

HOUSE BILL REPORT

HB 1439

As Reported by House Committee On:
Human Services, Youth, & Early Learning

Title: An act relating to child exposure to violence.

Brief Description: Addressing child exposure to violence.

Sponsors: Representatives Goodman, Eslick, Simmons, Walen, Fey, Reed, Doglio, Davis and Leavitt.

Brief History:

Committee Activity:

Human Services, Youth, & Early Learning: 2/7/23, 2/15/23 [DPS].

Brief Summary of Substitute Bill

- Creates a Washington State Children Exposed to Violence Task Force.
- Expands the scope of Children's Advocacy Centers to include serving children exposed to violence.

HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan, Goodman, Ortiz-Self and Rule.

Minority Report: Without recommendation. Signed by 2 members: Representatives Dent and Walsh.

Staff: Luke Wickham (786-7146).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Children's Advocacy Centers.

Children's advocacy centers (CACs) are child-focused facilities that coordinate a multidisciplinary response for the investigation, prosecution, and treatment of sexual and other types of child abuse. The CACs provide a location for forensic interviews and coordinate access to services such as medical evaluations, advocacy, therapy, and case review by multidisciplinary teams.

A child forensic interview is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. The interview is conducted by a competently trained, neutral professional using techniques informed by research and best practice as part of a larger investigative process.

Multidisciplinary Teams.

Each agency involved in investigating child sexual abuse, online sexual exploitation, and commercial sexual exploitation of minors, as well as investigations of child fatality, child physical abuse, and criminal child neglect cases, must document their role in handling those cases and how they coordinate with other local agencies or systems and must adopt a local protocol based on statewide guidelines. The Department of Children, Youth, and Families (DCYF) and local law enforcement may include other agencies and systems that are involved with child sexual abuse victims in the multidisciplinary coordination.

Each county must adopt a written protocol for handling investigations of criminal child sexual abuse, online sexual exploitation and commercial sexual exploitation of minors, and child fatality, child physical abuse, and criminal child neglect cases. The protocol must address the coordination of criminal investigations among multidisciplinary child protection team members, identified as representatives from the prosecutor's office, law enforcement, children's protective services, CACs where available, local advocacy groups, community sexual assault programs, licensed physical and mental health practitioners that are involved with child sexual abuse victims, and any other local agency involved in such criminal investigations. The protocol must be developed by the prosecuting attorney with the assistance of the agencies.

Summary of Substitute Bill:

Peer Review.

Child forensic interview recordings of closed cases may be used as part of a structured and confidential peer review, if hosted by an accredited or developing CAC or the Children's Advocacy Centers of Washington. Any information reviewed during the peer review process must remain confidential and must not be disclosed unless authorized under law. The hosting organization's policies regarding interview selection criteria and parent, guardian, or caregiver consent must be followed. All participants in the peer review must sign a confidentiality agreement that:

- prohibits verbal or written disclosure of any information; and
- requires disclosure of any acquaintance with anyone associated with the case before attending a peer review session.

Children Exposed to Violence Task Force.

A Children Exposed to Violence Task Force (Task Force) is created. The Attorney General's Office, in collaboration with the Children's Advocacy Centers of Washington, must coordinate the Task Force and provide staff support.

The Task Force must research, review, guide, and make recommendations on the following:

- assessing data collection infrastructure for monitoring trends in children exposed to violence;
- identifying best practices for serving children exposed to violence or psychological trauma;
- compiling national best practices from Handle with Care sites; and
- compiling best practices for serving children exposed to violence in a manner that is not connected to law enforcement, the criminal justice system, or child protective services.

The Task Force must include a representative from the:

- Department of Social and Health Services;
- DCYF;
- Office of the Superintendent of Public Instruction;
- Washington Association of Sheriffs and Police Chiefs;
- Association of Washington Cities;
- Washington Association of County Officials;
- Superior Court Judges Association;
- Washington Association of Prosecuting Attorneys;
- University of Washington School of Medicine CoLab for Community and Behavioral Health Policy;
- Washington State Coalition Against Domestic Violence;
- University of Washington Harborview Abuse and Trauma Center;
- Washington Chapter of the National Association of Social Workers;
- Urban Indian Health Institute;
- Office of Crime Victim's Advocacy;
- Washington Defender Association;
- Office of Public Defense (OPD); and
- statewide organization with a mission to uphold the rights of youth involved, or at risk of being involved, in the juvenile justice system.

