passed by the Senate April 19, 2013
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 15, 2013
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5359** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5359

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By Senator Carrell

Read first time 01/28/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to mandatory reporting of child abuse or neglect by
2 supervised persons; amending RCW 26.44.030; reenacting and amending RCW
3 26.44.030; providing an effective date; and providing an expiration
4 date.

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

6 **Sec. 1.** RCW 26.44.030 and 2012 c 55 s 1 are each amended to read
7 as follows:

8 (1)(a) When any practitioner, county coroner or medical examiner,
9 law enforcement officer, professional school personnel, registered or
10 licensed nurse, social service counselor, psychologist, pharmacist,
11 employee of the department of early learning, licensed or certified
12 child care providers or their employees, employee of the department,
13 juvenile probation officer, placement and liaison specialist,
14 responsible living skills program staff, HOPE center staff, or state
15 family and children's ombudsman or any volunteer in the ombudsman's
16 office has reasonable cause to believe that a child has suffered abuse
17 or neglect, he or she shall report such incident, or cause a report to
18 be made, to the proper law enforcement agency or to the department as
19 provided in RCW 26.44.040.

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

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

16 For the purposes of this subsection, the following definitions
17 apply:

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

24 (ii) "Organization" includes a sole proprietor, partnership,
25 corporation, limited liability company, trust, association, financial
26 institution, governmental entity, other than the federal government,
27 and any other individual or group engaged in a trade, occupation,
28 enterprise, governmental function, charitable function, or similar
29 activity in this state whether or not the entity is operated as a
30 nonprofit or for-profit entity.

31 (iii) "Reasonable cause" means a person witnesses or receives a
32 credible written or oral report alleging abuse, including sexual
33 contact, or neglect of a child.

34 (iv) "Regularly exercises supervisory authority" means to act in
35 his or her official supervisory capacity on an ongoing or continuing
36 basis with regards to a particular person.

37 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

1 (c) The reporting requirement also applies to department of
2 corrections personnel who, in the course of their employment, observe
3 offenders or the children with whom the offenders are in contact. If,
4 as a result of observations or information received in the course of
5 his or her employment, any department of corrections personnel has
6 reasonable cause to believe that a child has suffered abuse or neglect,
7 he or she shall report the incident, or cause a report to be made, to
8 the proper law enforcement agency or to the department as provided in
9 RCW 26.44.040.

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

21 (e) The reporting requirement also applies to guardians ad litem,
22 including court-appointed special advocates, appointed under Titles 11,
23 13, and 26 RCW, who in the course of their representation of children
24 in these actions have reasonable cause to believe a child has been
25 abused or neglected.

26 (f) The reporting requirement in (a) of this subsection also
27 applies to administrative and academic or athletic department
28 employees, including student employees, of institutions of higher
29 education, as defined in RCW 28B.10.016, and of private institutions of
30 higher education.

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

35 (2) The reporting requirement of subsection (1) of this section
36 does not apply to the discovery of abuse or neglect that occurred
37 during childhood if it is discovered after the child has become an

1 adult. However, if there is reasonable cause to believe other children
2 are or may be at risk of abuse or neglect by the accused, the reporting
3 requirement of subsection (1) of this section does apply.

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

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

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

36 (6) Any county prosecutor or city attorney receiving a report under
37 subsection (5) of this section shall notify the victim, any persons the

1 victim requests, and the local office of the department, of the
2 decision to charge or decline to charge a crime, within five days of
3 making the decision.

4 (7) The department may conduct ongoing case planning and
5 consultation with those persons or agencies required to report under
6 this section, with consultants designated by the department, and with
7 designated representatives of Washington Indian tribes if the client
8 information exchanged is pertinent to cases currently receiving child
9 protective services. Upon request, the department shall conduct such
10 planning and consultation with those persons required to report under
11 this section if the department determines it is in the best interests
12 of the child. Information considered privileged by statute and not
13 directly related to reports required by this section must not be
14 divulged without a valid written waiver of the privilege.

