

**SB 5280** - H COMM AMD

By Committee on Human Services, Youth, & Early Learning

**ADOPTED 04/11/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3  
4 are each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

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

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

16 (3) "Child forensic interview" means a developmentally sensitive  
17 and legally sound method of gathering factual information regarding  
18 allegations of child abuse, child neglect, or exposure to violence.  
19 This interview is conducted by a competently trained, neutral  
20 professional utilizing techniques informed by research and best  
21 practice as part of a larger investigative process.

22 (4) "Child protective services" means those services provided by  
23 the department designed to protect children from child abuse and  
24 neglect and safeguard such children from future abuse and neglect,  
25 and conduct investigations of child abuse and neglect reports.  
26 Investigations may be conducted regardless of the location of the  
27 alleged abuse or neglect. Child protective services includes referral  
28 to services to ameliorate conditions that endanger the welfare of  
29 children, the coordination of necessary programs and services  
30 relevant to the prevention, intervention, and treatment of child  
31 abuse and neglect, and services to children to ensure that each child  
32 has a permanent home. In determining whether protective services

1 should be provided, the department shall not decline to provide such  
2 services solely because of the child's unwillingness or developmental  
3 inability to describe the nature and severity of the abuse or  
4 neglect.

5 (5) "Child protective services section" means the child  
6 protective services section of the department.

7 (6) "Child who is a candidate for foster care" means a child who  
8 the department identifies as being at imminent risk of entering  
9 foster care but who can remain safely in the child's home or in a  
10 kinship placement as long as services or programs that are necessary  
11 to prevent entry of the child into foster care are provided, and  
12 includes but is not limited to a child whose adoption or guardianship  
13 arrangement is at risk of a disruption or dissolution that would  
14 result in a foster care placement. The term includes a child for whom  
15 there is reasonable cause to believe that any of the following  
16 circumstances exist:

17 (a) The child has been abandoned by the parent as defined in RCW  
18 13.34.030 and the child's health, safety, and welfare is seriously  
19 endangered as a result;

20 (b) The child has been abused or neglected as defined in this  
21 chapter and the child's health, safety, and welfare is seriously  
22 endangered as a result;

23 (c) There is no parent capable of meeting the child's needs such  
24 that the child is in circumstances that constitute a serious danger  
25 to the child's development;

26 (d) The child is otherwise at imminent risk of harm.

27 (7) "Children's advocacy center" means a child-focused facility  
28 in good standing with the state chapter for children's advocacy  
29 centers and that coordinates a multidisciplinary process for the  
30 investigation, prosecution, and treatment of sexual and other types  
31 of child abuse. Children's advocacy centers provide a location for  
32 forensic interviews and coordinate access to services such as, but  
33 not limited to, medical evaluations, advocacy, therapy, and case  
34 review by multidisciplinary teams within the context of county  
35 protocols as defined in RCW 26.44.180 and 26.44.185.

36 (8) "~~((Clergy))~~ Member of the clergy" means any regularly  
37 licensed, accredited, or ordained minister, priest, ~~((or))~~ rabbi,  
38 imam, elder, or similarly situated religious or spiritual leader of  
39 any church ~~((or))~~, religious denomination, religious body, spiritual  
40 community, or sect, or person performing official duties that are

1 recognized as the duties of a member of the clergy under the  
2 discipline, tenets, doctrine, or custom of the person's church,  
3 religious denomination, religious body, spiritual community, or sect,  
4 whether acting in an individual capacity or as an employee ((~~or~~)),  
5 agent, or official of any public or private organization or  
6 institution.

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

9 (10) "Department" means the department of children, youth, and  
10 families.

11 (11) "Experiencing homelessness" means lacking a fixed, regular,  
12 and adequate nighttime residence, including circumstances such as  
13 sharing the housing of other persons due to loss of housing, economic  
14 hardship, fleeing domestic violence, or a similar reason as described  
15 in the federal McKinney-Vento homeless assistance act (Title 42  
16 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

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

24 (13) "Family assessment response" means a way of responding to  
25 certain reports of child abuse or neglect made under this chapter  
26 using a differential response approach to child protective services.  
27 The family assessment response shall focus on the safety of the  
28 child, the integrity and preservation of the family, and shall assess  
29 the status of the child and the family in terms of risk of abuse and  
30 neglect including the parent's or guardian's or other caretaker's  
31 capacity and willingness to protect the child and, if necessary, plan  
32 and arrange the provision of services to reduce the risk and  
33 otherwise support the family. No one is named as a perpetrator, and  
34 no investigative finding is entered in the record as a result of a  
35 family assessment.

