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**SENATE BILL 6006**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Dhingra, Wagoner, Braun, Conway, Frame, Hasegawa, Keiser, Kuderer, Lias, McCune, Nguyen, Nobles, Salomon, Stanford, Torres, Valdez, and C. Wilson

Prefiled 01/05/24. Read first time 01/08/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to supporting victims of human trafficking and  
2 sexual abuse; amending RCW 26.44.020, 26.44.030, 74.13.031,  
3 7.105.100, 7.105.110, 7.105.225, 7.105.405, 7.105.500, 7.68.060,  
4 9A.44.120, 9A.44.150, 9A.82.100, 10.97.130, and 42.56.240; reenacting  
5 and amending RCW 13.34.030, 7.105.010, and 9A.04.080; adding a new  
6 section to chapter 26.44 RCW; prescribing penalties; and providing an  
7 effective date.

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

9 **PART I - VICTIM IDENTIFICATION, REPORTING, AND SCREENING**

10 **Sec. 1.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are  
11 each reenacted and amended to read as follows:

12 The definitions in this section apply throughout this chapter  
13 unless the context clearly requires otherwise.

14 (1) "Abandoned" means when the child's parent, guardian, or other  
15 custodian has expressed, either by statement or conduct, an intent to  
16 forego, for an extended period, parental rights or responsibilities  
17 despite an ability to exercise such rights and responsibilities. If  
18 the court finds that the petitioner has exercised due diligence in  
19 attempting to locate the parent, no contact between the child and the  
20 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there  
2 is no expressed intent to abandon.

3 (2) "Child," "juvenile," and "youth" mean:

4 (a) Any individual under the age of eighteen years; or

5 (b) Any individual age eighteen to twenty-one years who is  
6 eligible to receive and who elects to receive the extended foster  
7 care services authorized under RCW 74.13.031. A youth who remains  
8 dependent and who receives extended foster care services under RCW  
9 74.13.031 shall not be considered a "child" under any other statute  
10 or for any other purpose.

11 (3) "Current placement episode" means the period of time that  
12 begins with the most recent date that the child was removed from the  
13 home of the parent, guardian, or legal custodian for purposes of  
14 placement in out-of-home care and continues until: (a) The child  
15 returns home; (b) an adoption decree, a permanent custody order, or  
16 guardianship order is entered; or (c) the dependency is dismissed,  
17 whichever occurs first.

18 (4) "Department" means the department of children, youth, and  
19 families.

20 (5) "Dependency guardian" means the person, nonprofit  
21 corporation, or Indian tribe appointed by the court pursuant to this  
22 chapter for the limited purpose of assisting the court in the  
23 supervision of the dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in (~~chapter 26.44~~) RCW  
27 26.44.020 by a person legally responsible for the care of the child;

28 (c) Is a victim of sex trafficking or severe forms of trafficking  
29 in persons under the trafficking victims protection act of 2000, 22  
30 U.S.C. Sec. 7101 et seq., regardless of whether the perpetrator is  
31 legally responsible for the care of the child;

32 (d) Has no parent, guardian, or custodian capable of adequately  
33 caring for the child, such that the child is in circumstances which  
34 constitute a danger of substantial damage to the child's  
35 psychological or physical development; or

36 (~~(d)~~) (e) Is receiving extended foster care services, as  
37 authorized by RCW 74.13.031.

38 (7) "Developmental disability" means a disability attributable to  
39 intellectual disability, cerebral palsy, epilepsy, autism, or another  
40 neurological or other condition of an individual found by the

1 secretary of the department of social and health services to be  
2 closely related to an intellectual disability or to require treatment  
3 similar to that required for individuals with intellectual  
4 disabilities, which disability originates before the individual  
5 attains age eighteen, which has continued or can be expected to  
6 continue indefinitely, and which constitutes a substantial limitation  
7 to the individual.

8 (8) "Educational liaison" means a person who has been appointed  
9 by the court to fulfill responsibilities outlined in RCW 13.34.046.

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

16 (10) "Extended foster care services" means residential and other  
17 support services the department is authorized to provide under RCW  
18 74.13.031. These services may include placement in licensed,  
19 relative, or otherwise approved care, or supervised independent  
20 living settings; assistance in meeting basic needs; independent  
21 living services; medical assistance; and counseling or treatment.

22 (11) "Guardian" means the person or agency that: (a) Has been  
23 appointed as the guardian of a child in a legal proceeding, including  
24 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
25 legal right to custody of the child pursuant to such appointment. The  
26 term "guardian" does not include a "dependency guardian" appointed  
27 pursuant to a proceeding under this chapter.

28 (12) "Guardian ad litem" means a person, appointed by the court  
29 to represent the best interests of a child in a proceeding under this  
30 chapter, or in any matter which may be consolidated with a proceeding  
31 under this chapter. A "court-appointed special advocate" appointed by  
32 the court to be the guardian ad litem for the child, or to perform  
33 substantially the same duties and functions as a guardian ad litem,  
34 shall be deemed to be guardian ad litem for all purposes and uses of  
35 this chapter.

36 (13) "Guardian ad litem program" means a court-authorized  
37 volunteer program, which is or may be established by the superior  
38 court of the county in which such proceeding is filed, to manage all  
39 aspects of volunteer guardian ad litem representation for children  
40 alleged or found to be dependent. Such management shall include but

1 is not limited to: Recruitment, screening, training, supervision,  
2 assignment, and discharge of volunteers.

3 (14) "Guardianship" means a guardianship pursuant to chapter  
4 13.36 RCW or a limited guardianship of a minor pursuant to RCW  
5 11.130.215 or equivalent laws of another state or a federally  
6 recognized Indian tribe.

7 (15) "Housing assistance" means appropriate referrals by the  
8 department or other agencies to federal, state, local, or private  
9 agencies or organizations, assistance with forms, applications, or  
10 financial subsidies or other monetary assistance for housing. For  
11 purposes of this chapter, "housing assistance" is not a remedial  
12 service or family reunification service as described in RCW  
13 13.34.025(2).

14 (16) "Indigent" means a person who, at any stage of a court  
15 proceeding, is:

16 (a) Receiving one of the following types of public assistance:  
17 Temporary assistance for needy families, aged, blind, or disabled  
18 assistance benefits, medical care services under RCW 74.09.035,  
19 pregnant women assistance benefits, poverty-related veterans'  
20 benefits, food stamps or food stamp benefits transferred  
21 electronically, refugee resettlement benefits, medicaid, or  
22 supplemental security income; or

23 (b) Involuntarily committed to a public mental health facility;  
24 or

25 (c) Receiving an annual income, after taxes, of one hundred  
26 twenty-five percent or less of the federally established poverty  
27 level; or

28 (d) Unable to pay the anticipated cost of counsel for the matter  
29 before the court because his or her available funds are insufficient  
30 to pay any amount for the retention of counsel.

31 (17) "Nonminor dependent" means any individual age eighteen to  
32 twenty-one years who is participating in extended foster care  
33 services authorized under RCW 74.13.031.

34 (18) "Out-of-home care" means placement in a foster family home  
35 or group care facility licensed pursuant to chapter 74.15 RCW or  
36 placement in a home, other than that of the child's parent, guardian,  
37 or legal custodian, not required to be licensed pursuant to chapter  
38 74.15 RCW.

39 (19) "Parent" means the biological or adoptive parents of a  
40 child, or an individual who has established a parent-child

1 relationship under RCW 26.26A.100, unless the legal rights of that  
2 person have been terminated by a judicial proceeding pursuant to this  
3 chapter, chapter 26.33 RCW, or the equivalent laws of another state  
4 or a federally recognized Indian tribe.

5 (20) "Prevention and family services and programs" means specific  
6 mental health prevention and treatment services, substance abuse  
7 prevention and treatment services, and in-home parent skill-based  
8 programs that qualify for federal funding under the federal family  
9 first prevention services act, P.L. 115-123. For purposes of this  
10 chapter, prevention and family services and programs are not remedial  
11 services or family reunification services as described in RCW  
12 13.34.025(2).

13 (21) "Prevention services" means preservation services, as  
14 defined in chapter 74.14C RCW, and other reasonably available  
15 services, including housing assistance, capable of preventing the  
16 need for out-of-home placement while protecting the child. Prevention  
17 services include, but are not limited to, prevention and family  
18 services and programs as defined in this section.

19 (22) "Qualified residential treatment program" means a program  
20 that meets the requirements provided in RCW 13.34.420, qualifies for  
21 funding under the family first prevention services act under 42  
22 U.S.C. Sec. 672(k), and, if located within Washington state, is  
23 licensed as a group care facility under chapter 74.15 RCW.

24 (23) "Relative" includes persons related to a child in the  
25 following ways:

26 (a) Any blood relative, including those of half-blood, and  
27 including first cousins, second cousins, nephews or nieces, and  
28 persons of preceding generations as denoted by prefixes of grand,  
29 great, or great-great;

30 (b) Stepfather, stepmother, stepbrother, and stepsister;

31 (c) A person who legally adopts a child or the child's parent as  
32 well as the natural and other legally adopted children of such  
33 persons, and other relatives of the adoptive parents in accordance  
34 with state law;

35 (d) Spouses of any persons named in (a), (b), or (c) of this  
36 subsection, even after the marriage is terminated;

37 (e) Relatives, as named in (a), (b), (c), or (d) of this  
38 subsection, of any half sibling of the child; or

39 (f) Extended family members, as defined by the law or custom of  
40 the Indian child's tribe or, in the absence of such law or custom, a

1 person who has reached the age of eighteen and who is the Indian  
2 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
3 or sister-in-law, niece or nephew, first or second cousin, or  
4 stepparent who provides care in the family abode on a twenty-four  
5 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

6 (24) "Shelter care" means temporary physical care in a facility  
7 licensed pursuant to RCW 74.15.030 or in a home not required to be  
8 licensed pursuant to RCW 74.15.030.

9 (25) "Sibling" means a child's birth brother, birth sister,  
10 adoptive brother, adoptive sister, half-brother, or half-sister, or  
11 as defined by the law or custom of the Indian child's tribe for an  
12 Indian child as defined in RCW 13.38.040.

13 (26) "Social study" means a written evaluation of matters  
14 relevant to the disposition of the case that contains the information  
15 required by RCW 13.34.430.

16 (27) "Supervised independent living" includes, but is not limited  
17 to, apartment living, room and board arrangements, college or  
18 university dormitories, and shared roommate settings. Supervised  
19 independent living settings must be approved by the department or the  
20 court.

21 (28) "Voluntary placement agreement" means, for the purposes of  
22 extended foster care services, a written voluntary agreement between  
23 a nonminor dependent who agrees to submit to the care and authority  
24 of the department for the purposes of participating in the extended  
25 foster care program.

26 **Sec. 2.** RCW 26.44.020 and 2023 c 122 s 5 are each amended to  
27 read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,  
31 female genital mutilation as defined in RCW 18.130.460, trafficking  
32 as described in RCW 9A.40.100, sex trafficking or severe forms of  
33 trafficking in persons under the trafficking victims protection act  
34 of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any  
35 person under circumstances which cause harm to the child's health,  
36 welfare, or safety, excluding conduct permitted under RCW 9A.16.100;  
37 or the negligent treatment or maltreatment of a child by a person  
38 responsible for or providing care to the child. An abused child is a

1 child who has been subjected to child abuse or neglect as defined in  
2 this section.

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

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

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

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

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

38 (a) The child has been abandoned by the parent as defined in RCW  
39 13.34.030 and the child's health, safety, and welfare is seriously  
40 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. Children's advocacy centers provide a location for  
13 forensic interviews and coordinate access to services such as, but  
14 not limited to, medical evaluations, advocacy, therapy, and case  
15 review by multidisciplinary teams within the context of county  
16 protocols as defined in RCW 26.44.180 and 26.44.185.

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

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

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

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

31 (12) "Family assessment" means a comprehensive assessment of  
32 child safety, risk of subsequent child abuse or neglect, and family  
33 strengths and needs that is applied to a child abuse or neglect  
34 report. Family assessment does not include a determination as to  
35 whether child abuse or neglect occurred, but does determine the need  
36 for services to address the safety of the child and the risk of  
37 subsequent maltreatment.

38 (13) "Family assessment response" means a way of responding to  
39 certain reports of child abuse or neglect made under this chapter  
40 using a differential response approach to child protective services.



1 The family assessment response shall focus on the safety of the  
2 child, the integrity and preservation of the family, and shall assess  
3 the status of the child and the family in terms of risk of abuse and  
4 neglect including the parent's or guardian's or other caretaker's  
5 capacity and willingness to protect the child and, if necessary, plan  
6 and arrange the provision of services to reduce the risk and  
7 otherwise support the family. No one is named as a perpetrator, and  
8 no investigative finding is entered in the record as a result of a  
9 family assessment.

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

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

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

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

23 (18) "Malice" or "maliciously" means an intent, wish, or design  
24 to intimidate, annoy, or injure another person. Such malice may be  
25 inferred from an act done in willful disregard of the rights of  
26 another, or an act wrongfully done without just cause or excuse, or  
27 an act or omission of duty betraying a willful disregard of social  
28 duty.

29 (19) "Negligent treatment or maltreatment" means an act or a  
30 failure to act, or the cumulative effects of a pattern of conduct,  
31 behavior, or inaction, that evidences a serious disregard of  
32 consequences of such magnitude as to constitute a clear and present  
33 danger to a child's health, welfare, or safety, including but not  
34 limited to conduct prohibited under RCW 9A.42.100. When considering  
35 whether a clear and present danger exists, evidence of a parent's  
36 substance abuse as a contributing factor to negligent treatment or  
37 maltreatment shall be given great weight. The fact that siblings  
38 share a bedroom is not, in and of itself, negligent treatment or  
39 maltreatment. Poverty, experiencing homelessness, or exposure to  
40 domestic violence as defined in RCW 7.105.010 that is perpetrated

1 against someone other than the child does not constitute negligent  
2 treatment or maltreatment in and of itself.

3 (20) "Pharmacist" means any registered pharmacist under chapter  
4 18.64 RCW, whether acting in an individual capacity or as an employee  
5 or agent of any public or private organization or institution.