15 (8) Any case referred to the department by a physician licensed
16 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
17 opinion that child abuse, neglect, or sexual assault has occurred and
18 that the child's safety will be seriously endangered if returned home,
19 the department shall file a dependency petition unless a second
20 licensed physician of the parents' choice believes that such expert
21 medical opinion is incorrect. If the parents fail to designate a
22 second physician, the department may make the selection. If a
23 physician finds that a child has suffered abuse or neglect but that
24 such abuse or neglect does not constitute imminent danger to the
25 child's health or safety, and the department agrees with the
26 physician's assessment, the child may be left in the parents' home
27 while the department proceeds with reasonable efforts to remedy
28 parenting deficiencies.

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

33 (10) Upon receiving a report of alleged abuse or neglect, the
34 department shall make reasonable efforts to learn the name, address,
35 and telephone number of each person making a report of abuse or neglect
36 under this section. The department shall provide assurances of
37 appropriate confidentiality of the identification of persons reporting

1 under this section. If the department is unable to learn the
2 information required under this subsection, the department shall only
3 investigate cases in which:

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

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

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

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

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

27 (12) In conducting an investigation of alleged abuse or neglect,
28 the department or law enforcement agency:

29 (a) May interview children. The interviews may be conducted on
30 school premises, at day-care facilities, at the child's home, or at
31 other suitable locations outside of the presence of parents. Parental
32 notification of the interview must occur at the earliest possible point
33 in the investigation that will not jeopardize the safety or protection
34 of the child or the course of the investigation. Prior to commencing
35 the interview the department or law enforcement agency shall determine
36 whether the child wishes a third party to be present for the interview
37 and, if so, shall make reasonable efforts to accommodate the child's
38 wishes. Unless the child objects, the department or law enforcement

1 agency shall make reasonable efforts to include a third party in any
2 interview so long as the presence of the third party will not
3 jeopardize the course of the investigation; and

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

6 (13) If a report of alleged abuse or neglect is founded and
7 constitutes the third founded report received by the department within
8 the last twelve months involving the same child or family, the
9 department shall promptly notify the office of the family and
10 children's ombudsman of the contents of the report. The department
11 shall also notify the ombudsman of the disposition of the report.

12 (14) In investigating and responding to allegations of child abuse
13 and neglect, the department may conduct background checks as authorized
14 by state and federal law.

15 (15) The department shall maintain investigation records and
16 conduct timely and periodic reviews of all founded cases of abuse and
17 neglect. The department shall maintain a log of screened-out
18 nonabusive cases.

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

26 (17) Upon receipt of a report of alleged abuse or neglect the law
27 enforcement agency may arrange to interview the person making the
28 report and any collateral sources to determine if any malice is
29 involved in the reporting.

30 (18) Upon receiving a report of alleged abuse or neglect involving
31 a child under the court's jurisdiction under chapter 13.34 RCW, the
32 department shall promptly notify the child's guardian ad litem of the
33 report's contents. The department shall also notify the guardian ad
34 litem of the disposition of the report. For purposes of this
35 subsection, "guardian ad litem" has the meaning provided in RCW
36 13.34.030.

1 **Sec. 2.** RCW 26.44.030 and 2012 c 259 s 3 and 2012 c 55 s 1 are
2 each reenacted and amended to read 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 employee of the department of early learning, licensed or certified
7 child care providers or their employees, employee of the department,
8 juvenile probation officer, placement and liaison specialist,
9 responsible living skills program staff, HOPE center staff, or state
10 family and children's ombudsman or any volunteer in the ombudsman's
11 office has reasonable cause to believe that a child has suffered abuse
12 or neglect, he or she shall report such incident, or cause a report to
13 be made, to the proper law enforcement agency or to the department as
14 provided in RCW 26.44.040.

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

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

30 For the purposes of this subsection, the following definitions
31 apply:

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

1 (ii) "Organization" includes a sole proprietor, partnership,
2 corporation, limited liability company, trust, association, financial
3 institution, governmental entity, other than the federal government,
4 and any other individual or group engaged in a trade, occupation,
5 enterprise, governmental function, charitable function, or similar
6 activity in this state whether or not the entity is operated as a
7 nonprofit or for-profit entity.

8 (iii) "Reasonable cause" means a person witnesses or receives a
9 credible written or oral report alleging abuse, including sexual
10 contact, or neglect of a child.

11 (iv) "Regularly exercises supervisory authority" means to act in
12 his or her official supervisory capacity on an ongoing or continuing
13 basis with regards to a particular person.

