## CERTIFICATION OF ENROLLMENT

## SUBSTITUTE SENATE BILL 5316

Chapter 48, Laws of 2013

63rd Legislature 2013 Regular Session

CHILD ABUSE OR NEGLECT--K-12 SCHOOLS--INTERVIEWS

EFFECTIVE DATE: 07/28/13 - Except section 2, which becomes effective 12/01/13.

Passed by the Senate March 5, 2013 YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 12, 2013 YEAS 94 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 23, 2013, 4:04 p.m.

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5316** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 24, 2013

JAY INSLEE

Governor of the State of Washington

Secretary of State State of Washington

## SUBSTITUTE SENATE BILL 5316

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

**By** Senate Human Services & Corrections (originally sponsored by Senators Becker and Carrell)

READ FIRST TIME 02/20/13.

AN ACT Relating to adopting a model policy to require a third person to be present during interviews; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration 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, law enforcement officer, professional school personnel, registered or 9 10 licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified 11 child care providers or their employees, employee of the department, 12 probation officer, placement and 13 juvenile liaison specialist, responsible living skills program staff, HOPE center staff, or state 14 15 family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse 16 or neglect, he or she shall report such incident, or cause a report to 17 18 be made, to the proper law enforcement agency or to the department as 19 provided in RCW 26.44.040.

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

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

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

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

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

27 (c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe 28 offenders or the children with whom the offenders are in contact. 29 If, as a result of observations or information received in the course of 30 31 his or her employment, any department of corrections personnel has 32 reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to 33 the proper law enforcement agency or to the department as provided in 34 RCW 26.44.040. 35

(d) The reporting requirement shall also apply to any adult who has
 reasonable cause to believe that a child who resides with them, has
 suffered severe abuse, and is able or capable of making a report. For

the purposes of this subsection, "severe abuse" means any of the 1 2 following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any 3 single act of sexual abuse that causes significant bleeding, deep 4 5 bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep б 7 bruising, significant external or internal swelling, bone fracture, or 8 unconsciousness.

9 (e) The reporting requirement also applies to guardians ad litem, 10 including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children 12 in these actions have reasonable cause to believe a child has been 13 abused or neglected.

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

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

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

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

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is

endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of 8 alleged abuse or neglect pursuant to this chapter, involving a child 9 who has died or has had physical injury or injuries inflicted upon him 10 or her other than by accidental means, or who has been subjected to 11 12 alleged sexual abuse, shall report such incident in writing as provided 13 in RCW 26.44.040 to the proper county prosecutor or city attorney for 14 appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement 15 agency shall also notify the department of all reports received and the 16 17 law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency 18 shall notify the department within twenty-four hours. In all other 19 cases, the law enforcement agency shall notify the department within 20 21 seventy-two hours after a report is received by the law enforcement 22 agency.

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

The department may conduct ongoing case planning and 28 (7) consultation with those persons or agencies required to report under 29 this section, with consultants designated by the department, and with 30 designated representatives of Washington Indian tribes if the client 31 32 information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such 33 planning and consultation with those persons required to report under 34 this section if the department determines it is in the best interests 35 of the child. Information considered privileged by statute and not 36 37 directly related to reports required by this section must not be divulged without a valid written waiver of the privilege. 38

(8) Any case referred to the department by a physician licensed 1 2 under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and 3 that the child's safety will be seriously endangered if returned home, 4 5 the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert б 7 medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. 8 If a physician finds that a child has suffered abuse or neglect but that 9 10 such abuse or neglect does not constitute imminent danger to the 11 child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home 12 13 while the department proceeds with reasonable efforts to remedy parenting deficiencies. 14

15 (9) Persons or agencies exchanging information under subsection (7) 16 of this section shall not further disseminate or release the 17 information except as authorized by state or federal statute. 18 Violation of this subsection is a misdemeanor.