6 (21) "Practitioner of the healing arts" or "practitioner" means a  
7 person licensed by this state to practice podiatric medicine and  
8 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
9 medicine and surgery, or medicine and surgery or to provide other  
10 health services. The term "practitioner" includes a duly accredited  
11 Christian Science practitioner. A person who is being furnished  
12 Christian Science treatment by a duly accredited Christian Science  
13 practitioner will not be considered, for that reason alone, a  
14 neglected person for the purposes of this chapter.

15 (22) "Prevention and family services and programs" means specific  
16 mental health prevention and treatment services, substance abuse  
17 prevention and treatment services, and in-home parent skill-based  
18 programs that qualify for federal funding under the federal family  
19 first prevention services act, P.L. 115-123. For purposes of this  
20 chapter, prevention and family services and programs are not remedial  
21 services or family reunification services as described in RCW  
22 13.34.025(2).

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

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

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

34 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or  
35 encouraging a child to engage in prostitution by any person; or (b)  
36 allowing, permitting, encouraging, or engaging in the obscene or  
37 pornographic photographing, filming, or depicting of a child by any  
38 person.

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

1 (28) "Social service counselor" means anyone engaged in a  
2 professional capacity during the regular course of employment in  
3 encouraging or promoting the health, welfare, support, or education  
4 of children, or providing social services to adults or families,  
5 including mental health, drug and alcohol treatment, and domestic  
6 violence programs, whether in an individual capacity, or as an  
7 employee or agent of any public or private organization or  
8 institution.

9 (29) "Unfounded" means the determination following an  
10 investigation by the department that available information indicates  
11 that, more likely than not, child abuse or neglect did not occur, or  
12 that there is insufficient evidence for the department to determine  
13 whether the alleged child abuse did or did not occur.

14 **Sec. 3.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to  
15 read as follows:

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

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

1 he or she obtains the information solely as a result of a privileged  
2 communication as provided in RCW 5.60.060.

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

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

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

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

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

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

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

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

36 (d) The reporting requirement shall also apply to any adult who  
37 has reasonable cause to believe that a child who resides with them,  
38 has suffered severe abuse, and is able or capable of making a report.  
39 For the purposes of this subsection, "severe abuse" means any of the  
40 following: Any single act of abuse that causes physical trauma of

1 sufficient severity that, if left untreated, could cause death; any  
2 single act of sexual abuse that causes significant bleeding, deep  
3 bruising, or significant external or internal swelling; or more than  
4 one act of physical abuse, each of which causes bleeding, deep  
5 bruising, significant external or internal swelling, bone fracture,  
6 or unconsciousness.

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

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

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

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

28 (3) Any other person who has reasonable cause to believe that a  
29 child has suffered abuse or neglect may report such incident to the  
30 proper law enforcement agency or to the department as provided in RCW  
31 26.44.040.

32 (4) The department, upon receiving a report of an incident of  
33 alleged abuse or neglect pursuant to this chapter, involving a child  
34 who has died or has had physical injury or injuries inflicted upon  
35 him or her other than by accidental means or who has been subjected  
36 to alleged sexual abuse, shall report such incident to the proper law  
37 enforcement agency, including military law enforcement, if  
38 appropriate. In emergency cases, where the child's welfare is  
39 endangered, the department shall notify the proper law enforcement  
40 agency within twenty-four hours after a report is received by the

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

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

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

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

37 (8) Any case referred to the department by a physician licensed  
38 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
39 opinion that child abuse, neglect, or sexual assault has occurred and  
40 that the child's safety will be seriously endangered if returned

1 home, the department shall file a dependency petition unless a second  
2 licensed physician of the parents' choice believes that such expert  
3 medical opinion is incorrect. If the parents fail to designate a  
4 second physician, the department may make the selection. If a  
5 physician finds that a child has suffered abuse or neglect but that  
6 such abuse or neglect does not constitute imminent danger to the  
7 child's health or safety, and the department agrees with the  
8 physician's assessment, the child may be left in the parents' home  
9 while the department proceeds with reasonable efforts to remedy  
10 parenting deficiencies.

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

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

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

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

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

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

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

- 1 (i) Investigation; or
- 2 (ii) Family assessment.

3 (b) In making the response in (a) of this subsection the  
4 department shall:

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

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

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

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

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

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

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

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

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

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

39 (E) The child is an adjudicated dependent child as defined in RCW  
40 13.34.030, or the child is in a facility that is licensed, operated,



1 or certified for care of children by the department under chapter  
2 74.15 RCW.

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

8 (i) A child who is a candidate for foster care, as defined in RCW  
9 26.44.020; and

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

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

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

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

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

35 (a) Provide the family with a written explanation of the  
36 procedure for assessment of the child and the family and its  
37 purposes;

38 (b) Collaborate with the family to identify family strengths,  
39 resources, and service needs, and develop a service plan with the

1 goal of reducing risk of harm to the child and improving or restoring  
2 family well-being;

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

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

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

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

18 (e) Implement the family assessment response in a consistent and  
19 cooperative manner;

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

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

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

1 interview and, if so, shall make reasonable efforts to accommodate  
2 the child's wishes. Unless the child objects, the department or law  
3 enforcement agency shall make reasonable efforts to include a third  
4 party in any interview so long as the presence of the third party  
5 will not jeopardize the course of the investigation; and

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

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

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

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

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

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

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

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

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

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

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

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

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.44  
31 RCW to read as follows:

32 (1) The department must use a validated assessment tool to screen  
33 a child for commercial sexual abuse of a minor if a report of abuse  
34 and neglect under RCW 26.44.030 alleges commercial sexual abuse of a  
35 minor.

36 (2) Whenever there is reasonable cause to believe that a child  
37 under the jurisdiction of a juvenile justice agency has suffered  
38 commercial sexual abuse of a minor, the juvenile justice agency must  
39 use a validated assessment tool to screen the child for commercial

1 sexual abuse of a minor and report such abuse and neglect pursuant to  
2 RCW 26.44.030.

3 (3) For purposes of this section, "juvenile justice agency" means  
4 any of the following: Law enforcement; diversion units; courts;  
5 detention centers; and persons or public or private agencies having  
6 children committed to their custody.

7 **Sec. 5.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to  
8 read as follows:

9 (1) The department shall develop, administer, supervise, and  
10 monitor a coordinated and comprehensive plan that establishes, aids,  
11 and strengthens services for the protection and care of runaway,  
12 dependent, or neglected children.

13 (2) Within available resources, the department shall recruit an  
14 adequate number of prospective adoptive and foster homes, both  
15 regular and specialized, i.e. homes for children of ethnic minority,  
16 including Indian homes for Indian children, sibling groups, children  
17 with disabilities or behavioral health conditions, teens, pregnant  
18 and parenting teens, and the department shall annually provide data  
19 and information to the governor and the legislature concerning the  
20 department's success in: (a) Placing children with relatives; (b)  
21 providing supports to kinship caregivers including guardianship  
22 assistance payments; (c) supporting relatives to pass home studies  
23 and become licensed caregivers; and (d) meeting the need for  
24 nonrelative family foster homes when children cannot be placed with  
25 relatives.

26 (3) The department shall investigate complaints of any recent act  
27 or failure to act on the part of a parent or caretaker that results  
28 in death, serious physical or emotional harm, or sexual abuse or  
29 exploitation, or that presents an imminent risk of serious harm, and  
30 on the basis of the findings of such investigation, offer child  
31 welfare services in relation to the problem to such parents, legal  
32 custodians, or persons serving in loco parentis, and/or bring the  
33 situation to the attention of an appropriate court, or another  
34 community agency. An investigation is not required of nonaccidental  
35 injuries which are clearly not the result of a lack of care or  
36 supervision by the child's parents, legal custodians, or persons  
37 serving in loco parentis. If the investigation reveals that a crime  
38 against a child may have been committed, the department shall notify  
39 the appropriate law enforcement agency.

1       (4) The department shall assess and offer services to children  
2 who have been identified by a state or local agency as being a victim  
3 of either sex trafficking or severe forms of trafficking in persons  
4 described under the trafficking victims protection act of 2000, 22  
5 U.S.C. Sec. 7101 et seq.

6       (5) As provided in RCW 26.44.030, the department may respond to a  
7 report of child abuse or neglect by using the family assessment  
8 response.

9       (~~(5)~~) (6) The department shall offer, on a voluntary basis,  
10 family reconciliation services to families who are in conflict.

11       (~~(6)~~) (7) The department shall monitor placements of children  
12 in out-of-home care and in-home dependencies to assure the safety,  
13 well-being, and quality of care being provided is within the scope of  
14 the intent of the legislature as defined in RCW 74.13.010 and  
15 74.15.010. Under this section children in out-of-home care and in-  
16 home dependencies and their caregivers shall receive a private and  
17 individual face-to-face visit each month. The department shall  
18 randomly select no less than ten percent of the caregivers currently  
19 providing care to receive one unannounced face-to-face visit in the  
20 caregiver's home per year. No caregiver will receive an unannounced  
21 visit through the random selection process for two consecutive years.  
22 If the caseworker makes a good faith effort to conduct the  
23 unannounced visit to a caregiver and is unable to do so, that month's  
24 visit to that caregiver need not be unannounced. The department is  
25 encouraged to group monthly visits to caregivers by geographic area  
26 so that in the event an unannounced visit cannot be completed, the  
27 caseworker may complete other required monthly visits. The department  
28 shall use a method of random selection that does not cause a fiscal  
29 impact to the department.

30       The department shall conduct the monthly visits with children and  
31 caregivers to whom it is providing child welfare services.

32       (~~(7)~~) (8) The department shall have authority to accept custody  
33 of children from parents and to accept custody of children from  
34 juvenile courts, where authorized to do so under law, to provide  
35 child welfare services including placement for adoption, to provide  
36 for the routine and necessary medical, dental, and mental health  
37 care, or necessary emergency care of the children, and to provide for  
38 the physical care of such children and make payment of maintenance  
39 costs if needed. Except where required by Public Law 95-608 (25  
40 U.S.C. Sec. 1915), no private adoption agency which receives children

1 for adoption from the department shall discriminate on the basis of  
2 race, creed, or color when considering applications in their  
3 placement for adoption.

4 ~~((8))~~ (9) The department may accept custody of children from  
5 parents through a voluntary placement agreement to provide child  
6 welfare services. The department may place children with a relative,  
7 a suitable person, or a licensed foster home under a voluntary  
8 placement agreement. In seeking a placement for a voluntary placement  
9 agreement, the department should consider the preferences of the  
10 parents and attempt to place with relatives or suitable persons over  
11 licensed foster care.

12 ~~((9))~~ (10) The department shall have authority to provide  
13 temporary shelter to children who have run away from home and who are  
14 admitted to crisis residential centers.

15 ~~((10))~~ (11) The department shall have authority to purchase  
16 care for children.

17 ~~((11))~~ (12) The department shall establish a children's  
18 services advisory committee which shall assist the secretary in the  
19 development of a partnership plan for utilizing resources of the  
20 public and private sectors, and advise on all matters pertaining to  
21 child welfare, licensing of child care agencies, adoption, and  
22 services related thereto. At least one member shall represent the  
23 adoption community.

24 ~~((12))~~ (13) (a) The department shall provide continued extended  
25 foster care services to nonminor dependents who are:

26 (i) Enrolled in a secondary education program or a secondary  
27 education equivalency program;

28 (ii) Enrolled and participating in a postsecondary academic or  
29 postsecondary vocational education program;

30 (iii) Participating in a program or activity designed to promote  
31 employment or remove barriers to employment;

32 (iv) Engaged in employment for eighty hours or more per month; or

33 (v) Not able to engage in any of the activities described in  
34 (a)(i) through (iv) of this subsection due to a documented medical  
35 condition.

36 (b) To be eligible for extended foster care services, the  
37 nonminor dependent must have been dependent at the time that he or  
38 she reached age eighteen years. If the dependency case of the  
39 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she  
40 may receive extended foster care services pursuant to a voluntary

1 placement agreement under RCW 74.13.336 or pursuant to an order of  
2 dependency issued by the court under RCW 13.34.268. A nonminor  
3 dependent whose dependency case was dismissed by the court may  
4 request extended foster care services before reaching age twenty-one  
5 years. Eligible nonminor dependents may unenroll and reenroll in  
6 extended foster care through a voluntary placement agreement an  
7 unlimited number of times between ages eighteen and twenty-one.

8 (c) The department shall develop and implement rules regarding  
9 youth eligibility requirements.

10 (d) The department shall make efforts to ensure that extended  
11 foster care services maximize medicaid reimbursements. This must  
12 include the department ensuring that health and mental health  
13 extended foster care providers participate in medicaid, unless the  
14 condition of the extended foster care youth requires specialty care  
15 that is not available among participating medicaid providers or there  
16 are no participating medicaid providers in the area. The department  
17 shall coordinate other services to maximize federal resources and the  
18 most cost-efficient delivery of services to extended foster care  
19 youth.

20 (e) The department shall allow a youth who has received extended  
21 foster care services, but lost his or her eligibility, to reenter the  
22 extended foster care program an unlimited number of times through a  
23 voluntary placement agreement when he or she meets the eligibility  
24 criteria again.

25 ~~((13))~~ (14) The department shall have authority to provide  
26 adoption support benefits on behalf of youth ages 18 to 21 years who  
27 achieved permanency through adoption at age 16 or older and who meet  
28 the criteria described in subsection ~~((12))~~ (13) of this section.

29 ~~((14))~~ (15) The department shall have the authority to provide  
30 guardianship subsidies on behalf of youth ages 18 to 21 who achieved  
31 permanency through guardianship and who meet the criteria described  
32 in subsection ~~((12))~~ (13) of this section.

33 ~~((15))~~ (16) The department shall refer cases to the division of  
34 child support whenever state or federal funds are expended for the  
35 care and maintenance of a child, including a child with a  
36 developmental disability who is placed as a result of an action under  
37 chapter 13.34 RCW, unless the department finds that there is good  
38 cause not to pursue collection of child support against the parent or  
39 parents of the child. Cases involving individuals age eighteen



1 through twenty shall not be referred to the division of child support  
2 unless required by federal law.