36 (14) "Founded" means the determination following an investigation  
37 by the department that, based on available information, it is more  
38 likely than not that child abuse or neglect did occur.

39 (15) "Inconclusive" means the determination following an  
40 investigation by the department of social and health services, prior

1 to October 1, 2008, that based on available information a decision  
2 cannot be made that more likely than not, child abuse or neglect did  
3 or did not occur.

4 (16) "Institution" means a private or public hospital or any  
5 other facility providing medical diagnosis, treatment, or care.

6 (17) "Law enforcement agency" means the police department, the  
7 prosecuting attorney, the state patrol, the director of public  
8 safety, or the office of the sheriff.

9 (18) "Malice" or "maliciously" means an intent, wish, or design  
10 to intimidate, annoy, or injure another person. Such malice may be  
11 inferred from an act done in willful disregard of the rights of  
12 another, or an act wrongfully done without just cause or excuse, or  
13 an act or omission of duty betraying a willful disregard of social  
14 duty.

15 (19) "Negligent treatment or maltreatment" means an act or a  
16 failure to act, or the cumulative effects of a pattern of conduct,  
17 behavior, or inaction, that evidences a serious disregard of  
18 consequences of such magnitude as to constitute a clear and present  
19 danger to a child's health, welfare, or safety, including but not  
20 limited to conduct prohibited under RCW 9A.42.100. When considering  
21 whether a clear and present danger exists, evidence of a parent's  
22 substance abuse as a contributing factor to negligent treatment or  
23 maltreatment shall be given great weight. The fact that siblings  
24 share a bedroom is not, in and of itself, negligent treatment or  
25 maltreatment. Poverty, experiencing homelessness, or exposure to  
26 domestic violence as defined in RCW 7.105.010 that is perpetrated  
27 against someone other than the child does not constitute negligent  
28 treatment or maltreatment in and of itself.

29 (20) "Pharmacist" means any registered pharmacist under chapter  
30 18.64 RCW, whether acting in an individual capacity or as an employee  
31 or agent of any public or private organization or institution.

32 (21) "Practitioner of the healing arts" or "practitioner" means a  
33 person licensed by this state to practice podiatric medicine and  
34 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
35 medicine and surgery, or medicine and surgery or to provide other  
36 health services. The term "practitioner" includes a duly accredited  
37 Christian Science practitioner. A person who is being furnished  
38 Christian Science treatment by a duly accredited Christian Science  
39 practitioner will not be considered, for that reason alone, a  
40 neglected person for the purposes of this chapter.

1 (22) "Prevention and family services and programs" means specific  
2 mental health prevention and treatment services, substance abuse  
3 prevention and treatment services, and in-home parent skill-based  
4 programs that qualify for federal funding under the federal family  
5 first prevention services act, P.L. 115-123. For purposes of this  
6 chapter, prevention and family services and programs are not remedial  
7 services or family reunification services as described in RCW  
8 13.34.025(2).

9 (23) "Professional school personnel" include, but are not limited  
10 to, teachers, counselors, administrators, child care facility  
11 personnel, and school nurses.

12 (24) "Psychologist" means any person licensed to practice  
13 psychology under chapter 18.83 RCW, whether acting in an individual  
14 capacity or as an employee or agent of any public or private  
15 organization or institution.

16 (25) "Screened-out report" means a report of alleged child abuse  
17 or neglect that the department has determined does not rise to the  
18 level of a credible report of abuse or neglect and is not referred  
19 for investigation.

20 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or  
21 encouraging a child to engage in prostitution by any person; or (b)  
22 allowing, permitting, encouraging, or engaging in the obscene or  
23 pornographic photographing, filming, or depicting of a child by any  
24 person.