19 (10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, 20 21 and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of 22 appropriate confidentiality of the identification of persons reporting 23 24 under this section. If the department is unable to learn the 25 information required under this subsection, the department shall only investigate cases in which: 26

(a) The department believes there is a serious threat ofsubstantial harm to the child;

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

31 (c) The department has a prior founded report of abuse or neglect 32 with regard to a member of the household that is within three years of 33 receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being

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

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

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

14 ((<del>(a)</del>)) (i) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's 15 home, or at other suitable locations outside of the presence of 16 parents. Parental notification of the interview must occur at the 17 earliest possible point in the investigation that will not jeopardize 18 the safety or protection of the child or the course of the 19 investigation. Prior to commencing the interview the department or law 20 21 enforcement agency shall determine whether the child wishes a third 22 party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, 23 24 the department or law enforcement agency shall make reasonable efforts 25 to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; 26 27 and

28 ((<del>(b)</del>)) <u>(ii)</u> Shall have access to all relevant records of the child 29 in the possession of mandated reporters and their employees.

30 (b) The Washington state school directors' association shall adopt 31 a model policy addressing protocols when an interview, as authorized by 32 this subsection, is conducted on school premises. In formulating its 33 policy, the association shall consult with the department and the 34 Washington association of sheriffs and police chiefs.

35 (13) If a report of alleged abuse or neglect is founded and 36 constitutes the third founded report received by the department within 37 the last twelve months involving the same child or family, the

р. б

1 department shall promptly notify the office of the family and 2 children's ombudsman of the contents of the report. The department 3 shall also notify the ombudsman of the disposition of the report.

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

7 (15) The department shall maintain investigation records and 8 conduct timely and periodic reviews of all founded cases of abuse and 9 neglect. The department shall maintain a log of screened-out 10 nonabusive cases.

11 (16) The department shall use a risk assessment process when 12 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 this 16 purpose, offer enhanced community-based services to persons who are 17 determined not to require further state intervention.

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

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

Sec. 2. RCW 26.44.030 and 2012 c 259 s 3 and 2012 c 55 s 1 are ach reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state

family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

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

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

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

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

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

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

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

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

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

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

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

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

35 (3) Any other person who has reasonable cause to believe that a 36 child has suffered abuse or neglect may report such incident to the 37 proper law enforcement agency or to the department of social and health 38 services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of 1 2 alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him 3 or her other than by accidental means or who has been subjected to 4 5 alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is б 7 endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the 8 department. In all other cases, the department shall notify the law 9 10 enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written 11 12 report must also be made to the proper law enforcement agency within 13 five days thereafter.

14 (5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child 15 16 who has died or has had physical injury or injuries inflicted upon him 17 or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided 18 19 in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation 20 21 reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the 22 law enforcement agency's disposition of them. In emergency cases, 23 24 where the child's welfare is endangered, the law enforcement agency 25 shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within 26 27 seventy-two hours after a report is received by the law enforcement 28 agency.

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

34 (7) The department may conduct ongoing case planning and 35 consultation with those persons or agencies required to report under 36 this section, with consultants designated by the department, and with 37 designated representatives of Washington Indian tribes if the client 38 information exchanged is pertinent to cases currently receiving child

protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed 7 under chapter 18.57 or 18.71 RCW on the basis of an expert medical 8 opinion that child abuse, neglect, or sexual assault has occurred and 9 10 that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second 11 licensed physician of the parents' choice believes that such expert 12 13 medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. 14 If a physician finds that a child has suffered abuse or neglect but that 15 such abuse or neglect does not constitute imminent danger to the 16 17 child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home 18 while the department proceeds with reasonable efforts to remedy 19 20 parenting deficiencies.

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

25 (10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, 26 27 and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of 28 appropriate confidentiality of the identification of persons reporting 29 If the department is unable to learn the 30 under this section. information required under this subsection, the department shall only 31 32 investigate cases in which:

33 (a) The department believes there is a serious threat of34 substantial harm to the child;

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

37 (c) The department has a prior founded report of abuse or neglect

with regard to a member of the household that is within three years of
 receipt of the referral.

3 (11)(a) Upon receiving a report of alleged abuse or neglect, the 4 department shall use one of the following discrete responses to reports 5 of child abuse or neglect that are screened in and accepted for 6 departmental response:

7 (i) Investigation; or

8 (ii) Family assessment.