3 ~~((16))~~ (17) The department shall have authority within funds  
4 appropriated for foster care services to purchase care for Indian  
5 children who are in the custody of a federally recognized Indian  
6 tribe or tribally licensed child-placing agency pursuant to parental  
7 consent, tribal court order, or state juvenile court order. The  
8 purchase of such care is exempt from the requirements of chapter  
9 74.13B RCW and may be purchased from the federally recognized Indian  
10 tribe or tribally licensed child-placing agency, and shall be subject  
11 to the same eligibility standards and rates of support applicable to  
12 other children for whom the department purchases care.

13 Notwithstanding any other provision of RCW 13.32A.170 through  
14 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section  
15 all services to be provided by the department under subsections  
16 ~~((4), (7), and (9))~~ (5), (8), and (10) of this section, subject to  
17 the limitations of these subsections, may be provided by any program  
18 offering such services funded pursuant to Titles II and III of the  
19 federal juvenile justice and delinquency prevention act of 1974.

20 ~~((17))~~ (18) The department may, within funds appropriated for  
21 guardianship subsidies, provide subsidies for eligible guardians who  
22 are appointed as guardian of an Indian child by the tribal court of a  
23 federally recognized tribe located in Washington state, as defined in  
24 RCW 13.38.040. The provision of subsidies shall be subject to the  
25 same eligibility standards and rates of support applicable to other  
26 children for whom the department provides subsidies. To be eligible,  
27 the guardian must either be certified by a department-licensed child-  
28 placing agency or licensed by a federally recognized tribe located in  
29 Washington state that is a Title IV-E agency, as defined in 45 C.F.R.  
30 1355.20.

31 ~~((18))~~ (19) Within amounts appropriated for this specific  
32 purpose, the department shall provide preventive services to families  
33 with children that prevent or shorten the duration of an out-of-home  
34 placement.

35 ~~((19))~~ (20) The department shall have authority to provide  
36 independent living services to youths, including individuals who have  
37 attained eighteen years of age, and have not attained twenty-three  
38 years of age, who are or have been in the department's care and  
39 custody, or who are or were nonminor dependents.

1       (~~(20)~~) (21) The department shall consult at least quarterly  
2 with foster parents, including members of the foster parent  
3 association of Washington state, for the purpose of receiving  
4 information and comment regarding how the department is performing  
5 the duties and meeting the obligations specified in this section and  
6 RCW 74.13.250 regarding the recruitment of foster homes, reducing  
7 foster parent turnover rates, providing effective training for foster  
8 parents, and administering a coordinated and comprehensive plan that  
9 strengthens services for the protection of children. Consultation  
10 shall occur at the regional and statewide levels.

11       (~~(21)~~) (22)(a) The department shall, within current funding  
12 levels, place on its public website a document listing the duties and  
13 responsibilities the department has to a child subject to a  
14 dependency petition including, but not limited to, the following:

15       (i) Reasonable efforts, including the provision of services,  
16 toward reunification of the child with his or her family;

17       (ii) Sibling visits subject to the restrictions in RCW  
18 13.34.136(2)(b)(ii);

19       (iii) Parent-child visits;

20       (iv) Statutory preference for placement with a relative or other  
21 suitable person, if appropriate; and

22       (v) Statutory preference for an out-of-home placement that allows  
23 the child to remain in the same school or school district, if  
24 practical and in the child's best interests.

25       (b) The document must be prepared in conjunction with a  
26 community-based organization and must be updated as needed.

27       (~~(22)~~) (23)(a) The department shall have the authority to  
28 purchase legal representation for parents or kinship caregivers, or  
29 both, of children who are at risk of being dependent, or who are  
30 dependent, to establish or modify a parenting plan under RCW  
31 13.34.155 or chapter 26.09, 26.26A, or 26.26B RCW or secure orders  
32 establishing other relevant civil legal relationships authorized by  
33 law, when it is necessary for the child's safety, permanence, or  
34 well-being. The department's purchase of legal representation for  
35 kinship caregivers must be within the department's appropriations.  
36 This subsection does not create an entitlement to legal  
37 representation purchased by the department and does not create  
38 judicial authority to order the department to purchase legal  
39 representation for a parent or kinship caregiver. Such determinations  
40 are solely within the department's discretion. The term "kinship

1 caregiver" as used in this section means a caregiver who meets the  
2 definition of "kin" in RCW 74.13.600(1), unless the child is an  
3 Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903. For  
4 an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903,  
5 the term "kinship caregiver" as used in this section means a  
6 caregiver who is an "extended family member" as defined in RCW  
7 13.38.040(8).

8 (b) The department is encouraged to work with the office of  
9 public defense parent representation program and the office of civil  
10 legal aid to develop a cost-effective system for providing effective  
11 civil legal representation for parents and kinship caregivers if it  
12 exercises its authority under this subsection.

## 13 **PART II - CIVIL PROTECTION ORDERS**

14 **Sec. 6.** RCW 7.105.010 and 2022 c 268 s 1 and 2022 c 231 s 8 are  
15 each reenacted and amended to read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Abandonment" means action or inaction by a person or entity  
19 with a duty of care for a vulnerable adult that leaves the vulnerable  
20 adult without the means or ability to obtain necessary food,  
21 clothing, shelter, or health care.

22 (2) "Abuse," for the purposes of a vulnerable adult protection  
23 order, means intentional, willful, or reckless action or inaction  
24 that inflicts injury, unreasonable confinement, intimidation, or  
25 punishment on a vulnerable adult. In instances of abuse of a  
26 vulnerable adult who is unable to express or demonstrate physical  
27 harm, pain, or mental anguish, the abuse is presumed to cause  
28 physical harm, pain, or mental anguish. "Abuse" includes sexual  
29 abuse, mental abuse, physical abuse, personal exploitation, and  
30 improper use of restraint against a vulnerable adult, which have the  
31 following meanings:

32 (a) "Improper use of restraint" means the inappropriate use of  
33 chemical, physical, or mechanical restraints for convenience or  
34 discipline, or in a manner that: (i) Is inconsistent with federal or  
35 state licensing or certification requirements for facilities,  
36 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is  
37 not medically authorized; or (iii) otherwise constitutes abuse under  
38 this section.

1 (b) "Mental abuse" means an intentional, willful, or reckless  
2 verbal or nonverbal action that threatens, humiliates, harasses,  
3 coerces, intimidates, isolates, unreasonably confines, or punishes a  
4 vulnerable adult. "Mental abuse" may include ridiculing, yelling,  
5 swearing, or withholding or tampering with prescribed medications or  
6 their dosage.

7 (c) "Personal exploitation" means an act of forcing, compelling,  
8 or exerting undue influence over a vulnerable adult causing the  
9 vulnerable adult to act in a way that is inconsistent with relevant  
10 past behavior, or causing the vulnerable adult to perform services  
11 for the benefit of another.

12 (d) "Physical abuse" means the intentional, willful, or reckless  
13 action of inflicting bodily injury or physical mistreatment.  
14 "Physical abuse" includes, but is not limited to, striking with or  
15 without an object, slapping, pinching, strangulation, suffocation,  
16 kicking, shoving, or prodding.

17 (e) "Sexual abuse" means any form of nonconsensual sexual conduct  
18 including, but not limited to, unwanted or inappropriate touching,  
19 rape, molestation, indecent liberties, sexual coercion, sexually  
20 explicit photographing or recording, voyeurism, indecent exposure,  
21 and sexual harassment. "Sexual abuse" also includes any sexual  
22 conduct between a staff person, who is not also a resident or client,  
23 of a facility or a staff person of a program authorized under chapter  
24 71A.12 RCW, and a vulnerable adult living in that facility or  
25 receiving service from a program authorized under chapter 71A.12 RCW,  
26 whether or not the sexual conduct is consensual.

27 (3) "Chemical restraint" means the administration of any drug to  
28 manage a vulnerable adult's behavior in a way that reduces the safety  
29 risk to the vulnerable adult or others, has the temporary effect of  
30 restricting the vulnerable adult's freedom of movement, and is not  
31 standard treatment for the vulnerable adult's medical or psychiatric  
32 condition.

33 (4)(a) "Coercive control" means a pattern of behavior that is  
34 used to cause another to suffer physical, emotional, or psychological  
35 harm, and in purpose or effect unreasonably interferes with a  
36 person's free will and personal liberty. In determining whether the  
37 interference is unreasonable, the court shall consider the context  
38 and impact of the pattern of behavior from the perspective of a  
39 similarly situated person. Examples of coercive control include, but  
40 are not limited to, engaging in any of the following:

1 (i) Intimidation or controlling or compelling conduct by:  
2 (A) Damaging, destroying, or threatening to damage or destroy, or  
3 forcing the other party to relinquish, goods, property, or items of  
4 special value;  
5 (B) Using technology to threaten, humiliate, harass, stalk,  
6 intimidate, exert undue influence over, or abuse the other party,  
7 including by engaging in cyberstalking, monitoring, surveillance,  
8 impersonation, manipulation of electronic media, or distribution of  
9 or threats to distribute actual or fabricated intimate images;  
10 (C) Carrying, exhibiting, displaying, drawing, or threatening to  
11 use, any firearm or any other weapon apparently capable of producing  
12 bodily harm, in a manner, under circumstances, and at a time and  
13 place that either manifests an intent to intimidate the other party  
14 or that warrants alarm by the other party for their safety or the  
15 safety of other persons;  
16 (D) Driving recklessly with the other party or minor children in  
17 the vehicle;  
18 (E) Communicating, directly or indirectly, the intent to:  
19 (I) Harm the other party's children, family members, friends, or  
20 pets, including by use of physical forms of violence;  
21 (II) Harm the other party's career;  
22 (III) Attempt suicide or other acts of self-harm; or  
23 (IV) Contact local or federal agencies based on actual or  
24 suspected immigration status;  
25 (F) Exerting control over the other party's identity documents;  
26 (G) Making, or threatening to make, private information public,  
27 including the other party's sexual orientation or gender identity,  
28 medical or behavioral health information, or other confidential  
29 information that jeopardizes safety; or  
30 (H) Engaging in sexual or reproductive coercion;  
31 (ii) Causing dependence, confinement, or isolation of the other  
32 party from friends, relatives, or other sources of support, including  
33 schooling and employment, or subjecting the other party to physical  
34 confinement or restraint;  
35 (iii) Depriving the other party of basic necessities or  
36 committing other forms of financial exploitation;  
37 (iv) Controlling, exerting undue influence over, interfering  
38 with, regulating, or monitoring the other party's movements,  
39 communications, daily behavior, finances, economic resources, or  
40 employment, including but not limited to interference with or

1 attempting to limit access to services for children of the other  
2 party, such as health care, medication, child care, or school-based  
3 extracurricular activities;

4 (v) Engaging in vexatious litigation or abusive litigation as  
5 defined in RCW 26.51.020 against the other party to harass, coerce,  
6 or control the other party, to diminish or exhaust the other party's  
7 financial resources, or to compromise the other party's employment or  
8 housing; or

9 (vi) Engaging in psychological aggression, including inflicting  
10 fear, humiliating, degrading, or punishing the other party.

11 (b) "Coercive control" does not include protective actions taken  
12 by a party in good faith for the legitimate and lawful purpose of  
13 protecting themselves or children from the risk of harm posed by the  
14 other party.

15 (5) "Consent" in the context of sexual acts means that at the  
16 time of sexual contact, there are actual words or conduct indicating  
17 freely given agreement to that sexual contact. Consent must be  
18 ongoing and may be revoked at any time. Conduct short of voluntary  
19 agreement does not constitute consent as a matter of law. Consent  
20 cannot be freely given when a person does not have capacity due to  
21 disability, intoxication, or age. Consent cannot be freely given when  
22 the other party has authority or control over the care or custody of  
23 a person incarcerated or detained.

24 (6) (a) "Course of conduct" means a pattern of conduct composed of  
25 a series of acts over a period of time, however short, evidencing a  
26 continuity of purpose. "Course of conduct" includes any form of  
27 communication, contact, or conduct, including the sending of an  
28 electronic communication, but does not include constitutionally  
29 protected free speech. Constitutionally protected activity is not  
30 included within the meaning of "course of conduct."

31 (b) In determining whether the course of conduct serves any  
32 legitimate or lawful purpose, a court should consider whether:

33 (i) Any current contact between the parties was initiated by the  
34 respondent only or was initiated by both parties;

35 (ii) The respondent has been given clear notice that all further  
36 contact with the petitioner is unwanted;

37 (iii) The respondent's course of conduct appears designed to  
38 alarm, annoy, or harass the petitioner;

1 (iv) The respondent is acting pursuant to any statutory authority  
2 including, but not limited to, acts which are reasonably necessary  
3 to:

4 (A) Protect property or liberty interests;

5 (B) Enforce the law; or

6 (C) Meet specific statutory duties or requirements;

7 (v) The respondent's course of conduct has the purpose or effect  
8 of unreasonably interfering with the petitioner's privacy or the  
9 purpose or effect of creating an intimidating, hostile, or offensive  
10 living environment for the petitioner; or

11 (vi) Contact by the respondent with the petitioner or the  
12 petitioner's family has been limited in any manner by any previous  
13 court order.

14 (7) "Court clerk" means court administrators in courts of limited  
15 jurisdiction and elected court clerks.

16 (8) "Dating relationship" means a social relationship of a  
17 romantic nature. Factors that the court may consider in making this  
18 determination include: (a) The length of time the relationship has  
19 existed; (b) the nature of the relationship; and (c) the frequency of  
20 interaction between the parties.

21 (9) "Domestic violence" means:

22 (a) Physical harm, bodily injury, assault, or the infliction of  
23 fear of physical harm, bodily injury, or assault; nonconsensual  
24 sexual conduct or nonconsensual sexual penetration; coercive control;  
25 unlawful harassment; or stalking of one intimate partner by another  
26 intimate partner; or

27 (b) Physical harm, bodily injury, assault, or the infliction of  
28 fear of physical harm, bodily injury, or assault; nonconsensual  
29 sexual conduct or nonconsensual sexual penetration; coercive control;  
30 unlawful harassment; or stalking of one family or household member by  
31 another family or household member.