The Task Force must include two representatives from:

- a national research organization on children exposed to violence;
- CACs, with one representative from an urban community and one from a rural community; and

- individuals with lived experience as victims or witnesses of violence, including one that has been a defendant.

The Task Force must prepare and submit recommendations by December 1, 2024.

Definitions.

The definition of "child forensic interview" is modified to mean a developmentally sensitive, legally sound, culturally responsive, fact-finding interview of a child that is recorded as part of the multidisciplinary team response in child abuse investigations for the purpose of eliciting a child's unique information when there are concerns of possible abuse or when the child has been exposed to violence against another person. Child forensic interviews are conducted in a supportive and nonleading manner by a professional with specialized training in a research-based forensic interview model for conducting child forensic interviews, ideally conducted in a neutral location such as a CAC.

The definition of "children's advocacy center" is modified to mean a child-focused, trauma-informed, facility-based program that provides a safe, neutral location for child forensic interviews, facilitates a coordinated and comprehensive approach to addressing the needs of children traumatized by abuse and those who have witnessed, or been exposed to violence, follows national accreditation standards, and is in good standing with the Children's Advocacy Center of Washington. The CACs support a coordinated multidisciplinary response to allegations of abuse that promotes efficient interagency communication and information sharing, ongoing collaboration of key individuals, and a network of support for children and families.

The term "Children's Advocacy Centers of Washington" is defined to mean a membership organization and state chapter of the National Children's Alliance whose primary purpose is to support the development and sustainability of CACs and multidisciplinary child protection teams.

Substitute Bill Compared to Original Bill:

The substitute bill removes the definition of "child exposed to violence."

The substitute bill modifies the disclosure language related to peer review of child forensic interview recordings to indicate that any information reviewed or discussed during the peer review process is, and must remain, confidential and must not be disclosed except where authorized under state or federal law.

The substitute bill modifies the requirements of the Task Force to require an assessment of data collection infrastructure and identification of best practices for serving children exposed to violence or psychological trauma including initiatives: (1) in other states; and (2) to utilize CACs to provide and refer children exposed to violence to needed, voluntary services.

The substitute bill requires that the Task Force compile best practices for serving children exposed to violence in a manner that is not connected to law enforcement, the criminal justice system, or child protective services.

The substitute bill removes the pilot program increasing utilization of CACs to connect children exposed to violence or psychological trauma with needed services.

The substitute bill requires individuals from each organization participating in the Task Force to indicate that the president or director of each organization must participate or select a designee to participate.

The substitute bill adds the Office of Crime Victim's Advocacy, the Washington Defender Association, the OPD, the State Office of Equity, and an organization with a mission to uphold the rights of youth involved, or at risk of being involved, in the juvenile justice system to the task force.

The substitute bill removes the preliminary Task Force recommendation.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Children who witness violence are more traumatized by that violence than those who receive the harm themselves. The CACs are not currently authorized by law to serve children exposed to violence.

This bill is more than just addressing domestic violence; it addresses gun violence and other exposure to violence.

Children exposed to violence are more likely to die by violence than others. These children are in a crisis of safety and conscience. In Washington, children exposed to violence have few if any resources available because these children who are disproportionately low income and of color lack access to services. These children are witnesses and not victims. Treatment for their trauma is neither available nor accessible.

There have been 7,071 children listed as witnesses in felony cases in King County since 2014, and 63 percent of those children were children of color, and 1,724 involved cases of

domestic violence; 4,633 children were listed on domestic violence protection orders. These are just filed felony cases, and for that reason, this is an undercount of children exposed to violence.

This bill is an important step to do something about this and help these children exposed to violence and make treatment available. This bill is important to provide services and interrupt the cycle of intergenerational violence. This bill is a reminder that the best time to plant a tree was 20 years ago, but the second best time to plant a tree is now.

The King County Prosecutor Attorney's Office (PAO) takes a public health view to addressing gun violence. Individuals who are exposed to violence are more likely to die by violence or perpetrate violence.