9 (b) In making the response in (a) of this subsection the department 10 shall:

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

18 (ii) Allow for a change in response assignment based on new 19 information that alters risk or safety level;

20 (iii) Allow families assigned to family assessment to choose to 21 receive an investigation rather than a family assessment;

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

24 (v) Provide voluntary services to families based on the results of 25 the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or 26 27 safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to 28 29 the family, then the department must close the family assessment 30 response case. However, if at any time the department identifies risk 31 or safety factors that warrant an investigation under this chapter, 32 then the family assessment response case must be reassigned to investigation; 33

34 (vi) Conduct an investigation, and not a family assessment, in 35 response to an allegation that, the department determines based on the 36 intake assessment:

37

(A) Poses a risk of "imminent harm" consistent with the definition

provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

3

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

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

б

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

7 (E) The child is an adjudicated dependent child as defined in RCW 8 13.34.030, or the child is in a facility that is licensed, operated, or 9 certified for care of children by the department under chapter 74.15 10 RCW, or by the department of early learning.

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

(12)(a) For reports of alleged abuse or neglect that are accepted 15 for investigation by the department, the investigation shall 16 be 17 conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the 18 date the report is received, unless the investigation is being 19 conducted under a written protocol pursuant to RCW 26.44.180 and a law 20 21 enforcement agency or prosecuting attorney has determined that a longer 22 investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of 23 24 child abuse or neglect is founded or unfounded.

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

31 (13) For reports of alleged abuse or neglect that are responded to 32 through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedurefor assessment of the child and the family and its purposes;

35 (b) Collaborate with the family to identify family strengths, 36 resources, and service needs, and develop a service plan with the goal 37 of reducing risk of harm to the child and improving or restoring family 38 well-being; (c) Complete the family assessment response within forty-five days
 of receiving the report; however, upon parental agreement, the family
 assessment response period may be extended up to ninety days;

4 (d) Offer services to the family in a manner that makes it clear5 that acceptance of the services is voluntary;

6 (e) Implement the family assessment response in a consistent and 7 cooperative manner;

8 (f) Have the parent or guardian sign an agreement to participate in 9 services before services are initiated that informs the parents of 10 their rights under family assessment response, all of their options, 11 and the options the department has if the parents do not sign the 12 consent form.

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

((<del>(a)</del>)) <u>(i)</u> May interview children. If the department determines 15 that the response to the allegation will be family assessment response, 16 17 the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the 18 child interview unless doing so would compromise the safety of the 19 child or the integrity of the assessment. The interviews may be 20 conducted on school premises, at day-care facilities, at the child's 21 22 home, or at other suitable locations outside of the presence of If the allegation is investigated, parental notification of 23 parents. 24 the interview must occur at the earliest possible point in the 25 investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the 26 27 interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview 28 and, if so, shall make reasonable efforts to accommodate the child's 29 wishes. Unless the child objects, the department or law enforcement 30 31 agency shall make reasonable efforts to include a third party in any 32 interview so long as the presence of the third party will not jeopardize the course of the investigation; and 33

34 ((<del>(b)</del>)) <u>(ii)</u> Shall have access to all relevant records of the child 35 in the possession of mandated reporters and their employees.

36 (b) The Washington state school directors' association shall adopt
 37 a model policy addressing protocols when an interview, as authorized by

1 this subsection, is conducted on school premises. In formulating its 2 policy, the association shall consult with the department and the 3 Washington association of sheriffs and police chiefs.

4 (15) If a report of alleged abuse or neglect is founded and 5 constitutes the third founded report received by the department within 6 the last twelve months involving the same child or family, the 7 department shall promptly notify the office of the family and 8 children's ombudsman of the contents of the report. The department 9 shall also notify the ombudsman of the disposition of the report.

10 (16) In investigating and responding to allegations of child abuse 11 and neglect, the department may conduct background checks as authorized 12 by state and federal law.

13 (17)(a) The department shall maintain investigation records and 14 conduct timely and periodic reviews of all founded cases of abuse and 15 neglect. The department shall maintain a log of screened-out 16 nonabusive cases.

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

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

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

30 (20) 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.

<u>NEW SECTION.</u> Sec. 3. Section 1 of this act expires December 1,
 2013.

- 3 <u>NEW SECTION.</u> Sec. 4. Section 2 of this act takes effect December
- 4 1, 2013.

Passed by the Senate March 5, 2013. Passed by the House April 12, 2013. Approved by the Governor April 23, 2013. Filed in Office of Secretary of State April 24, 2013.