32 (10) "Electronic monitoring" has the same meaning as in RCW  
33 9.94A.030.

34 (11) "Essential personal effects" means those items necessary for  
35 a person's immediate health, welfare, and livelihood. "Essential  
36 personal effects" includes, but is not limited to, clothing, cribs,  
37 bedding, medications, personal hygiene items, cellular phones and  
38 other electronic devices, and documents, including immigration,  
39 health care, financial, travel, and identity documents.

1 (12) "Facility" means a residence licensed or required to be  
2 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
3 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
4 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
5 habilitation centers; or any other facility licensed or certified by  
6 the department of social and health services.

7 (13) "Family or household members" means: (a) Persons related by  
8 blood, marriage, domestic partnership, or adoption; (b) persons who  
9 currently or formerly resided together; (c) persons who have a  
10 biological or legal parent-child relationship, including stepparents  
11 and stepchildren and grandparents and grandchildren, or a parent's  
12 intimate partner and children; and (d) a person who is acting or has  
13 acted as a legal guardian.

14 (14) "Financial exploitation" means the illegal or improper use  
15 of, control over, or withholding of, the property, income, resources,  
16 or trust funds of the vulnerable adult by any person or entity for  
17 any person's or entity's profit or advantage other than for the  
18 vulnerable adult's profit or advantage. "Financial exploitation"  
19 includes, but is not limited to:

20 (a) The use of deception, intimidation, or undue influence by a  
21 person or entity in a position of trust and confidence with a  
22 vulnerable adult to obtain or use the property, income, resources,  
23 government benefits, health insurance benefits, or trust funds of the  
24 vulnerable adult for the benefit of a person or entity other than the  
25 vulnerable adult;

26 (b) The breach of a fiduciary duty, including, but not limited  
27 to, the misuse of a power of attorney, trust, or a guardianship or  
28 conservatorship appointment, that results in the unauthorized  
29 appropriation, sale, or transfer of the property, income, resources,  
30 or trust funds of the vulnerable adult for the benefit of a person or  
31 entity other than the vulnerable adult; or

32 (c) Obtaining or using a vulnerable adult's property, income,  
33 resources, or trust funds without lawful authority, by a person or  
34 entity who knows or clearly should know that the vulnerable adult  
35 lacks the capacity to consent to the release or use of the vulnerable  
36 adult's property, income, resources, or trust funds.

37 (15) "Firearm" means a weapon or device from which a projectile  
38 or projectiles may be fired by an explosive such as gunpowder.  
39 "Firearm" does not include a flare gun or other pyrotechnic visual  
40 distress signaling device, or a powder-actuated tool or other device



1 designed solely to be used for construction purposes. "Firearm" also  
2 includes parts that can be assembled to make a firearm.

3 (16) "Full hearing" means a hearing where the court determines  
4 whether to issue a full protection order.

5 (17) "Full protection order" means a protection order that is  
6 issued by the court after notice to the respondent and where the  
7 parties had the opportunity for a full hearing by the court. "Full  
8 protection order" includes a protection order entered by the court by  
9 agreement of the parties to resolve the petition for a protection  
10 order without a full hearing.

11 (18) "Hospital" means a facility licensed under chapter 70.41 or  
12 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
13 employee, agent, officer, director, or independent contractor  
14 thereof.

15 (19) "Interested person" means a person who demonstrates to the  
16 court's satisfaction that the person is interested in the welfare of  
17 a vulnerable adult, that the person has a good faith belief that the  
18 court's intervention is necessary, and that the vulnerable adult is  
19 unable, due to incapacity, undue influence, or duress at the time the  
20 petition is filed, to protect his or her own interests.

21 (20) "Intimate partner" means: (a) Spouses or domestic partners;  
22 (b) former spouses or former domestic partners; (c) persons who have  
23 a child in common regardless of whether they have been married or  
24 have lived together at any time, unless the child is conceived  
25 through sexual assault; or (d) persons who have or have had a dating  
26 relationship where both persons are at least 13 years of age or  
27 older.

28 (21)(a) "Isolate" or "isolation" means to restrict a person's  
29 ability to communicate, visit, interact, or otherwise associate with  
30 persons of his or her choosing. Isolation may be evidenced by acts  
31 including, but not limited to:

32 (i) Acts that prevent a person from sending, making, or receiving  
33 his or her personal mail, electronic communications, or telephone  
34 calls; or

35 (ii) Acts that prevent or obstruct a person from meeting with  
36 others, such as telling a prospective visitor or caller that the  
37 person is not present or does not wish contact, where the statement  
38 is contrary to the express wishes of the person.

39 (b) The term "isolate" or "isolation" may not be construed in a  
40 manner that prevents a guardian or limited guardian from performing

1 his or her fiduciary obligations under chapter 11.92 RCW or prevents  
2 a hospital or facility from providing treatment consistent with the  
3 standard of care for delivery of health services.

4 (22) "Judicial day" means days of the week other than Saturdays,  
5 Sundays, or legal holidays.

6 (23) "Mechanical restraint" means any device attached or adjacent  
7 to a vulnerable adult's body that the vulnerable adult cannot easily  
8 remove that restricts freedom of movement or normal access to the  
9 vulnerable adult's body. "Mechanical restraint" does not include the  
10 use of devices, materials, or equipment that are (a) medically  
11 authorized, as required, and (b) used in a manner that is consistent  
12 with federal or state licensing or certification requirements for  
13 facilities, hospitals, or programs authorized under chapter 71A.12  
14 RCW.

15 (24) "Minor" means a person who is under 18 years of age.

16 (25) "Neglect" means: (a) A pattern of conduct or inaction by a  
17 person or entity with a duty of care that fails to provide the goods  
18 and services that maintain the physical or mental health of a  
19 vulnerable adult, or that fails to avoid or prevent physical or  
20 mental harm or pain to a vulnerable adult; or (b) an act or omission  
21 by a person or entity with a duty of care that demonstrates a serious  
22 disregard of consequences of such a magnitude as to constitute a  
23 clear and present danger to the vulnerable adult's health, welfare,  
24 or safety including, but not limited to, conduct prohibited under RCW  
25 9A.42.100.

26 (26) "Nonconsensual" means a lack of freely given consent.

27 (27) "Nonphysical contact" includes, but is not limited to,  
28 written notes, mail, telephone calls, email, text messages, contact  
29 through social media applications, contact through other  
30 technologies, or contact through third parties.

31 (28) "Petitioner" means any named petitioner or any other person  
32 identified in the petition on whose behalf the petition is brought.

33 (29) "Physical restraint" means the application of physical force  
34 without the use of any device, for the purpose of restraining the  
35 free movement of a vulnerable adult's body. "Physical restraint" does  
36 not include (a) briefly holding, without undue force, a vulnerable  
37 adult in order to calm or comfort him or her, or (b) holding a  
38 vulnerable adult's hand to safely escort him or her from one area to  
39 another.

1 (30) "Possession" means having an item in one's custody or  
2 control. Possession may be either actual or constructive. Actual  
3 possession occurs when the item is in the actual physical custody of  
4 the person charged with possession. Constructive possession occurs  
5 when there is no actual physical possession, but there is dominion  
6 and control over the item.

7 (31) "Respondent" means the person who is identified as the  
8 respondent in a petition filed under this chapter.

9 (32) "Sexual abuse" means any form of nonconsensual sexual  
10 conduct including, but not limited to, unwanted or inappropriate  
11 touching, rape, molestation, indecent liberties, sexual coercion,  
12 sexually explicit photographing or recording, voyeurism, indecent  
13 exposure, sexual harassment, commercial sexual abuse of a minor, and  
14 sex trafficking.

15 (33) "Sexual conduct" means any of the following:

16 (a) Any intentional or knowing touching or fondling of the  
17 genitals, anus, or breasts, directly or indirectly, including through  
18 clothing;

19 (b) Any intentional or knowing display of the genitals, anus, or  
20 breasts for the purposes of arousal or sexual gratification of the  
21 respondent;

22 (c) Any intentional or knowing touching or fondling of the  
23 genitals, anus, or breasts, directly or indirectly, including through  
24 clothing, that the petitioner is forced to perform by another person  
25 or the respondent;

26 (d) Any forced display of the petitioner's genitals, anus, or  
27 breasts for the purposes of arousal or sexual gratification of the  
28 respondent or others;

29 (e) Any intentional or knowing touching of the clothed or  
30 unclothed body of a child under the age of 16, if done for the  
31 purpose of sexual gratification or arousal of the respondent or  
32 others; or

33 (f) Any coerced or forced touching or fondling by a child under  
34 the age of 16, directly or indirectly, including through clothing, of  
35 the genitals, anus, or breasts of the respondent or others.

36 (~~(33)~~) (34) "Sexual penetration" means any contact, however  
37 slight, between the sex organ or anus of one person by an object, the  
38 sex organ, mouth, or anus of another person, or any intrusion,  
39 however slight, of any part of the body of one person or of any  
40 animal or object into the sex organ or anus of another person

1 including, but not limited to, cunnilingus, fellatio, or anal  
2 penetration. Evidence of emission of semen is not required to prove  
3 sexual penetration.

4 ~~((34))~~ (35) "Stalking" means any of the following:

5 (a) Any act of stalking as defined under RCW 9A.46.110;

6 (b) Any act of cyber harassment as defined under RCW 9A.90.120;

7 or

8 (c) Any course of conduct involving repeated or continuing  
9 contacts, attempts to contact, monitoring, tracking, surveillance,  
10 keeping under observation, disrupting activities in a harassing  
11 manner, or following of another person that:

12 (i) Would cause a reasonable person to feel intimidated,  
13 frightened, under duress, significantly disrupted, or threatened and  
14 that actually causes such a feeling;

15 (ii) Serves no lawful purpose; and

16 (iii) The respondent knows, or reasonably should know, threatens,  
17 frightens, or intimidates the person, even if the respondent did not  
18 intend to intimidate, frighten, or threaten the person.

19 ~~((35))~~ (36) "Temporary protection order" means a protection  
20 order that is issued before the court has decided whether to issue a  
21 full protection order. "Temporary protection order" includes ex parte  
22 temporary protection orders, as well as temporary protection orders  
23 that are reissued by the court pending the completion of a full  
24 hearing to decide whether to issue a full protection order. An "ex  
25 parte temporary protection order" means a temporary protection order  
26 that is issued without prior notice to the respondent.

27 ~~((36))~~ (37) "Unlawful harassment" means:

28 (a) A knowing and willful course of conduct directed at a  
29 specific person that seriously alarms, annoys, harasses, or is  
30 detrimental to such person, and that serves no legitimate or lawful  
31 purpose. The course of conduct must be such as would cause a  
32 reasonable person to suffer substantial emotional distress, and must  
33 actually cause substantial emotional distress to the petitioner; or

34 (b) A single act of violence or threat of violence directed at a  
35 specific person that seriously alarms, annoys, harasses, or is  
36 detrimental to such person, and that serves no legitimate or lawful  
37 purpose, which would cause a reasonable person to suffer substantial  
38 emotional distress, and must actually cause substantial emotional  
39 distress to the petitioner. A single threat of violence must include:

1 (i) A malicious and intentional threat as described in RCW  
2 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

3 (~~(37)~~) (38) "Vulnerable adult" includes a person:

4 (a) Sixty years of age or older who has the functional, mental,  
5 or physical inability to care for himself or herself; or

6 (b) Subject to a guardianship under RCW 11.130.265 or adult  
7 subject to conservatorship under RCW 11.130.360; or

8 (c) Who has a developmental disability as defined under RCW  
9 71A.10.020; or

10 (d) Admitted to any facility; or

11 (e) Receiving services from home health, hospice, or home care  
12 agencies licensed or required to be licensed under chapter 70.127  
13 RCW; or

14 (f) Receiving services from a person under contract with the  
15 department of social and health services to provide services in the  
16 home under chapter 74.09 or 74.39A RCW; or

17 (g) Who self-directs his or her own care and receives services  
18 from a personal aide under chapter 74.39 RCW.

19 **Sec. 7.** RCW 7.105.100 and 2022 c 268 s 5 are each amended to  
20 read as follows:

21 (1) There exists an action known as a petition for a protection  
22 order. The following types of petitions for a protection order may be  
23 filed:

24 (a) A petition for a domestic violence protection order, which  
25 must allege the existence of domestic violence committed against the  
26 petitioner or petitioners by an intimate partner or a family or  
27 household member. The petitioner may petition for relief on behalf of  
28 himself or herself and on behalf of family or household members who  
29 are minors or vulnerable adults. A petition for a domestic violence  
30 protection order must specify whether the petitioner and the  
31 respondent are intimate partners or family or household members. A  
32 petitioner who has been sexually assaulted or stalked by an intimate  
33 partner or a family or household member should, but is not required  
34 to, seek a domestic violence protection order, rather than a sexual  
35 assault protection order or a stalking protection order.

36 (b) A petition for a sexual assault protection order, which must  
37 allege the existence of nonconsensual sexual conduct (~~(or)~~)  
38 nonconsensual sexual penetration, or sexual abuse that was committed  
39 against the petitioner by the respondent. A petitioner who has been

1 sexually assaulted by an intimate partner or a family or household  
2 member should, but is not required to, seek a domestic violence  
3 protection order, rather than a sexual assault protection order. A  
4 single incident of nonconsensual sexual conduct or nonconsensual  
5 sexual penetration is sufficient grounds for a petition for a sexual  
6 assault protection order. The petitioner may petition for a sexual  
7 assault protection order on behalf of:

8 (i) Himself or herself;

9 (ii) A minor child, where the petitioner is the parent, legal  
10 guardian, or custodian;

11 (iii) A vulnerable adult, where the petitioner is an interested  
12 person; or

13 (iv) Any other adult for whom the petitioner demonstrates to the  
14 court's satisfaction that the petitioner is interested in the adult's  
15 well-being, the court's intervention is necessary, and the adult  
16 cannot file the petition because of age, disability, health, or  
17 inaccessibility.