25 (27) "Sexually aggressive youth" means a child who is defined in  
26 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

27 (28) "Social service counselor" means anyone engaged in a  
28 professional capacity during the regular course of employment in  
29 encouraging or promoting the health, welfare, support, or education  
30 of children, or providing social services to adults or families,  
31 including mental health, drug and alcohol treatment, and domestic  
32 violence programs, whether in an individual capacity, or as an  
33 employee or agent of any public or private organization or  
34 institution.

35 (29) "Unfounded" means the determination following an  
36 investigation by the department that available information indicates  
37 that, more likely than not, child abuse or neglect did not occur, or  
38 that there is insufficient evidence for the department to determine  
39 whether the alleged child abuse did or did not occur.

1       **Sec. 2.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to  
2 read as follows:

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

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

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

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

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

39       (ii) "Organization" includes a sole proprietor, partnership,  
40 corporation, limited liability company, trust, association, financial

1 institution, governmental entity, other than the federal government,  
2 and any other individual or group engaged in a trade, occupation,  
3 enterprise, governmental function, charitable function, or similar  
4 activity in this state whether or not the entity is operated as a  
5 nonprofit or for-profit entity.

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

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

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

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

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

33 (e) The reporting requirement also applies to guardians ad litem,  
34 including court-appointed special advocates, appointed under Titles  
35 11 and 13 RCW and this title, who in the course of their  
36 representation of children in these actions have reasonable cause to  
37 believe a child has been abused or neglected.

38 (f) The reporting requirement in (a) of this subsection also  
39 applies to administrative and academic or athletic department  
40 employees, including student employees, of institutions of higher

1 education, as defined in RCW 28B.10.016, and of private institutions  
2 of higher education.

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

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

14 (3) Any other person who has reasonable cause to believe that a  
15 child has suffered abuse or neglect may report such incident to the  
16 proper law enforcement agency or to the department as provided in RCW  
17 26.44.040.

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

32 (5) Any law enforcement agency receiving a report of an incident  
33 of alleged abuse or neglect pursuant to this chapter, involving a  
34 child who has died or has had physical injury or injuries inflicted  
35 upon him or her other than by accidental means, or who has been  
36 subjected to alleged sexual abuse, shall report such incident in  
37 writing as provided in RCW 26.44.040 to the proper county prosecutor  
38 or city attorney for appropriate action whenever the law enforcement  
39 agency's investigation reveals that a crime may have been committed.  
40 The law enforcement agency shall also notify the department of all

1 reports received and the law enforcement agency's disposition of  
2 them. In emergency cases, where the child's welfare is endangered,  
3 the law enforcement agency shall notify the department within twenty-  
4 four hours. In all other cases, the law enforcement agency shall  
5 notify the department within seventy-two hours after a report is  
6 received by the law enforcement agency.

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

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

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

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

1 (10) Upon receiving a report that a child is a candidate for  
2 foster care as defined in RCW 26.44.020, the department may provide  
3 prevention and family services and programs to the child's parents,  
4 guardian, or caregiver. The department may not be held civilly liable  
5 for the decision regarding whether to provide prevention and family  
6 services and programs, or for the provision of those services and  
7 programs, for a child determined to be a candidate for foster care.

8 (11) 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  
11 neglect under this section. The department shall provide assurances  
12 of appropriate confidentiality of the identification of persons  
13 reporting under this section. If the department is unable to learn  
14 the information required under this subsection, the department shall  
15 only 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  
19 that 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  
22 of receipt of the referral.

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

27 (i) Investigation; or

28 (ii) Family assessment.

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

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

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

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

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

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

18 (A) Indicates a child's health, safety, and welfare will be  
19 seriously endangered if not taken into custody for reasons including,  
20 but not limited to, sexual abuse and sexual exploitation of the child  
21 as defined in this chapter;

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

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

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

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

30 (c) In addition, the department may use a family assessment  
31 response to assess for and provide prevention and family services and  
32 programs, as defined in RCW 26.44.020, for the following children and  
33 their families, consistent with requirements under the federal family  
34 first prevention services act and this section:

35 (i) A child who is a candidate for foster care, as defined in RCW  
36 26.44.020; and

37 (ii) A child who is in foster care and who is pregnant,  
38 parenting, or both.

