
SUBSTITUTE HOUSE BILL 1439

State of Washington

68th Legislature

2023 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Goodman, Eslick, Simmons, Walen, Fey, Reed, Doglio, Davis, and Leavitt)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to child exposure to violence; reenacting and
2 amending RCW 26.44.020; adding a new section to chapter 26.44 RCW;
3 creating new sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
6 multidisciplinary team approach coordinated by children's advocacy
7 centers improves interagency communication, increases the
8 effectiveness of the investigation and prosecution of child abuse,
9 and results in fewer interviews with and less trauma for the child.

10 (2) The legislature finds that current language defining
11 children's advocacy centers was written more than 20 years ago, when
12 such centers were just beginning to develop in our state.
13 Additionally, current language defining child forensic interviews was
14 also written at a time when there were few, if any, designated
15 specialized child forensic interviewers in Washington.

16 (3) Children's exposure to violence in Washington state is
17 occurring at an alarming rate and is a traumatic, adverse experience
18 that can have severe and long-lasting consequences. This traumatic
19 disruption of healthy development is a significant public health
20 crisis.

1 (4) Children exposed to violence can heal if given access to
2 specialized resources, evidence-based treatment, and proper support
3 that promotes the well-being of them and their families.

4 (5) Because research shows positive outcomes when trauma or
5 adverse experiences are addressed early, the legislature finds that a
6 task force to examine and recommend best practices for effective
7 trauma-informed programs for children who are witnesses or exposed to
8 violence would yield positive results.

9 (6) Therefore, because the legislature finds children's advocacy
10 centers employ trauma-informed, research-based, best practices that
11 help child victims of abuse and children exposed to violence heal and
12 reduce the risk of future abuse and other negative consequences, the
13 legislature finds it necessary to update definitions and guidance to
14 ensure support for children's advocacy centers by more accurately
15 defining the work they do, and the tools necessary to support their
16 work.

17 **Sec. 2.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3 are
18 each reenacted and amended to read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

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

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

30 (3) "Child forensic interview" means a developmentally sensitive,
31 ~~((and)) legally sound ((method of gathering factual information~~
32 ~~regarding allegations of child abuse, child neglect, or exposure to~~
33 ~~violence. This interview is conducted by a competently trained,~~
34 ~~neutral professional utilizing techniques informed by research and~~
35 ~~best practice as part of a larger investigative process)), culturally
36 responsive, fact-finding interview of a child that is recorded as
37 part of the multidisciplinary team response in child abuse
38 investigations for the purpose of eliciting a child's unique
39 information when there are concerns of possible abuse or when the~~

1 child has been exposed to violence against another person. Child
2 forensic interviews are conducted in a supportive and nonleading
3 manner by a professional with specialized training in a research-
4 based forensic interview model for conducting child forensic
5 interviews, ideally conducted in a neutral location such as a
6 children's advocacy center and may be observed by approved members of
7 the multidisciplinary child protection team as outlined in county
8 child abuse investigation protocols under RCW 26.44.180.

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

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

26 (6) "Child who is a candidate for foster care" means a child who
27 the department identifies as being at imminent risk of entering
28 foster care but who can remain safely in the child's home or in a
29 kinship placement as long as services or programs that are necessary
30 to prevent entry of the child into foster care are provided, and
31 includes but is not limited to a child whose adoption or guardianship
32 arrangement is at risk of a disruption or dissolution that would
33 result in a foster care placement. The term includes a child for whom
34 there is reasonable cause to believe that any of the following
35 circumstances exist:

36 (a) The child has been abandoned by the parent as defined in RCW
37 13.34.030 and the child's health, safety, and welfare is seriously
38 endangered as a result;

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

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

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

8 (7) "Children's advocacy center" means a child-focused (~~(facility~~
9 ~~in good standing with the state chapter for children's advocacy~~
10 ~~centers and that coordinates a multidisciplinary process for the~~
11 ~~investigation, prosecution, and treatment of sexual and other types~~
12 ~~of child abuse)), trauma-informed, facility-based program that
13 provides a safe, neutral location for child forensic interviews,
14 facilitates a coordinated and comprehensive approach to addressing
15 the needs of children traumatized by abuse and those who have
16 witnessed, or been exposed to violence, follows national
17 accreditation standards, and is in good standing with the children's
18 advocacy centers of Washington. Children's advocacy centers support a
19 coordinated multidisciplinary response to allegations of abuse that
20 promotes efficient interagency communication and information sharing,
21 ongoing collaboration of key individuals, and a network of support
22 for children and families. Children's advocacy centers (~~(provide a~~
23 ~~location for forensic interviews and)~~) coordinate access to services
24 (~~(such as)~~) including, but not limited to(, ~~medical~~): Medical
25 evaluations, advocacy, therapy, and facilitation of case review (~~by~~
26 ~~multidisciplinary teams~~)) within the context of county protocols as
27 defined in RCW 26.44.180 and 26.44.185.~~

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

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

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

36 (11) "Experiencing homelessness" means lacking a fixed, regular,
37 and adequate nighttime residence, including circumstances such as
38 sharing the housing of other persons due to loss of housing, economic
39 hardship, fleeing domestic violence, or a similar reason as described

1 in the federal McKinney-Vento homeless assistance act (Title 42
2 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

3 (12) "Family assessment" means a comprehensive assessment of
4 child safety, risk of subsequent child abuse or neglect, and family
5 strengths and needs that is applied to a child abuse or neglect
6 report. Family assessment does not include a determination as to
7 whether child abuse or neglect occurred, but does determine the need
8 for services to address the safety of the child and the risk of
9 subsequent maltreatment.