18 (c) A petition for a stalking protection order, which must allege  
19 the existence of stalking committed against the petitioner or  
20 petitioners by the respondent. A petitioner who has been stalked by  
21 an intimate partner or a family or household member should, but is  
22 not required to, seek a domestic violence protection order, rather  
23 than a stalking protection order. The petitioner may petition for a  
24 stalking protection order on behalf of:

25 (i) Himself or herself;

26 (ii) A minor child, where the petitioner is the parent, legal  
27 guardian, or custodian;

28 (iii) A vulnerable adult, where the petitioner is an interested  
29 person; or

30 (iv) Any other adult for whom the petitioner demonstrates to the  
31 court's satisfaction that the petitioner is interested in the adult's  
32 well-being, the court's intervention is necessary, and the adult  
33 cannot file the petition because of age, disability, health, or  
34 inaccessibility.

35 (d) A petition for a vulnerable adult protection order, which  
36 must allege that the petitioner, or person on whose behalf the  
37 petition is brought, is a vulnerable adult and that the petitioner,  
38 or person on whose behalf the petition is brought, has been  
39 abandoned, abused, financially exploited, or neglected, or is

1 threatened with abandonment, abuse, financial exploitation, or  
2 neglect, by the respondent.

3 (e) A petition for an extreme risk protection order, which must  
4 allege that the respondent poses a significant danger of causing  
5 personal injury to self or others by having in the respondent's  
6 custody or control, purchasing, possessing, accessing, receiving, or  
7 attempting to purchase or receive, a firearm. The petition must also  
8 identify information the petitioner is able to provide about the  
9 firearms, such as the number, types, and locations of any firearms  
10 the petitioner believes to be in the respondent's current ownership,  
11 possession, custody, access, or control. A petition for an extreme  
12 risk protection order may be filed by (i) an intimate partner or a  
13 family or household member of the respondent; or (ii) a law  
14 enforcement agency.

15 (f) A petition for an antiharassment protection order, which must  
16 allege the existence of unlawful harassment committed against the  
17 petitioner or petitioners by the respondent. If a petitioner is  
18 seeking relief based on domestic violence, nonconsensual sexual  
19 conduct, nonconsensual sexual penetration, or stalking, the  
20 petitioner may, but is not required to, seek a domestic violence,  
21 sexual assault, or stalking protection order, rather than an  
22 antiharassment order. The petitioner may petition for an  
23 antiharassment protection order on behalf of:

24 (i) Himself or herself;

25 (ii) A minor child, where the petitioner is the parent, legal  
26 guardian, or custodian;

27 (iii) A vulnerable adult, where the petitioner is an interested  
28 person; or

29 (iv) Any other adult for whom the petitioner demonstrates to the  
30 court's satisfaction that the petitioner is interested in the adult's  
31 well-being, the court's intervention is necessary, and the adult  
32 cannot file the petition because of age, disability, health, or  
33 inaccessibility.

34 (2) With the exception of vulnerable adult protection orders, a  
35 person under 18 years of age who is 15 years of age or older may seek  
36 relief under this chapter as a petitioner and is not required to seek  
37 relief through a petition filed on his or her behalf. He or she may  
38 also petition on behalf of a family or household member who is a  
39 minor if chosen by the minor and capable of pursuing the minor's  
40 stated interest in the action.

1 (3) A person under 15 years of age who is seeking relief under  
2 this chapter is required to seek relief by a person authorized as a  
3 petitioner under this section.

4 (4) If a petition for a protection order is filed by an  
5 interested person, the affidavit or declaration must also include a  
6 statement of why the petitioner qualifies as an interested person.

7 (5) A petition for any type of protection order must not be  
8 dismissed or denied on the basis that the conduct alleged by the  
9 petitioner would meet the criteria for the issuance of another type  
10 of protection order. If a petition meets the criteria for a different  
11 type of protection order other than the one sought by the petitioner,  
12 the court shall consider the petitioner's preference, and enter a  
13 temporary protection order or set the matter for a hearing as  
14 appropriate under the law. The court's decision on the appropriate  
15 type of order shall not be premised on alleviating any potential  
16 stigma on the respondent.

17 (6) The protection order petition must contain a section where  
18 the petitioner, regardless of petition type, may request specific  
19 relief provided for in RCW 7.105.310 that the petitioner seeks for  
20 himself or herself or for family or household members who are minors.  
21 The totality of selected relief, and any other relief the court deems  
22 appropriate for the petitioner, or family or household members who  
23 are minors, must be considered at the time of entry of temporary  
24 protection orders and at the time of entry of full protection orders.

25 (7) If a court reviewing the petition for a protection order or a  
26 request for a temporary protection order determines that the petition  
27 was not filed in the correct court, the court shall enter findings  
28 establishing the correct court, and direct the clerk to transfer the  
29 petition to the correct court and to provide notice of the transfer  
30 to all parties who have appeared.

31 (8) Upon filing a petition for a protection order, the petitioner  
32 may request that the court enter an ex parte temporary protection  
33 order and an order to surrender and prohibit weapons without notice  
34 until a hearing on a full protection order may be held. When  
35 requested, there shall be a rebuttable presumption to include the  
36 petitioner's minor children as protected parties in the ex parte  
37 temporary domestic violence protection order until the full hearing  
38 to reduce the risk of harm to children during periods of heightened  
39 risk, unless there is good cause not to include the minor children.  
40 If the court denies the petitioner's request to include the minor



1 children, the court shall make written findings why the children  
2 should not be included, pending the full hearing. An ex parte  
3 temporary protection order shall be effective for a fixed period of  
4 time and shall be issued initially for a period not to exceed 14  
5 days, which may be extended for good cause.

6 **Sec. 8.** RCW 7.105.110 and 2021 c 215 s 15 are each amended to  
7 read as follows:

8 The following apply only to the specific type of protection  
9 orders referenced in each subsection.

10 (1) The department of social and health services, in its  
11 discretion, may file a petition for a vulnerable adult protection  
12 order or a domestic violence protection order on behalf of, and with  
13 the consent of, any vulnerable adult. When the department has reason  
14 to believe a vulnerable adult lacks the ability or capacity to  
15 consent, the department, in its discretion, may seek relief on behalf  
16 of the vulnerable adult. Neither the department nor the state of  
17 Washington is liable for seeking or failing to seek relief on behalf  
18 of any persons under this section. The vulnerable adult shall not be  
19 held responsible for any violations of the order by the respondent.

20 (2)(a) If the petitioner for an extreme risk protection order is  
21 a law enforcement agency, the petitioner shall make a good faith  
22 effort to provide notice to an intimate partner or family or  
23 household member of the respondent and to any known third party who  
24 may be at risk of violence. The notice must state that the petitioner  
25 intends to petition the court for an extreme risk protection order or  
26 has already done so, and include referrals to appropriate resources,  
27 including behavioral health, domestic violence, and counseling  
28 resources. The petitioner must attest in the petition to having  
29 provided such notice, or attest to the steps that will be taken to  
30 provide such notice.

31 (b) Recognizing that an extreme risk protection order may need to  
32 be issued outside of normal business hours, courts shall allow law  
33 enforcement petitioners to petition after hours for a temporary  
34 extreme risk protection order using an on-call, after-hours judge, as  
35 is done for approval of after-hours search warrants.

36 (3) The department of children, youth, and families, in its  
37 discretion, may file a petition for a sexual assault protection order  
38 on behalf of, and with the consent of, any minor. When the department  
39 has reason to believe a minor lacks the ability or capacity to

1 consent, the department, in its discretion, may seek relief on behalf  
2 of the minor. Neither the department nor the state of Washington is  
3 liable for seeking or failing to seek relief on behalf of any persons  
4 under this section. The minor shall not be held responsible for any  
5 violations of the order by the respondent.

6 (4) A law enforcement agency, in its discretion, may file a  
7 petition for a sexual assault protection order on behalf of, and with  
8 the consent of, any minor. When the law enforcement agency has reason  
9 to believe a minor lacks the ability or capacity to consent, the law  
10 enforcement agency, in its discretion, may seek relief on behalf of  
11 the minor. Neither the law enforcement agency nor the state of  
12 Washington is liable for seeking or failing to seek relief on behalf  
13 of any persons under this section. The minor shall not be held  
14 responsible for any violations of the order by the respondent.

15 **Sec. 9.** RCW 7.105.225 and 2021 c 215 s 29 are each amended to  
16 read as follows:

17 (1) The court shall issue a protection order if it finds by a  
18 preponderance of the evidence that the petitioner has proved the  
19 required criteria specified in (a) through (f) of this subsection for  
20 obtaining a protection order under this chapter.

21 (a) For a domestic violence protection order, that the petitioner  
22 has been subjected to domestic violence by the respondent.

23 (b) For a sexual assault protection order, that the petitioner  
24 has been subjected to nonconsensual sexual conduct ~~(( $\oplus$ ))~~,  
25 nonconsensual sexual penetration, or sexual abuse by the respondent.

26 (c) For a stalking protection order, that the petitioner has been  
27 subjected to stalking by the respondent.

28 (d) For a vulnerable adult protection order, that the petitioner  
29 has been abandoned, abused, financially exploited, or neglected, or  
30 is threatened with abandonment, abuse, financial exploitation, or  
31 neglect by the respondent.

32 (e) For an extreme risk protection order, that the respondent  
33 poses a significant danger of causing personal injury to self or  
34 others by having in the respondent's custody or control, purchasing,  
35 possessing, accessing, receiving, or attempting to purchase or  
36 receive, a firearm.

37 (f) For an antiharassment protection order, that the petitioner  
38 has been subjected to unlawful harassment by the respondent.

1 (2) The court may not deny or dismiss a petition for a protection  
2 order on the grounds that:

3 (a) The petitioner or the respondent is a minor, unless  
4 provisions in this chapter specifically limit relief or remedies  
5 based upon a party's age;

6 (b) The petitioner did not report the conduct giving rise to the  
7 petition to law enforcement;

8 (c) A no-contact order or a restraining order that restrains the  
9 respondent's contact with the petitioner has been issued in a  
10 criminal proceeding or in a domestic relations proceeding;

11 (d) The relief sought by the petitioner may be available in a  
12 different action or proceeding, or criminal charges are pending  
13 against the respondent;

14 (e) The conduct at issue did not occur recently or because of the  
15 passage of time since the last incident of conduct giving rise to the  
16 petition; or

17 (f) The respondent no longer lives near the petitioner.

18 (3) In proceedings where the petitioner alleges that the  
19 respondent engaged in nonconsensual sexual conduct ~~((or))~~,  
20 nonconsensual sexual penetration, or sexual abuse, the court shall  
21 not require proof of physical injury on the person of the petitioner  
22 or any other forensic evidence. Denial of a remedy to the petitioner  
23 may not be based, in whole or in part, on evidence that:

24 (a) The respondent was voluntarily intoxicated;

25 (b) The petitioner was voluntarily intoxicated; or

26 (c) The petitioner engaged in limited consensual sexual touching.

27 (4) In proceedings where the petitioner alleges that the  
28 respondent engaged in stalking, the court may not require proof of  
29 the respondent's intentions regarding the acts alleged by the  
30 petitioner.

31 (5) In proceedings where the petitioner alleges that the  
32 respondent engaged in sexual abuse involving commercial sexual abuse  
33 of a minor or sex trafficking, denial of a remedy to the petitioner  
34 may not be based, in whole or in part, on evidence that the  
35 petitioner consented to sexual conduct or sexual penetration.

36 (6) If the court declines to issue a protection order, the court  
37 shall state in writing the particular reasons for the court's denial.  
38 If the court declines a request to include one or more of the  
39 petitioner's family or household member who is a minor or a

1 vulnerable adult in the order, the court shall state the reasons for  
2 that denial in writing. The court shall also explain from the bench:

3 (a) That the petitioner may refile a petition for a protection  
4 order at any time if the petitioner has new evidence to present that  
5 would support the issuance of a protection order;

6 (b) The parties' rights to seek revision, reconsideration, or  
7 appeal of the order; and

8 (c) The parties' rights to have access to the court transcript or  
9 recording of the hearing.

10 ~~((6))~~ (7) A court's ruling on a protection order must be filed  
11 by the court in writing and must be made by the court on the  
12 mandatory form developed by the administrative office of the courts.

13 **Sec. 10.** RCW 7.105.405 and 2021 c 215 s 54 are each amended to  
14 read as follows:

15 The following provisions apply to the renewal of all full  
16 protection orders issued under this chapter, with the exception of  
17 the renewal of extreme risk protection orders.

18 (1) If the court grants a protection order for a fixed time  
19 period, the petitioner may file a motion to renew the order at any  
20 time within the 90 days before the order expires. The motion for  
21 renewal must state the reasons the petitioner seeks to renew the  
22 protection order. Upon receipt of a motion for renewal, the court  
23 shall order a hearing, which must be not later than 14 days from the  
24 date of the order. Service must be made on the respondent not less  
25 than five judicial days before the hearing, as provided in RCW  
26 7.105.150.

27 (2) If the motion for renewal is uncontested and the petitioner  
28 seeks no modification of the order, the order may be renewed on the  
29 basis of the petitioner's motion and statement of the reason for the  
30 requested renewal.

31 (3) The petitioner bears no burden of proving that he or she has  
32 a current reasonable fear of harm by the respondent.

33 (4) The court shall grant the motion for renewal unless the  
34 respondent proves by a preponderance of the evidence that there has  
35 been a substantial change in circumstances and the following:

36 (a) For a domestic violence protection order, that the respondent  
37 proves that the respondent will not resume acts of domestic violence  
38 against the petitioner or the petitioner's family or household  
39 members who are minors or vulnerable adults when the order expires;

1 (b) For a sexual assault protection order, that the respondent  
2 proves that the respondent will not engage in, or attempt to engage  
3 in, physical or nonphysical contact, or acts of sexual abuse, with  
4 the petitioner when the order expires;

5 (c) For a stalking protection order, that the respondent proves  
6 that the respondent will not resume acts of stalking against the  
7 petitioner or the petitioner's family or household members when the  
8 order expires;

9 (d) For a vulnerable adult protection order, that the respondent  
10 proves that the respondent will not resume acts of abandonment,  
11 abuse, financial exploitation, or neglect against the vulnerable  
12 adult when the order expires; or

13 (e) For an antiharassment protection order, that the respondent  
14 proves that the respondent will not resume harassment of the  
15 petitioner when the order expires.