14 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

15 (c) The reporting requirement also applies to department of
16 corrections personnel who, in the course of their employment, observe
17 offenders or the children with whom the offenders are in contact. If,
18 as a result of observations or information received in the course of
19 his or her employment, any department of corrections personnel has
20 reasonable cause to believe that a child has suffered abuse or neglect,
21 he or she shall report the incident, or cause a report to be made, to
22 the proper law enforcement agency or to the department as provided in
23 RCW 26.44.040.

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

35 (e) The reporting requirement also applies to guardians ad litem,
36 including court-appointed special advocates, appointed under Titles 11,
37 13, and 26 RCW, who in the course of their representation of children

1 in these actions have reasonable cause to believe a child has been
2 abused or neglected.

3 (f) The reporting requirement in (a) of this subsection also
4 applies to administrative and academic or athletic department
5 employees, including student employees, of institutions of higher
6 education, as defined in RCW 28B.10.016, and of private institutions of
7 higher education.

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

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

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

22 (4) The department, upon receiving a report of an incident of
23 alleged abuse or neglect pursuant to this chapter, involving a child
24 who has died or has had physical injury or injuries inflicted upon him
25 or her other than by accidental means or who has been subjected to
26 alleged sexual abuse, shall report such incident to the proper law
27 enforcement agency. In emergency cases, where the child's welfare is
28 endangered, the department shall notify the proper law enforcement
29 agency within twenty-four hours after a report is received by the
30 department. In all other cases, the department shall notify the law
31 enforcement agency within seventy-two hours after a report is received
32 by the department. If the department makes an oral report, a written
33 report must also be made to the proper law enforcement agency within
34 five days thereafter.

35 (5) Any law enforcement agency receiving a report of an incident of
36 alleged abuse or neglect pursuant to this chapter, involving a child
37 who has died or has had physical injury or injuries inflicted upon him
38 or her other than by accidental means, or who has been subjected to

1 alleged sexual abuse, shall report such incident in writing as provided
2 in RCW 26.44.040 to the proper county prosecutor or city attorney for
3 appropriate action whenever the law enforcement agency's investigation
4 reveals that a crime may have been committed. The law enforcement
5 agency shall also notify the department of all reports received and the
6 law enforcement agency's disposition of them. In emergency cases,
7 where the child's welfare is endangered, the law enforcement agency
8 shall notify the department within twenty-four hours. In all other
9 cases, the law enforcement agency shall notify the department within
10 seventy-two hours after a report is received by the law enforcement
11 agency.

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

17 (7) The department may conduct ongoing case planning and
18 consultation with those persons or agencies required to report under
19 this section, with consultants designated by the department, and with
20 designated representatives of Washington Indian tribes if the client
21 information exchanged is pertinent to cases currently receiving child
22 protective services. Upon request, the department shall conduct such
23 planning and consultation with those persons required to report under
24 this section if the department determines it is in the best interests
25 of the child. Information considered privileged by statute and not
26 directly related to reports required by this section must not be
27 divulged without a valid written waiver of the privilege.

28 (8) Any case referred to the department by a physician licensed
29 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
30 opinion that child abuse, neglect, or sexual assault has occurred and
31 that the child's safety will be seriously endangered if returned home,
32 the department shall file a dependency petition unless a second
33 licensed physician of the parents' choice believes that such expert
34 medical opinion is incorrect. If the parents fail to designate a
35 second physician, the department may make the selection. If a
36 physician finds that a child has suffered abuse or neglect but that
37 such abuse or neglect does not constitute imminent danger to the
38 child's health or safety, and the department agrees with the

1 physician's assessment, the child may be left in the parents' home
2 while the department proceeds with reasonable efforts to remedy
3 parenting deficiencies.

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

8 (10) Upon receiving a report of alleged abuse or neglect, the
9 department shall make reasonable efforts to learn the name, address,
10 and telephone number of each person making a report of abuse or neglect
11 under this section. The department shall provide assurances of
12 appropriate confidentiality of the identification of persons reporting
13 under this section. If the department is unable to learn the
14 information required under this subsection, the department shall only
15 investigate cases in which:

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

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

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

23 (11)(a) Upon receiving a report of alleged abuse or neglect, the
24 department shall use one of the following discrete responses to reports
25 of child abuse or neglect that are screened in and accepted for
26 departmental response:

27 (i) Investigation; or

28 (ii) Family assessment.