39 (d) The department may not be held civilly liable for the  
40 decision to respond to an allegation of child abuse or neglect by

1 using the family assessment response under this section unless the  
2 state or its officers, agents, or employees acted with reckless  
3 disregard.

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

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

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

22 (a) Provide the family with a written explanation of the  
23 procedure for assessment of the child and the family and its  
24 purposes;

25 (b) Collaborate with the family to identify family strengths,  
26 resources, and service needs, and develop a service plan with the  
27 goal of reducing risk of harm to the child and improving or restoring  
28 family well-being;

29 (c) Complete the family assessment response within forty-five  
30 days of receiving the report except as follows:

31 (i) Upon parental agreement, the family assessment response  
32 period may be extended up to one hundred twenty days. The  
33 department's extension of the family assessment response period must  
34 be operated within the department's appropriations;

35 (ii) For cases in which the department elects to use a family  
36 assessment response as authorized under subsection (12)(c) of this  
37 section, and upon agreement of the child's parent, legal guardian,  
38 legal custodian, or relative placement, the family assessment  
39 response period may be extended up to one year. The department's

1 extension of the family assessment response must be operated within  
2 the department's appropriations.

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

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

7 (f) Have the parent or guardian agree to participate in services  
8 before services are initiated. The department shall inform the  
9 parents of their rights under family assessment response, all of  
10 their options, and the options the department has if the parents do  
11 not agree to participate in services.

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

14 (i) May interview children. If the department determines that the  
15 response to the allegation will be family assessment response, the  
16 preferred practice is to request a parent's, guardian's, or  
17 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 home, or at other suitable locations outside of the presence of  
22 parents. If the allegation is investigated, parental notification of  
23 the interview must occur at the earliest possible point in the  
24 investigation that will not jeopardize the safety or protection of  
25 the child or the course of the investigation. Prior to commencing the  
26 interview the department or law enforcement agency shall determine  
27 whether the child wishes a third party to be present for the  
28 interview and, if so, shall make reasonable efforts to accommodate  
29 the child's wishes. Unless the child objects, the department or law  
30 enforcement agency shall make reasonable efforts to include a third  
31 party in any interview so long as the presence of the third party  
32 will not jeopardize the course of the investigation; and

33 (ii) Shall have access to all relevant records of the child in  
34 the possession of mandated reporters and their employees.

35 (b) The Washington state school directors' association shall  
36 adopt a model policy addressing protocols when an interview, as  
37 authorized by this subsection, is conducted on school premises. In  
38 formulating its policy, the association shall consult with the  
39 department and the Washington association of sheriffs and police  
40 chiefs.

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

7 (17) In investigating and responding to allegations of child  
8 abuse and neglect, the department may conduct background checks as  
9 authorized by state and federal law.

10 (18)(a) The department shall maintain investigation records and  
11 conduct timely and periodic reviews of all founded cases of abuse and  
12 neglect. The department shall maintain a log of screened-out  
13 nonabusive cases.

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

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

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

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

34 (22) The department shall make efforts as soon as practicable to  
35 determine the military status of parents whose children are subject  
36 to abuse or neglect allegations. If the department determines that a  
37 parent or guardian is in the military, the department shall notify a  
38 department of defense family advocacy program that there is an  
39 allegation of abuse and neglect that is screened in and open for  
40 investigation that relates to that military parent or guardian.

1           (23) The department shall make available on its public website a  
2 downloadable and printable poster that includes the reporting  
3 requirements included in this section. The poster must be no smaller  
4 than eight and one-half by eleven inches with all information on one  
5 side. The poster must be made available in both the English and  
6 Spanish languages. Organizations that include employees or volunteers  
7 subject to the reporting requirements of this section must clearly  
8 display this poster in a common area. At a minimum, this poster must  
9 include the following:

- 10           (a) Who is required to report child abuse and neglect;  
11           (b) The standard of knowledge to justify a report;  
12           (c) The definition of reportable crimes;  
13           (d) Where to report suspected child abuse and neglect; and  
14           (e) What should be included in a report and the appropriate  
15 timing."

16           Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Adds a person who is an elder to the definition of "member of the clergy."

(2) Removes the mandatory reporting of child abuse and neglect exemption for information that a member of the clergy obtains through a confession.

--- END ---