16 (5) In determining whether there has been a substantial change in  
17 circumstances, the court may consider the following unweighted  
18 factors, and no inference is to be drawn from the order in which the  
19 factors are listed:

20 (a) Whether the respondent has committed or threatened sexual  
21 assault; sexual abuse; domestic violence; stalking; abandonment,  
22 abuse, financial exploitation, or neglect of a vulnerable adult; or  
23 other harmful acts against the petitioner or any other person since  
24 the protection order was entered;

25 (b) Whether the respondent has violated the terms of the  
26 protection order and the time that has passed since the entry of the  
27 order;

28 (c) Whether the respondent has exhibited suicidal ideation or  
29 attempts since the protection order was entered;

30 (d) Whether the respondent has been convicted of criminal  
31 activity since the protection order was entered;

32 (e) Whether the respondent has either: Acknowledged  
33 responsibility for acts of sexual assault, sexual abuse, domestic  
34 violence, or stalking, or acts of abandonment, abuse, financial  
35 exploitation, or neglect of a vulnerable adult, or behavior that  
36 resulted in the entry of the protection order; or successfully  
37 completed state-certified perpetrator treatment or counseling since  
38 the protection order was entered;

1 (f) Whether the respondent has a continuing involvement with drug  
2 or alcohol abuse, if such abuse was a factor in the protection order;  
3 and

4 (g) Other factors relating to a substantial change in  
5 circumstances.

6 (6) The court shall not deny a motion to renew a protection order  
7 for any of the following reasons:

8 (a) The respondent has not violated the protection order  
9 previously issued by the court;

10 (b) The petitioner or the respondent is a minor;

11 (c) The petitioner did not report the conduct giving rise to the  
12 protection order, or subsequent violations of the protection order,  
13 to law enforcement;

14 (d) A no-contact order or a restraining order that restrains the  
15 respondent's contact with the petitioner has been issued in a  
16 criminal proceeding or in a domestic relations proceeding;

17 (e) The relief sought by the petitioner may be available in a  
18 different action or proceeding;

19 (f) The passage of time since the last incident of conduct giving  
20 rise to the issuance of the protection order; or

21 (g) The respondent no longer lives near the petitioner.

22 (7) The terms of the original protection order must not be  
23 changed on a motion for renewal unless the petitioner has requested  
24 the change.

25 (8) The court may renew the protection order for another fixed  
26 time period of no less than one year, or may enter a permanent order  
27 as provided in this section.

28 (9) If the protection order includes the parties' children, a  
29 renewed protection order may be issued for more than one year,  
30 subject to subsequent orders entered in a proceeding under chapter  
31 26.09, 26.26A, or 26.26B RCW.

32 (10) The court may award court costs, service fees, and  
33 reasonable attorneys' fees to the petitioner as provided in RCW  
34 7.105.310.

35 (11) If the court declines to renew the protection order, the  
36 court shall state, in writing in the order, the particular reasons  
37 for the court's denial. If the court declines to renew a protection  
38 order that had restrained the respondent from having contact with  
39 children protected by the order, the court shall determine on the  
40 record whether the respondent and the children should undergo

1 reunification therapy. Any reunification therapy provider should be  
2 made aware of the respondent's history of domestic violence and  
3 should have training and experience in the dynamics of intimate  
4 partner violence.

5 (12) In determining whether there has been a substantial change  
6 in circumstances for respondents under the age of 18, or in  
7 determining the appropriate duration for an order, the court shall  
8 consider the circumstances surrounding the respondent's youth at the  
9 time of the initial behavior alleged in the petition for a protection  
10 order. The court shall consider developmental factors, including the  
11 impact of time of a youth's development, and any information the  
12 minor respondent presents about his or her personal progress or  
13 change in circumstances.

14 **Sec. 11.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to  
15 read as follows:

16 This section applies to modification or termination of domestic  
17 violence protection orders, sexual assault protection orders,  
18 stalking protection orders, and antiharassment protection orders.

19 (1) Upon a motion with notice to all parties and after a hearing,  
20 the court may modify the terms of an existing protection order or  
21 terminate an existing order.

22 (2) A respondent's motion to modify or terminate an existing  
23 protection order must include a declaration setting forth facts  
24 supporting the requested order for modification or termination. The  
25 nonmoving parties to the proceeding may file opposing declarations.  
26 All motions to modify or terminate shall be based on the written  
27 materials and evidence submitted to the court. The court shall set a  
28 hearing only if the court finds that adequate cause is established.  
29 If the court finds that the respondent established adequate cause,  
30 the court shall set a date for hearing the respondent's motion, which  
31 must be at least 14 days from the date the court finds adequate  
32 cause.

33 (3) Upon the motion of a respondent, the court may not modify or  
34 terminate an existing protection order unless the respondent proves  
35 by a preponderance of the evidence that there has been a substantial  
36 change in circumstances such that the respondent will not resume,  
37 engage in, or attempt to engage in, the following acts against the  
38 petitioner or those persons protected by the protection order if the  
39 order is terminated or modified:

1 (a) Acts of domestic violence, in cases involving domestic  
2 violence protection orders;

3 (b) Physical or nonphysical contact, or acts of sexual abuse, in  
4 cases involving sexual assault protection orders;

5 (c) Acts of stalking, in cases involving stalking protection  
6 orders; or

7 (d) Acts of unlawful harassment, in cases involving  
8 antiharassment protection orders.

9 The petitioner bears no burden of proving that he or she has a  
10 current reasonable fear of harm by the respondent.

11 (4) In determining whether there has been a substantial change in  
12 circumstances, the court may consider the following unweighted  
13 factors, and no inference is to be drawn from the order in which the  
14 factors are listed:

15 (a) Whether the respondent has committed or threatened sexual  
16 assault, sexual abuse, domestic violence, stalking, or other harmful  
17 acts against the petitioner or any other person since the protection  
18 order was entered;

19 (b) Whether the respondent has violated the terms of the  
20 protection order and the time that has passed since the entry of the  
21 order;

22 (c) Whether the respondent has exhibited suicidal ideation or  
23 attempts since the protection order was entered;

24 (d) Whether the respondent has been convicted of criminal  
25 activity since the protection order was entered;

26 (e) Whether the respondent has either acknowledged responsibility  
27 for acts of sexual assault, sexual abuse, domestic violence,  
28 stalking, or behavior that resulted in the entry of the protection  
29 order, or successfully completed state-certified perpetrator  
30 treatment or counseling since the protection order was entered;

31 (f) Whether the respondent has a continuing involvement with drug  
32 or alcohol abuse, if such abuse was a factor in the protection order;

33 (g) Whether the petitioner consents to terminating the protection  
34 order, provided that consent is given voluntarily and knowingly; or

35 (h) Other factors relating to a substantial change in  
36 circumstances.

37 (5) In determining whether there has been a substantial change in  
38 circumstances, the court may not base its determination on the fact  
39 that time has passed without a violation of the order.



1 (6) Regardless of whether there is a substantial change in  
2 circumstances, the court may decline to terminate a protection order  
3 if it finds that the acts of domestic violence, sexual assault,  
4 sexual abuse, stalking, unlawful harassment, and other harmful acts  
5 that resulted in the issuance of the protection order were of such  
6 severity that the order should not be terminated.

7 (7) A respondent may file a motion to modify or terminate an  
8 order no more than once in every 12-month period that the order is in  
9 effect, starting from the date of the order and continuing through  
10 any renewal period.

11 (8) If a person who is protected by a protection order has a  
12 child or adopts a child after a protection order has been issued, but  
13 before the protection order has expired, the petitioner may seek to  
14 include the new child in the order of protection on an ex parte basis  
15 if the child is already in the physical custody of the petitioner. If  
16 the restrained person is the legal or biological parent of the child,  
17 a hearing must be set and notice given to the restrained person prior  
18 to final modification of the full protection order.

19 (9) A court may require the respondent to pay the petitioner for  
20 costs incurred in responding to a motion to modify or terminate a  
21 protection order, including reasonable attorneys' fees.

### 22 **PART III - CRIME VICTIMS COMPENSATION**

23 **Sec. 12.** RCW 7.68.060 and 2020 c 308 s 1 are each amended to  
24 read as follows:

25 (1) Except for applications received pursuant to subsection  
26 (~~((6))~~) (5) of this section, no compensation of any kind shall be  
27 available under this chapter if:

28 (a) An application for benefits is not received by the department  
29 within three years after the date the criminal act was reported to a  
30 local police department or sheriff's office or the date the rights of  
31 beneficiaries accrued, unless the director has determined that "good  
32 cause" exists to expand the time permitted to receive the  
33 application. "Good cause" shall be determined by the department on a  
34 case-by-case basis and may extend the period of time in which an  
35 application can be received for up to five years after the date the  
36 criminal act was reported to a local police department or sheriff's  
37 office or the date the rights of beneficiaries accrued; or

1 (b) The criminal act is not reported by the victim or someone on  
2 his or her behalf to a local police department or sheriff's office  
3 within twelve months of its occurrence or, if it could not reasonably  
4 have been reported within that period, within twelve months of the  
5 time when a report could reasonably have been made. In making  
6 determinations as to reasonable time limits, the department shall  
7 give greatest weight to the needs of the victims.

8 (2) No person or spouse, child, or dependent of such person is  
9 eligible for benefits under this chapter when the injury for which  
10 benefits are sought was:

11 (a) The result of consent, provocation, or incitement by the  
12 victim, unless an injury resulting from a criminal act caused the  
13 death of the victim;

14 (b) Sustained while the crime victim was engaged in the attempt  
15 to commit, or the commission of, a felony; or

16 (c) Sustained while the victim was confined in any county or city  
17 jail, federal jail or prison or in any other federal institution, or  
18 any state correctional institution maintained and operated by the  
19 department of social and health services or the department of  
20 corrections, prior to release from lawful custody; or confined or  
21 living in any other institution maintained and operated by the  
22 department of social and health services or the department of  
23 corrections.

24 ~~(3) ((No person or spouse, child, or dependent of such person is~~  
25 ~~eligible for benefits under this chapter where the person making a~~  
26 ~~claim for such benefits has refused to give reasonable cooperation to~~  
27 ~~state or local law enforcement agencies in their efforts to apprehend~~  
28 ~~and convict the perpetrator of the criminal act which gave rise to~~  
29 ~~the claim.~~

30 ~~(4))~~) A victim is not eligible for benefits under this chapter if  
31 the victim:

32 (a) Has been convicted of a felony offense within five years  
33 preceding the criminal act for which the victim is applying where the  
34 felony offense is a violent offense under RCW 9.94A.030 or a crime  
35 against persons under RCW 9.94A.411, or is convicted of such a felony  
36 offense after the criminal act for which the victim is applying; and

37 (b) Has not completely satisfied all legal financial obligations  
38 owed.

39 ~~((5))~~) (4) Because victims of childhood criminal acts may  
40 repress conscious memory of such criminal acts far beyond the age of

1 eighteenth, the rights of adult victims of childhood criminal acts  
2 shall accrue at the time the victim discovers or reasonably should  
3 have discovered the elements of the crime. In making determinations  
4 as to reasonable time limits, the department shall give greatest  
5 weight to the needs of the victim.

6 ~~((+6))~~ (5)(a) Benefits under this chapter are available to any  
7 victim of a person against whom the state initiates proceedings under  
8 chapter 71.09 RCW. The right created under this subsection shall  
9 accrue when the victim is notified of proceedings under chapter 71.09  
10 RCW or the victim is interviewed, deposed, or testifies as a witness  
11 in connection with the proceedings. An application for benefits under  
12 this subsection must be received by the department within two years  
13 after the date the victim's right accrued unless the director  
14 determines that good cause exists to expand the time to receive the  
15 application. The director shall determine "good cause" on a case-by-  
16 case basis and may extend the period of time in which an application  
17 can be received for up to five years after the date the right of the  
18 victim accrued. Benefits under this subsection shall be limited to  
19 compensation for costs or losses incurred on or after the date the  
20 victim's right accrues for a claim allowed under this subsection.

21 (b) A person identified as a minor victim of sex trafficking or  
22 as the "minor" in the charge of commercial sexual abuse of a minor  
23 under RCW 9.68A.100, promoting commercial sexual abuse of a minor  
24 under RCW 9.68A.101, or promoting travel for commercial sexual abuse  
25 of a minor under RCW 9.68A.102 is considered a victim of a criminal  
26 act for the purpose of the right to benefits under this chapter even  
27 if the person is also charged with prostitution under RCW 9A.88.030.  
28 A person identified under this subsection (5)(b) may file an  
29 application for benefits at any time, and the ineligibility factors  
30 of subsections (1) and (2) of this section do not apply to such a  
31 person.

32 **PART IV - STATUTE OF LIMITATIONS AND EVIDENTIARY PROCEDURES**

33 **Sec. 13.** RCW 9A.04.080 and 2023 c 197 s 8 and 2023 c 122 s 8 are  
34 each reenacted and amended to read as follows:

35 (1) Prosecutions for criminal offenses shall not be commenced  
36 after the periods prescribed in this section.

37 (a) The following offenses may be prosecuted at any time after  
38 their commission:

1 (i) Murder;  
2 (ii) Homicide by abuse;  
3 (iii) Arson if a death results;  
4 (iv) Vehicular homicide;  
5 (v) Vehicular assault if a death results;  
6 (vi) Hit-and-run injury-accident if a death results (RCW  
7 46.52.020(4));  
8 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is  
9 under the age of sixteen;  
10 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is  
11 under the age of sixteen;  
12 (ix) Rape of a child in the first degree (RCW 9A.44.073);  
13 (x) Rape of a child in the second degree (RCW 9A.44.076);  
14 (xi) Rape of a child in the third degree (RCW 9A.44.079);  
15 (xii) Sexual misconduct with a minor in the first degree (RCW  
16 9A.44.093);  
17 (xiii) Custodial sexual misconduct in the first degree (RCW  
18 9A.44.160);  
19 (xiv) Child molestation in the first degree (RCW 9A.44.083);  
20 (xv) Child molestation in the second degree (RCW 9A.44.086);  
21 (xvi) Child molestation in the third degree (RCW 9A.44.089);  
22 ((and))  
23 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);  
24 (xviii) Trafficking (RCW 9A.40.100) if the victim is under the  
25 age of 18;  
26 (xix) Commercial sexual abuse of a minor (RCW 9.68A.100);  
27 (xx) Promoting commercial sexual abuse of a minor (RCW  
28 9.68A.101);  
29 (xxi) Promoting travel for commercial sexual abuse of a minor  
30 (RCW 9.68A.102); and  
31 (xxii) Permitting commercial sexual abuse of a minor (RCW  
32 9.68A.103).