29 (b) In making the response in (a) of this subsection the department
30 shall:

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

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

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

5 (iv) Provide a full investigation if a family refuses the initial
6 family assessment;

7 (v) Provide voluntary services to families based on the results of
8 the initial family assessment. If a family refuses voluntary services,
9 and the department cannot identify specific facts related to risk or
10 safety that warrant assignment to investigation under this chapter, and
11 there is not a history of reports of child abuse or neglect related to
12 the family, then the department must close the family assessment
13 response case. However, if at any time the department identifies risk
14 or safety factors that warrant an investigation under this chapter,
15 then the family assessment response case must be reassigned to
16 investigation;

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

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

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

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

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

27 (E) The child is an adjudicated dependent child as defined in RCW
28 13.34.030, or the child is in a facility that is licensed, operated, or
29 certified for care of children by the department under chapter 74.15
30 RCW, or by the department of early learning.

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

35 (12)(a) For reports of alleged abuse or neglect that are accepted
36 for investigation by the department, the investigation shall be
37 conducted within time frames established by the department in rule. In
38 no case shall the investigation extend longer than ninety days from the

1 date the report is received, unless the investigation is being
2 conducted under a written protocol pursuant to RCW 26.44.180 and a law
3 enforcement agency or prosecuting attorney has determined that a longer
4 investigation period is necessary. At the completion of the
5 investigation, the department shall make a finding that the report of
6 child abuse or neglect is founded or unfounded.

7 (b) If a court in a civil or criminal proceeding, considering the
8 same facts or circumstances as are contained in the report being
9 investigated by the department, makes a judicial finding by a
10 preponderance of the evidence or higher that the subject of the pending
11 investigation has abused or neglected the child, the department shall
12 adopt the finding in its investigation.

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

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

17 (b) Collaborate with the family to identify family strengths,
18 resources, and service needs, and develop a service plan with the goal
19 of reducing risk of harm to the child and improving or restoring family
20 well-being;

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

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

26 (e) Implement the family assessment response in a consistent and
27 cooperative manner;

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

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

35 (a) May interview children. If the department determines that the
36 response to the allegation will be family assessment response, the
37 preferred practice is to request a parent's, guardian's, or custodian's
38 permission to interview the child before conducting the child interview

1 unless doing so would compromise the safety of the child or the
2 integrity of the assessment. The interviews may be conducted on school
3 premises, at day-care facilities, at the child's home, or at other
4 suitable locations outside of the presence of parents. If the
5 allegation is investigated, parental notification of the interview must
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 and

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

18 (15) If a report of alleged abuse or neglect is founded and
19 constitutes the third founded report received by the department within
20 the last twelve months involving the same child or family, the
21 department shall promptly notify the office of the family and
22 children's ombudsman of the contents of the report. The department
23 shall also notify the ombudsman of the disposition of the report.

24 (16) In investigating and responding to allegations of child abuse
25 and neglect, the department may conduct background checks as authorized
26 by state and federal law.

27 (17)(a) The department shall maintain investigation records and
28 conduct timely and periodic reviews of all founded cases of abuse and
29 neglect. The department shall maintain a log of screened-out
30 nonabusive cases.

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

35 (18) The department shall use a risk assessment process when
36 investigating alleged child abuse and neglect referrals. The
37 department shall present the risk factors at all hearings in which the

1 placement of a dependent child is an issue. Substance abuse must be a
2 risk factor.

3 (19) Upon receipt of a report of alleged abuse or neglect the law
4 enforcement agency may arrange to interview the person making the
5 report and any collateral sources to determine if any malice is
6 involved in the reporting.

7 (20) Upon receiving a report of alleged abuse or neglect involving
8 a child under the court's jurisdiction under chapter 13.34 RCW, the
9 department shall promptly notify the child's guardian ad litem of the
10 report's contents. The department shall also notify the guardian ad
11 litem of the disposition of the report. For purposes of this
12 subsection, "guardian ad litem" has the meaning provided in RCW
13 13.34.030.

14 NEW SECTION. **Sec. 3.** Section 1 of this act expires December
15 1, 2013.

16 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect December
17 1, 2013.

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