The "Shots Fired" report from the PAO indicates that of the 440 shooting victims which were fatal and nonfatal, 88 percent were male, 23 percent were between the ages of 18 and 24, and 76 percent were people of color. That number has been declining for the last few quarters. Washington and local entities are providing resources to intervention and prevention work, which has contributed to the decline in shooting victims.

Many people in the 18 to 24-year-old age group experienced violence at early ages at home, at school, or in the community. This bill helps address the problem for those kids. Gun violence among children in this age group is typically perpetrated by someone in the same age group. In King County, there have been an average of 37 juveniles that have been shot or killed over the past five years, but that number does not include the number of child witnesses. Sixty-six percent of the child shooting victims in King County occurred in South Seattle. Juvenile firearm violence is hyper concentrated.

Law enforcement officers have a number of soft spots, and one of their soft spots is for kids who are exposed to violence. This bill is about preventing the need to prosecute people because they are prevented from perpetrating violence.

This is going to require a network of people from various backgrounds and from CACs across the state.

This bill is needed on multiple levels. First, this modifies the definition of CACs. The CACs allow a forensic interview of a child by a neutral professional and make connections to allow families to connect with healing services and prepare for a long wait before a trial occurs.

Children are exposed to violence more these days. The CACs have been able to go into the classrooms of children exposed to violence with their facility dog and provide advocacy and love in a trauma-informed manner.

Children are exposed to violence in a number of ways, including on the internet.

Peer review of forensic interviews is incredibly important.

This bill provides basic updates to definitions. This bill will authorize peer review of forensic interviews to allow interviewers to improve their practice and hone their skills.

The likelihood that the children today may be exposed to violence is enormous. This can impair a child's development, and these children are more likely to abuse substances and commit crimes. Because a single program cannot solve this problem, this bill proposes a children exposed to violence task force.

A child forensic interview is done in a neutral and supportive manner, but it is also done by a trained interviewer and is crucial that this is done competently. The peer review is vitally important to allow interviewers to remain current. A requirement of interviewing is to participate in peer review. Because peer review is structured, professional, and confidential, it serves to reinforce methodologies and problem solving that is recorded. These cues need to be visibly seen to be observed. This allows ethical and effective feedback, which is impossible with just a transcript. This fosters growth and support.

Forensic interviewing is not a service at all, it is neutral fact-finding. Forensic interviewers conduct interviews in response to child maltreatment and other criminal cases involving child victims. Peer review using closed cases is very important to developing a high level of skill in these structured interviews. Recordings of these closed cases should be allowed to be viewed in a structured format.

Research shows that children exposed to violence experience many negative impacts. Quick engagement in services mitigate those negative impacts will allow children to return to their expected trajectory.

There are transdiagnostic interventions to treat the trauma response for children exposed to violence.

This is a crime-prevention strategy.

Providing these children with the appropriate therapeutic responses reduces criminal behavior.

In almost every instance of children charged with crimes, the person accused of that crime was exposed to violence. This bill gets at one of the root causes of violence in communities.

The largest categories of crime being seen in juvenile court in King County is assaults occurring at school. It is important that children can access these services without a parent.

(Opposed) None.

(Other) This Legislature has recognized for decades that exposure of a child to violence is not a crime. The current statute clearly states that poverty, homelessness, or exposure to violence is not considered maltreatment or neglect. This is the result of years of defending survivors of domestic violence against failure to protect laws.

Safety of both the child and survivor is must be considered before encouragement of participation in any aspect of the criminal justice system.

This proposal defines child forensic interview as a fact-finding interview of a child as a response in child abuse investigations. This, combined with the new definition of child exposed to violence, clearly ties exposure to violence to the criminal justice system. The definition of child exposure should be removed. The other elements of the bill can remain the same.

People do not need to make contact with the child welfare or criminal justice systems to receive supports for children who have experienced trauma. Please allow families to safety plan and receive support and access to services without the real fear of consequences.

Persons Testifying: (In support) Representative Roger Goodman, prime sponsor; Amy Gallardo; Karen Sinclair; James McMahan, Washington Association of Sheriffs and Police Chiefs; Heather Risser, Northwestern University; David Martin and Stephanie Trollen, King County Prosecuting Attorney Office; Elyne Vaught; Suzi Fode, Kids Hope; and Paula Reed, Children's Advocacy Centers of Washington.

(Other) Carey Morris, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying: None.