
HOUSE BILL 2224

State of Washington

68th Legislature

2024 Regular Session

By Representatives Rule and Graham

Read first time 01/09/24. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to the risks, strengths, and needs assessment
2 tool used in the risk assessment process when investigating alleged
3 child abuse and neglect referrals; amending RCW 26.44.030; creating a
4 new section; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The department of children, youth, and
7 families shall conduct a study to improve its risks, strengths, and
8 needs assessment tool used in the risk assessment process when
9 investigating alleged child abuse and neglect referrals described in
10 RCW 26.44.030(19) to:

11 (a) Identify family risks, strengths, and needs at the time of
12 the initial child protective services investigation or family
13 assessment response to help inform the most appropriate service path
14 for the family;

15 (b) Identify the risk of harm to a child when substance use
16 disorder is a factor in the case or high potency synthetic opioids,
17 such as fentanyl, are a condition in the home;

18 (c) Determine the service needs of the family and support
19 caseworkers to identify and transition families to appropriate,
20 available services quickly; and

21 (d) Support reassessment and monitoring of family progress.

1 (2) By November 1, 2024, and in compliance with RCW 43.01.036,
2 the department of children, youth, and families shall provide data
3 and information to the legislature on the department of children,
4 youth, and families' efforts to improve its risks, strengths, and
5 needs assessment tool based on the study required under subsection
6 (1) of this section.

7 (3) This section expires August 1, 2025.

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

10 (1)(a) When any practitioner, county coroner or medical examiner,
11 law enforcement officer, professional school personnel, registered or
12 licensed nurse, social service counselor, psychologist, pharmacist,
13 employee of the department of children, youth, and families, licensed
14 or certified child care providers or their employees, employee of the
15 department of social and health services, juvenile probation officer,
16 placement and liaison specialist, responsible living skills program
17 staff, HOPE center staff, state family and children's ombuds or any
18 volunteer in the ombuds's office, or host home program has reasonable
19 cause to believe that a child has suffered abuse or neglect, he or
20 she shall report such incident, or cause a report to be made, to the
21 proper law enforcement agency or to the department as provided in RCW
22 26.44.040.

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

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

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

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

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

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

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

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

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

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

1 (e) The reporting requirement also applies to guardians ad litem,
2 including court-appointed special advocates, appointed under Titles
3 11 and 13 RCW and this title, who in the course of their
4 representation of children in these actions have reasonable cause to
5 believe a child has been abused or neglected.

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

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

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

22 (3) Any other person who has reasonable cause to believe that a
23 child has suffered abuse or neglect may report such incident to the
24 proper law enforcement agency or to the department as provided in RCW
25 26.44.040.

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

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

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

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

32 (8) Any case referred to the department by a physician licensed
33 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
34 opinion that child abuse, neglect, or sexual assault has occurred and
35 that the child's safety will be seriously endangered if returned
36 home, the department shall file a dependency petition unless a second
37 licensed physician of the parents' choice believes that such expert
38 medical opinion is incorrect. If the parents fail to designate a
39 second physician, the department may make the selection. If a
40 physician finds that a child has suffered abuse or neglect but that

1 such abuse or neglect does not constitute imminent danger to the
2 child's health or safety, and the department agrees with the
3 physician's assessment, the child may be left in the parents' home
4 while the department proceeds with reasonable efforts to remedy
5 parenting deficiencies.

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

10 (10) Upon receiving a report that a child is a candidate for
11 foster care as defined in RCW 26.44.020, the department may provide
12 prevention and family services and programs to the child's parents,
13 guardian, or caregiver. The department may not be held civilly liable
14 for the decision regarding whether to provide prevention and family
15 services and programs, or for the provision of those services and
16 programs, for a child determined to be a candidate for foster care.

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

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

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

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

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

36 (i) Investigation; or

37 (ii) Family assessment.

38 (b) In making the response in (a) of this subsection the
39 department shall:

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

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

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

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

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

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

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

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

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

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

35 (E) The child is an adjudicated dependent child as defined in RCW
36 13.34.030, or the child is in a facility that is licensed, operated,
37 or certified for care of children by the department under chapter
38 74.15 RCW.