33 (b) Except as provided in (a) of this subsection, the following  
34 offenses may not be prosecuted more than ((~~twenty~~)) 20 years after  
35 its commission:

36 (i) Rape in the first degree (RCW 9A.44.040);  
37 (ii) Rape in the second degree (RCW 9A.44.050); or  
38 (iii) Indecent liberties (RCW 9A.44.100).

39 (c) The following offenses may not be prosecuted more than ten  
40 years after its commission:

1 (i) Any felony committed by a public officer if the commission is  
2 in connection with the duties of his or her office or constitutes a  
3 breach of his or her public duty or a violation of the oath of  
4 office;

5 (ii) Arson if no death results;

6 (iii) Rape in the third degree (RCW 9A.44.060);

7 (iv) Attempted murder; or

8 (v) Trafficking under RCW 9A.40.100.

9 (d) A violation of (~~any~~) this offense listed in this subsection  
10 (1)(d) may be prosecuted up to (~~ten~~) 10 years after its commission  
11 or, if committed against a victim under the age of (~~eighteen~~) 18,  
12 up to the victim's (~~thirtieth~~) 30th birthday, whichever is later:

13 (~~(i) RCW 9.68A.100 (commercial sexual abuse of a minor);~~

14 ~~(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a~~  
15 ~~minor);~~

16 ~~(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse~~  
17 ~~of a minor); or~~

18 ~~(iv))~~ RCW 9A.64.020 (incest).

19 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years  
20 after its commission, or if committed against a victim under the age  
21 of 18, up to the victim's 28th birthday, whichever is later.

22 (f) The following offenses may not be prosecuted more than six  
23 years after its commission or discovery, whichever occurs later:

24 (i) Violations of RCW 9A.82.060 or 9A.82.080;

25 (ii) Any felony violation of chapter 9A.83 RCW;

26 (iii) Any felony violation of chapter 9.35 RCW;

27 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
28 when accomplished by color or aid of deception;

29 (v) Theft from a vulnerable adult under RCW 9A.56.400;

30 (vi) Trafficking in stolen property in the first or second degree  
31 under chapter 9A.82 RCW in which the stolen property is a motor  
32 vehicle or major component part of a motor vehicle as defined in RCW  
33 46.80.010; or

34 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

35 (g) The following offenses may not be prosecuted more than five  
36 years after its commission: Any class C felony under chapter 74.09,  
37 82.36, or 82.38 RCW.

38 (h) Bigamy may not be prosecuted more than three years after the  
39 time specified in RCW 9A.64.010.

1 (i) A violation of RCW 9A.56.030 may not be prosecuted more than  
2 three years after the discovery of the offense when the victim is a  
3 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

4 (j) No other felony may be prosecuted more than three years after  
5 its commission; except that in a prosecution under RCW 9A.44.115, if  
6 the person who was viewed, photographed, or filmed did not realize at  
7 the time that he or she was being viewed, photographed, or filmed,  
8 the prosecution must be commenced within two years of the time the  
9 person who was viewed or in the photograph or film first learns that  
10 he or she was viewed, photographed, or filmed.

11 (k) No gross misdemeanor, except as provided under (e) of this  
12 subsection, may be prosecuted more than two years after its  
13 commission.

14 (l) No misdemeanor may be prosecuted more than one year after its  
15 commission.

16 (2) The periods of limitation prescribed in subsection (1) of  
17 this section do not run during any time when the person charged is  
18 not usually and publicly resident within this state.

19 (3) In any prosecution for a sex offense as defined in RCW  
20 9.94A.030, the periods of limitation prescribed in subsection (1) of  
21 this section run from the date of commission or four years from the  
22 date on which the identity of the suspect is conclusively established  
23 by deoxyribonucleic acid testing or by photograph as defined in RCW  
24 9.68A.011, whichever is later.

25 (4) If, before the end of a period of limitation prescribed in  
26 subsection (1) of this section, an indictment has been found or a  
27 complaint or an information has been filed, and the indictment,  
28 complaint, or information is set aside, then the period of limitation  
29 is extended by a period equal to the length of time from the finding  
30 or filing to the setting aside.

31 **Sec. 14.** RCW 9A.44.120 and 2019 c 90 s 1 are each amended to  
32 read as follows:

33 (1) A statement not otherwise admissible by statute or court  
34 rule, is admissible in evidence in dependency proceedings under Title  
35 13 RCW and criminal proceedings, including juvenile offense  
36 adjudications, in the courts of the state of Washington if:

37 (a)(i) It is made by a child when under the age of ten describing  
38 any act of sexual contact performed with or on the child by another,  
39 describing any attempted act of sexual contact with or on the child

1 by another, or describing any act of physical abuse of the child by  
2 another that results in substantial bodily harm as defined by RCW  
3 9A.04.110; or

4 (ii) It is made by a child when under the age of (~~sixteen~~) 18  
5 describing any of the following acts or attempted acts performed with  
6 or on the child: Trafficking under RCW 9A.40.100; commercial sexual  
7 abuse of a minor under RCW 9.68A.100; promoting commercial sexual  
8 abuse of a minor under RCW 9.68A.101; or promoting travel for  
9 commercial sexual abuse of a minor under RCW 9.68A.102;

10 (b) The court finds, in a hearing conducted outside the presence  
11 of the jury, that the time, content, and circumstances of the  
12 statement provide sufficient indicia of reliability; and

13 (c) The child either:

14 (i) Testifies at the proceedings; or

15 (ii) Is unavailable as a witness, except that when the child is  
16 unavailable as a witness, such statement may be admitted only if  
17 there is corroborative evidence of the act.

18 (2) A statement may not be admitted under this section unless the  
19 proponent of the statement makes known to the adverse party his or  
20 her intention to offer the statement and the particulars of the  
21 statement sufficiently in advance of the proceedings to provide the  
22 adverse party with a fair opportunity to prepare to meet the  
23 statement.

24 **Sec. 15.** RCW 9A.44.150 and 2013 c 302 s 9 are each amended to  
25 read as follows:

26 (1) On motion of the prosecuting attorney in a criminal  
27 proceeding, the court may order that a child under the age of  
28 (~~fourteen~~) 18 may testify in a room outside the presence of the  
29 defendant and the jury while one-way closed-circuit television  
30 equipment simultaneously projects the child's testimony into another  
31 room so the defendant and the jury can watch and hear the child  
32 testify if:

33 (a) The testimony will:

34 (i) Describe an act or attempted act of sexual contact performed  
35 with or on the child witness by another person or with or on a child  
36 other than the child witness by another person;

37 (ii) Describe an act or attempted act of physical abuse against  
38 the child witness by another person or against a child other than the  
39 child witness by another person;

1 (iii) Describe a violation of RCW 9A.40.100 (trafficking) or any  
2 offense identified in chapter 9.68A RCW (sexual exploitation of  
3 children); or

4 (iv) Describe a violent offense as defined by RCW 9.94A.030  
5 committed against a person known by or familiar to the child witness  
6 or by a person known by or familiar to the child witness;

7 (b) The testimony is taken during the criminal proceeding;

8 (c) The court finds by substantial evidence, in a hearing  
9 conducted outside the presence of the jury, that ~~((requiring the~~  
10 ~~child witness to testify in the presence of the defendant will cause~~  
11 ~~the))~~;

12 (i) The particular child involved would be traumatized;

13 (ii) The source of the trauma is not the courtroom generally, but  
14 the presence of the defendant; and

15 (iii) The emotional or mental distress suffered by the child ~~((to~~  
16 ~~suffer serious emotional or mental distress that will prevent)) would  
17 be more than de minimis, such that the child ~~((from))~~ could not  
18 reasonably ~~((communicating))~~ communicate at the trial. If the  
19 defendant is excluded from the presence of the child, the jury must  
20 also be excluded;~~

21 (d) As provided in (a) and (b) of this subsection, the court may  
22 allow a child witness to testify in the presence of the defendant but  
23 outside the presence of the jury, via closed-circuit television, if  
24 the court finds, upon motion and hearing outside the presence of the  
25 jury, that ~~((the child will suffer serious emotional distress that~~  
26 ~~will prevent the child from reasonably communicating at the trial in~~  
27 ~~front of the jury, or, that although the child may be able to~~  
28 ~~reasonably communicate at trial in front of the jury, the child will~~  
29 ~~suffer serious emotional or mental distress from testifying))~~; (i)  
30 The particular child involved would be traumatized; (ii) the source  
31 of the trauma is not the courtroom generally, but the presence of the  
32 jury; and (iii) the emotional or mental distress suffered by the  
33 child would be more than de minimis, regardless of whether or not the  
34 child could reasonably communicate at the trial in front of the jury.  
35 If the child is able to communicate in front of the defendant but not  
36 the jury the defendant will remain in the room with the child while  
37 the jury is excluded from the room;

38 (e) The court finds that the prosecutor has made all reasonable  
39 efforts to prepare the child witness for testifying, including  
40 informing the child or the child's parent or guardian about community



1 counseling services, giving court tours, and explaining the trial  
2 process. If the prosecutor fails to demonstrate that preparations  
3 were implemented or the prosecutor in good faith attempted to  
4 implement them, the court shall deny the motion;

5 (f) The court balances the strength of the state's case without  
6 the testimony of the child witness against the defendant's  
7 constitutional rights and the degree of infringement of the closed-  
8 circuit television procedure on those rights;

9 (g) The court finds that no less restrictive method of obtaining  
10 the testimony exists that can adequately protect the child witness  
11 from (~~the serious~~) suffering emotional or mental distress that  
12 would be more than de minimis;

13 (h) When the court allows the child witness to testify outside  
14 the presence of the defendant, the defendant can communicate  
15 constantly with the defense attorney by electronic transmission and  
16 be granted reasonable court recesses during the child's testimony for  
17 person-to-person consultation with the defense attorney;

18 (i) The court can communicate with the attorneys by an audio  
19 system so that the court can rule on objections and otherwise control  
20 the proceedings;

21 (j) All parties in the room with the child witness are on camera  
22 and can be viewed by all other parties. If viewing all participants  
23 is not possible, the court shall describe for the viewers the  
24 location of the prosecutor, defense attorney, and other participants  
25 in relation to the child;

26 (k) The court finds that the television equipment is capable of  
27 making an accurate reproduction and the operator of the equipment is  
28 competent to operate the equipment; and

29 (l) The court imposes reasonable guidelines upon the parties for  
30 conducting the filming to avoid trauma to the child witness or abuse  
31 of the procedure for tactical advantage.

32 The prosecutor, defense attorney, and a neutral and trained  
33 victim's advocate, if any, shall always be in the room where the  
34 child witness is testifying. The court in the court's discretion  
35 depending on the circumstances and whether the jury or defendant or  
36 both are excluded from the room where the child is testifying, may  
37 remain or may not remain in the room with the child.

38 (2) During the hearing conducted under subsection (1) of this  
39 section to determine whether the child witness may testify outside  
40 the presence of the defendant and/or the jury, the court may conduct

1 the observation and examination of the child outside the presence of  
2 the defendant if:

3 (a) The prosecutor alleges and the court concurs that the child  
4 witness will be unable to testify in front of the defendant or (~~will~~  
5 ~~suffer severe emotional or mental distress if forced to testify in~~  
6 ~~front of the defendant~~) that (i) the particular child involved would  
7 be traumatized; (ii) the source of the trauma is not the courtroom  
8 generally, but the presence of the defendant; and (iii) the emotional  
9 or mental distress suffered by the child would be more than de  
10 minimis;

11 (b) The defendant can observe and hear the child witness by  
12 closed-circuit television;

13 (c) The defendant can communicate constantly with the defense  
14 attorney during the examination of the child witness by electronic  
15 transmission and be granted reasonable court recesses during the  
16 child's examination for person-to-person consultation with the  
17 defense attorney; and

18 (d) The court finds the closed-circuit television is capable of  
19 making an accurate reproduction and the operator of the equipment is  
20 competent to operate the equipment. Whenever possible, all the  
21 parties in the room with the child witness shall be on camera so that  
22 the viewers can see all the parties. If viewing all participants is  
23 not possible, then the court shall describe for the viewers the  
24 location of the prosecutor, defense attorney, and other participants  
25 in relation to the child.

26 (3) The court shall make particularized findings on the record  
27 articulating the factors upon which the court based its decision to  
28 allow the child witness to testify via closed-circuit television  
29 pursuant to this section. The factors the court may consider include,  
30 but are not limited to, a consideration of the child's age, physical  
31 health, emotional stability, expressions by the child of fear of  
32 testifying in open court or in front of the defendant, the  
33 relationship of the defendant to the child, and the court's  
34 observations of the child's inability to reasonably communicate in  
35 front of the defendant or in open court. The court's findings shall  
36 identify the impact the factors have upon the child's ability to  
37 testify in front of the jury or the defendant or both and the  
38 specific nature of the emotional or mental trauma the child would  
39 suffer. The court shall determine whether the source of the trauma is

1 the presence of the defendant, the jury, or both, and shall limit the  
2 use of the closed-circuit television accordingly.

3 (4) This section does not apply if the defendant is an attorney  
4 pro se unless the defendant has a court-appointed attorney assisting  
5 the defendant in the defense.

6 (5) This section may not preclude the presence of both the child  
7 witness and the defendant in the courtroom together for purposes of  
8 establishing or challenging the identification of the defendant when  
9 identification is a legitimate issue in the proceeding.

10 (6) The Washington supreme court may adopt rules of procedure  
11 regarding closed-circuit television procedures.