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

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

25 (15) "Inconclusive" means the determination following an
26 investigation by the department of social and health services, prior
27 to October 1, 2008, that based on available information a decision
28 cannot be made that more likely than not, child abuse or neglect did
29 or did not occur.

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

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

35 (18) "Malice" or "maliciously" means an intent, wish, or design
36 to intimidate, annoy, or injure another person. Such malice may be
37 inferred from an act done in willful disregard of the rights of
38 another, or an act wrongfully done without just cause or excuse, or
39 an act or omission of duty betraying a willful disregard of social
40 duty.

1 (19) "Negligent treatment or maltreatment" means an act or a
2 failure to act, or the cumulative effects of a pattern of conduct,
3 behavior, or inaction, that evidences a serious disregard of
4 consequences of such magnitude as to constitute a clear and present
5 danger to a child's health, welfare, or safety, including but not
6 limited to conduct prohibited under RCW 9A.42.100. When considering
7 whether a clear and present danger exists, evidence of a parent's
8 substance abuse as a contributing factor to negligent treatment or
9 maltreatment shall be given great weight. The fact that siblings
10 share a bedroom is not, in and of itself, negligent treatment or
11 maltreatment. Poverty, experiencing homelessness, or exposure to
12 domestic violence as defined in RCW 7.105.010 that is perpetrated
13 against someone other than the child does not constitute negligent
14 treatment or maltreatment in and of itself.

15 (20) "Pharmacist" means any registered pharmacist under chapter
16 18.64 RCW, whether acting in an individual capacity or as an employee
17 or agent of any public or private organization or institution.

18 (21) "Practitioner of the healing arts" or "practitioner" means a
19 person licensed by this state to practice podiatric medicine and
20 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
21 medicine and surgery, or medicine and surgery or to provide other
22 health services. The term "practitioner" includes a duly accredited
23 Christian Science practitioner. A person who is being furnished
24 Christian Science treatment by a duly accredited Christian Science
25 practitioner will not be considered, for that reason alone, a
26 neglected person for the purposes of this chapter.

27 (22) "Prevention and family services and programs" means specific
28 mental health prevention and treatment services, substance abuse
29 prevention and treatment services, and in-home parent skill-based
30 programs that qualify for federal funding under the federal family
31 first prevention services act, P.L. 115-123. For purposes of this
32 chapter, prevention and family services and programs are not remedial
33 services or family reunification services as described in RCW
34 13.34.025(2).

35 (23) "Professional school personnel" include, but are not limited
36 to, teachers, counselors, administrators, child care facility
37 personnel, and school nurses.

38 (24) "Psychologist" means any person licensed to practice
39 psychology under chapter 18.83 RCW, whether acting in an individual

1 capacity or as an employee or agent of any public or private
2 organization or institution.

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

7 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or
8 encouraging a child to engage in prostitution by any person; or (b)
9 allowing, permitting, encouraging, or engaging in the obscene or
10 pornographic photographing, filming, or depicting of a child by any
11 person.

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

14 (28) "Social service counselor" means anyone engaged in a
15 professional capacity during the regular course of employment in
16 encouraging or promoting the health, welfare, support, or education
17 of children, or providing social services to adults or families,
18 including mental health, drug and alcohol treatment, and domestic
19 violence programs, whether in an individual capacity, or as an
20 employee or agent of any public or private organization or
21 institution.

22 (29) "Unfounded" means the determination following an
23 investigation by the department that available information indicates
24 that, more likely than not, child abuse or neglect did not occur, or
25 that there is insufficient evidence for the department to determine
26 whether the alleged child abuse did or did not occur.

27 (30) "Children's advocacy centers of Washington" is a membership
28 organization and state chapter of the national children's alliance
29 whose primary purpose is to support the development and
30 sustainability of children's advocacy centers and multidisciplinary
31 child protection teams in Washington state as defined under RCW
32 26.44.175.

33 NEW SECTION. Sec. 3. A new section is added to chapter 26.44
34 RCW to read as follows:

35 (1) Statewide and regional peer review of child forensic
36 interviews serve as quality assurance mechanisms that reinforce the
37 methodologies utilized in child forensic interviewing and provide
38 support and problem solving for participants.