39 (c) In addition, the department may use a family assessment
40 response to assess for and provide prevention and family services and

1 programs, as defined in RCW 26.44.020, for the following children and
2 their families, consistent with requirements under the federal family
3 first prevention services act and this section:

4 (i) A child who is a candidate for foster care, as defined in RCW
5 26.44.020; and

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

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

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

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

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

31 (a) Provide the family with a written explanation of the
32 procedure for assessment of the child and the family and its
33 purposes;

34 (b) Collaborate with the family to identify family strengths,
35 resources, and service needs, and develop a service plan with the
36 goal of reducing risk of harm to the child and improving or restoring
37 family well-being;

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

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

5 (ii) For cases in which the department elects to use a family
6 assessment response as authorized under subsection (12)(c) of this
7 section, and upon agreement of the child's parent, legal guardian,
8 legal custodian, or relative placement, the family assessment
9 response period may be extended up to one year. The department's
10 extension of the family assessment response must be operated within
11 the department's appropriations.

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

14 (e) Implement the family assessment response in a consistent and
15 cooperative manner;

16 (f) Have the parent or guardian agree to participate in services
17 before services are initiated. The department shall inform the
18 parents of their rights under family assessment response, all of
19 their options, and the options the department has if the parents do
20 not agree to participate in services.

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

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

1 party in any interview so long as the presence of the third party
2 will not jeopardize the course of the investigation; and

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

5 (b) The Washington state school directors' association shall
6 adopt a model policy addressing protocols when an interview, as
7 authorized by this subsection, is conducted on school premises. In
8 formulating its policy, the association shall consult with the
9 department and the Washington association of sheriffs and police
10 chiefs.

11 (16) If a report of alleged abuse or neglect is founded and
12 constitutes the third founded report received by the department
13 within the last twelve months involving the same child or family, the
14 department shall promptly notify the office of the family and
15 children's ombuds of the contents of the report. The department shall
16 also notify the ombuds of the disposition of the report.

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

20 (18)(a) The department shall maintain investigation records and
21 conduct timely and periodic reviews of all founded cases of abuse and
22 neglect. The department shall maintain a log of screened-out
23 nonabusive cases.

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

28 (19)(a) The department shall use a risk assessment process that
29 includes a risks, strengths, and needs assessment tool when
30 investigating alleged child abuse and neglect referrals. The
31 department shall present the risk factors at all hearings in which
32 the placement of a dependent child is an issue. Substance abuse must
33 be a risk factor.

34 (b) The risks, strengths, and needs assessment tool used under
35 this subsection must be certified at least once every three years
36 based on current academic standards for assessment validation, and
37 can be certified by the office of innovation, alignment, and
38 accountability or an outside researcher.

39 (20) Upon receipt of a report of alleged abuse or neglect the law
40 enforcement agency may arrange to interview the person making the

1 report and any collateral sources to determine if any malice is
2 involved in the reporting.

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

10 (22) The department shall make efforts as soon as practicable to
11 determine the military status of parents whose children are subject
12 to abuse or neglect allegations. If the department determines that a
13 parent or guardian is in the military, the department shall notify a
14 department of defense family advocacy program that there is an
15 allegation of abuse and neglect that is screened in and open for
16 investigation that relates to that military parent or guardian.

17 (23) The department shall make available on its public website a
18 downloadable and printable poster that includes the reporting
19 requirements included in this section. The poster must be no smaller
20 than eight and one-half by eleven inches with all information on one
21 side. The poster must be made available in both the English and
22 Spanish languages. Organizations that include employees or volunteers
23 subject to the reporting requirements of this section must clearly
24 display this poster in a common area. At a minimum, this poster must
25 include the following:

- 26 (a) Who is required to report child abuse and neglect;
- 27 (b) The standard of knowledge to justify a report;
- 28 (c) The definition of reportable crimes;
- 29 (d) Where to report suspected child abuse and neglect; and
- 30 (e) What should be included in a report and the appropriate
31 timing.

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