1 (2) Child forensic interview recordings of closed cases may be
2 used as part of a structured and confidential peer review, if hosted
3 by an accredited or developing children's advocacy center or the
4 children's advocacy centers of Washington. Any information reviewed
5 or discussed during the peer review process is and must remain
6 confidential and must not be disclosed except where authorized under
7 state or federal law. The hosting organization's policies regarding
8 interview selection criteria and parent, guardian, or caregiver
9 consent must be followed. All participants in a peer review must sign
10 a confidentiality agreement that:

11 (a) Prohibits verbal or written disclosure of any information
12 received in any peer review process; and

13 (b) Requires disclosure of any personal, professional, or social
14 acquaintance with anyone associated with the case before attending a
15 peer review session.

16 NEW SECTION. **Sec. 4.** (1) The legislature finds that a child
17 exposed to violence can heal if the exposure to violence is
18 identified early and if the child exposed to violence is given access
19 to specialized resources, evidence-based treatment, and proper
20 support that promotes their well-being and the well-being of their
21 families.

22 (2) A Washington state children exposed to violence task force is
23 established. The task force shall research, review, guide, and make
24 recommendations on the following:

25 (a) Assessing data collection infrastructure for the monitoring
26 of trends in children exposed to violence;

27 (b) Identifying best practices for serving children exposed to
28 violence or psychological trauma, including initiatives:

29 (i) In other states that have improved outcomes for children
30 exposed to violence; and

31 (ii) To utilize children's advocacy centers to provide and refer
32 children exposed to violence or psychological trauma to needed
33 voluntary services;

34 (c) Compiling national best practices from handle with care sites
35 across the country and Washington state currently utilizing the
36 handle with care program to develop guidelines for broader
37 implementation across the state; and

1 (d) Compiling best practices for serving children exposed to
2 violence in a manner that is not connected to law enforcement, the
3 criminal justice system, or child protective services.

4 (3) (a) The task force must include the following members:

5 (i) The secretary of the department of social and health services
6 or the secretary's designee;

7 (ii) The secretary of the department of children, youth, and
8 families or the secretary's designee;

9 (iii) The superintendent of public instruction or the
10 superintendent's designee;

11 (iv) The director of the office of crime victims advocacy within
12 the department of commerce or the director's designee;

13 (v) The executive director of the Washington association of
14 sheriffs and police chiefs or the executive director's designee;

15 (vi) The president of the association of Washington cities or the
16 president's designee;

17 (vii) The president of the Washington association of county
18 officials or the president's designee;

19 (viii) The president of the statewide superior court judges
20 association or the president's designee;

21 (ix) The executive director of the Washington association of
22 prosecuting attorneys or the executive director's designee;

23 (x) The director of the University of Washington school of
24 medicine CoLab for community and behavioral health policy or the
25 director's designee;

26 (xi) The executive director of the Washington state coalition
27 against domestic violence or the executive director's designee;

28 (xii) The director of the University of Washington harborview
29 abuse and trauma center or the director's designee;

30 (xiii) The executive director of the Washington chapter of the
31 national association of social workers or the executive director's
32 designee;

33 (xiv) The president of the urban Indian health institute or the
34 president's designee;

35 (xv) The executive director of the Washington defender
36 association or the executive director's designee;

37 (xvi) The director of the office of public defense or the
38 director's designee;

39 (xvii) The director of the Washington state office of equity or
40 the director's designee; and

1 (xviii) The executive director of a statewide organization with a
2 mission to uphold the rights of youth involved, or at risk of being
3 involved, in the juvenile justice system or the executive director's
4 designee.

5 (b) The task force must also include two representatives from
6 each of the following groups:

7 (i) A national research organization on children exposed to
8 violence;

9 (ii) Children's advocacy centers, with one representative from a
10 children's advocacy center serving an urban community, and one
11 representative from a children's advocacy center serving a rural
12 community;

13 (iii) Individuals with lived experience as victims or witnesses
14 of violence, including one who has been a defendant in the criminal
15 justice system.

16 (4) The task force shall solicit participation and feedback from
17 nonmember groups and individuals who reflect diversity of culture,
18 experience of acculturation, ethnicity, religion, socioeconomic
19 status, disability, gender, gender identity and expression, and
20 sexual orientation, as these factors contribute to a person's lived
21 experiences and perspectives.

22 (5) By December 1, 2024, the task force shall prepare and submit
23 final recommendations based on the requirements of subsection (2) of
24 this section.

25 (6) The attorney general's office in collaboration with the
26 children's advocacy centers of Washington shall coordinate the task
27 force and provide staff support.

28 (7) Compensation for task force members or participants may be
29 provided as allowed under RCW 43.03.220.

30 (8) For purposes of this section, the following definitions
31 apply:

32 (a) "Children's advocacy center" has the same meaning as in RCW
33 26.44.020.

34 (b) "Children's advocacy centers of Washington" has the same
35 meaning as in RCW 26.44.020.

36 (c) "Task force" means the Washington state children exposed to
37 violence task force established under this section.

38 (9) This section expires August 1, 2025.

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