12 (7) All recorded tapes of testimony produced by closed-circuit  
13 television equipment shall be subject to any protective order of the  
14 court for the purpose of protecting the privacy of the child witness.

15 (8) Nothing in this section creates a right of the child witness  
16 to a closed-circuit television procedure in lieu of testifying in  
17 open court.

18 (9) The state shall bear the costs of the closed-circuit  
19 television procedure.

20 (10) A child witness may or may not be a victim in the  
21 proceeding.

22 (11) Nothing in this section precludes the court, under other  
23 circumstances arising under subsection (1)(a) of this section, from  
24 allowing a child to testify outside the presence of the defendant and  
25 the jury so long as the testimony is presented in accordance with the  
26 standards and procedures required in this section.

27 **Sec. 16.** RCW 9A.82.100 and 2012 c 139 s 2 are each amended to  
28 read as follows:

29 (1)(a) A person who sustains injury to his or her person,  
30 business, or property by an act of criminal profiteering that is part  
31 of a pattern of criminal profiteering activity, or by an offense  
32 defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103,  
33 or 9A.88.070, or by a violation of RCW 9A.82.060 or 9A.82.080 may  
34 file an action in superior court for the recovery of damages and the  
35 costs of the suit, including reasonable investigative and attorney's  
36 fees.

37 (b) The attorney general or county prosecuting attorney may file  
38 an action: (i) On behalf of those persons injured or, respectively,  
39 on behalf of the state or county if the entity has sustained damages,

1 or (ii) to prevent, restrain, or remedy a pattern of criminal  
2 profiteering activity, or an offense defined in RCW 9A.40.100,  
3 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or a  
4 violation of RCW 9A.82.060 or 9A.82.080.

5 (c) An action for damages filed by or on behalf of an injured  
6 person, the state, or the county shall be for the recovery of damages  
7 and the costs of the suit, including reasonable investigative and  
8 attorney's fees.

9 (d) In an action filed to prevent, restrain, or remedy a pattern  
10 of criminal profiteering activity, or an offense defined in RCW  
11 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070,  
12 or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof  
13 of the violation, may impose a civil penalty not exceeding two  
14 hundred fifty thousand dollars, in addition to awarding the cost of  
15 the suit, including reasonable investigative and attorney's fees.

16 (2) The superior court has jurisdiction to prevent, restrain, and  
17 remedy a pattern of criminal profiteering, or an offense defined in  
18 RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or  
19 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080 after making  
20 provision for the rights of all innocent persons affected by the  
21 violation and after hearing or trial, as appropriate, by issuing  
22 appropriate orders.

23 (3) Prior to a determination of liability, orders issued under  
24 subsection (2) of this section may include, but are not limited to,  
25 entering restraining orders or prohibitions or taking such other  
26 actions, including the acceptance of satisfactory performance bonds,  
27 in connection with any property or other interest subject to damages,  
28 forfeiture, or other restraints pursuant to this section as the court  
29 deems proper. The orders may also include attachment, receivership,  
30 or injunctive relief in regard to personal or real property pursuant  
31 to Title 7 RCW. In shaping the reach or scope of receivership,  
32 attachment, or injunctive relief, the superior court shall provide  
33 for the protection of bona fide interests in property, including  
34 community property, of persons who were not involved in the violation  
35 of this chapter, except to the extent that such interests or property  
36 were acquired or used in such a way as to be subject to forfeiture  
37 under RCW 9A.82.100(4)(f).

38 (4) Following a determination of liability, orders may include,  
39 but are not limited to:

1 (a) Ordering any person to divest himself or herself of any  
2 interest, direct or indirect, in any enterprise.

3 (b) Imposing reasonable restrictions on the future activities or  
4 investments of any person, including prohibiting any person from  
5 engaging in the same type of endeavor as the enterprise engaged in,  
6 the activities of which affect the laws of this state, to the extent  
7 the Constitutions of the United States and this state permit.

8 (c) Ordering dissolution or reorganization of any enterprise.

9 (d) Ordering the payment of actual damages sustained to those  
10 persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an  
11 offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102,  
12 9.68A.103, or 9A.88.070, or an act of criminal profiteering that is  
13 part of a pattern of criminal profiteering, and in the court's  
14 discretion, increasing the payment to an amount not exceeding three  
15 times the actual damages sustained.

16 (e) Ordering the payment of all costs and expenses of the  
17 prosecution and investigation of a pattern of criminal profiteering,  
18 or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101,  
19 9.68A.102, 9.68A.103, or 9A.88.070, activity or a violation of RCW  
20 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or  
21 county, including any costs of defense provided at public expense, as  
22 appropriate to the state general fund or the antiprofitteering  
23 revolving fund of the county.

24 (f) Ordering forfeiture first as restitution to any person  
25 damaged by an act of criminal profiteering that is part of a pattern  
26 of criminal profiteering, or by an offense defined in RCW 9A.40.100,  
27 then to the state general fund or antiprofitteering revolving fund of  
28 the county, as appropriate, to the extent not already ordered to be  
29 paid in other damages, of the following:

30 (i) Any property or other interest acquired or maintained in  
31 violation of RCW 9A.82.060 or 9A.82.080 to the extent of the  
32 investment of funds, and any appreciation or income attributable to  
33 the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

34 (ii) Any property, contractual right, or claim against property  
35 used to influence any enterprise that a person has established,  
36 operated, controlled, conducted, or participated in the conduct of,  
37 in violation of RCW 9A.82.060 or 9A.82.080.

38 (iii) All proceeds traceable to or derived from an offense  
39 included in the pattern of criminal profiteering activity, or an  
40 offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102,

1 9.68A.103, or 9A.88.070, and all moneys, negotiable instruments,  
2 securities, and other things of value significantly used or intended  
3 to be used significantly to facilitate commission of the offense.

4 (g) Ordering payment to the state general fund or  
5 antiprofitereering revolving fund of the county, as appropriate, of an  
6 amount equal to the gain a person has acquired or maintained through  
7 an offense included in the definition of criminal profiteering.

8 (5) In addition to or in lieu of an action under this section,  
9 the attorney general or county prosecuting attorney may file an  
10 action for forfeiture to the state general fund or antiprofitereering  
11 revolving fund of the county, as appropriate, to the extent not  
12 already ordered paid pursuant to this section, of the following:

13 (a) Any interest acquired or maintained by a person in violation  
14 of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of  
15 funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any  
16 appreciation or income attributable to the investment.

17 (b) Any property, contractual right, or claim against property  
18 used to influence any enterprise that a person has established,  
19 operated, controlled, conducted, or participated in the conduct of,  
20 in violation of RCW 9A.82.060 or 9A.82.080.

21 (c) All proceeds traceable to or derived from an offense included  
22 in the pattern of criminal profiteering activity, or an offense  
23 defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103,  
24 or 9A.88.070, and all moneys, negotiable instruments, securities, and  
25 other things of value significantly used or intended to be used  
26 significantly to facilitate the commission of the offense.

27 (6) A defendant convicted in any criminal proceeding is precluded  
28 in any civil proceeding from denying the essential allegations of the  
29 criminal offense proven in the criminal trial in which the defendant  
30 was convicted. For the purposes of this subsection, a conviction  
31 shall be deemed to have occurred upon a verdict, finding, or plea of  
32 guilty, notwithstanding the fact that appellate review of the  
33 conviction and sentence has been or may be sought. If a subsequent  
34 reversal of the conviction occurs, any judgment that was based upon  
35 that conviction may be reopened upon motion of the defendant.

36 (7) The initiation of civil proceedings under this section shall  
37 be commenced within the later of the following periods:

38 (a) Within three years after discovery of the pattern of criminal  
39 profiteering activity or after the pattern should reasonably have  
40 been discovered; ~~or ((~~r~~-in))~~

1       **(b) In the case of an offense that is defined in RCW 9A.40.100,**  
2 **((within)) 9.68A.100, 9.68A.101, 9.68A.102, and 9.68A.103:**

3       **(i) Within three years of the act alleged to have caused the**  
4 **injury or condition;**

5       **(ii) Within three years of the time the victim discovered or**  
6 **reasonably should have discovered that the injury or condition was**  
7 **caused by said act;**

8       **(iii) Within three years of the time the victim discovered that**  
9 **the act caused the injury for which the claim is brought; or**

10       **(iv) Within three years** after the final disposition of any  
11 criminal charges relating to the offense(~~(, whichever is later)~~).

12       (8) The attorney general or county prosecuting attorney may, in a  
13 civil action brought pursuant to this section, file with the clerk of  
14 the superior court a certificate stating that the case is of special  
15 public importance. A copy of that certificate shall be furnished  
16 immediately by the clerk to the presiding chief judge of the superior  
17 court in which the action is pending and, upon receipt of the copy,  
18 the judge shall immediately designate a judge to hear and determine  
19 the action. The judge so designated shall promptly assign the action  
20 for hearing, participate in the hearings and determination, and cause  
21 the action to be expedited.

22       (9) The standard of proof in actions brought pursuant to this  
23 section is the preponderance of the evidence test.

24       (10) A person other than the attorney general or county  
25 prosecuting attorney who files an action under this section shall  
26 serve notice and one copy of the pleading on the attorney general  
27 within thirty days after the action is filed with the superior court.  
28 The notice shall identify the action, the person, and the person's  
29 attorney. Service of the notice does not limit or otherwise affect  
30 the right of the state to maintain an action under this section or  
31 intervene in a pending action nor does it authorize the person to  
32 name the state or the attorney general as a party to the action.

33       (11) Except in cases filed by a county prosecuting attorney, the  
34 attorney general may, upon timely application, intervene in any civil  
35 action or proceeding brought under this section if the attorney  
36 general certifies that in the attorney general's opinion the action  
37 is of special public importance. Upon intervention, the attorney  
38 general may assert any available claim and is entitled to the same  
39 relief as if the attorney general had instituted a separate action.

1 (12) In addition to the attorney general's right to intervene as  
2 a party in any action under this section, the attorney general may  
3 appear as amicus curiae in any proceeding in which a claim under this  
4 section has been asserted or in which a court is interpreting RCW  
5 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this  
6 section.

7 (13) A private civil action under this section does not limit any  
8 other civil or criminal action under this chapter or any other  
9 provision. Private civil remedies provided under this section are  
10 supplemental and not mutually exclusive.

11 (14) Upon motion by the defendant, the court may authorize the  
12 sale or transfer of assets subject to an order or lien authorized by  
13 this chapter for the purpose of paying actual attorney's fees and  
14 costs of defense. The motion shall specify the assets for which sale  
15 or transfer is sought and shall be accompanied by the defendant's  
16 sworn statement that the defendant has no other assets available for  
17 such purposes. No order authorizing such sale or transfer may be  
18 entered unless the court finds that the assets involved are not  
19 subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to  
20 disposition of the motion, the court shall notify the state of the  
21 assets sought to be sold or transferred and shall hear argument on  
22 the issue of whether the assets are subject to forfeiture under RCW  
23 9A.82.100(4)(f). Such a motion may be made from time to time and  
24 shall be heard by the court on an expedited basis.

25 (15) In an action brought under subsection (1)(a) and (b)(i) of  
26 this section, either party has the right to a jury trial.

27 **PART V - VICTIM PRIVACY**

28 **Sec. 17.** RCW 10.97.130 and 2019 c 300 s 2 are each amended to  
29 read as follows:

30 (1) Information revealing the specific details that describe the  
31 alleged or proven child victim of sexual assault or sexual abuse  
32 under age (~~(eighteen)~~) 18, or the identity or contact information of  
33 an alleged or proven child victim of sexual assault or sexual abuse  
34 under age (~~(eighteen)~~) 18 is confidential and not subject to release  
35 to the press or public without the permission of the child victim and  
36 the child's legal guardian. Identifying information includes the  
37 child victim's name, addresses, location, photographs, and in cases  
38 in which the child victim is a relative, stepchild, or stepsibling of



1 the alleged perpetrator, identification of the relationship between  
2 the child and the alleged perpetrator. Contact information includes  
3 phone numbers, email addresses, social media profiles, and user names  
4 and passwords. Contact information or information identifying the  
5 child victim of sexual assault or sexual abuse may be released to law  
6 enforcement, prosecutors, judges, defense attorneys, or private or  
7 governmental agencies that provide services to the child victim of  
8 sexual assault. Prior to release of any criminal history record  
9 information, the releasing agency shall delete any contact  
10 information or information identifying a child victim of sexual  
11 assault or sexual abuse from the information except as provided in  
12 this section.

13 (2) This section does not apply to court documents or other  
14 materials admitted in open judicial proceedings.

15 (3) For purposes of this section, "sexual abuse" means any form  
16 of nonconsensual sexual conduct including, but not limited to,  
17 unwanted or inappropriate touching, rape, molestation, indecent  
18 liberties, sexual coercion, sexually explicit photographing or  
19 recording, voyeurism, indecent exposure, sexual harassment,  
20 commercial sexual abuse of a minor, and sex trafficking.

21 **Sec. 18.** RCW 42.56.240 and 2022 c 268 s 31 are each amended to  
22 read as follows:

23 The following investigative, law enforcement, and crime victim  
24 information is exempt from public inspection and copying under this  
25 chapter:

26 (1) Specific intelligence information and specific investigative  
27 records compiled by investigative, law enforcement, and penology  
28 agencies, and state agencies vested with the responsibility to  
29 discipline members of any profession, the nondisclosure of which is  
30 essential to effective law enforcement or for the protection of any  
31 person's right to privacy;

32 (2) Information revealing the identity of persons who are  
33 witnesses to or victims of crime or who file complaints with  
34 investigative, law enforcement, or penology agencies, other than the  
35 commission, if disclosure would endanger any person's life, physical  
36 safety, or property. If at the time a complaint is filed the  
37 complainant, victim, or witness indicates a desire for disclosure or  
38 nondisclosure, such desire shall govern. However, all complaints  
39 filed with the commission about any elected official or candidate for

1 public office must be made in writing and signed by the complainant  
2 under oath;

3 (3) Any records of investigative reports prepared by any state,  
4 county, municipal, or other law enforcement agency pertaining to sex  
5 offenses contained in chapter 9A.44 RCW or sexually violent offenses  
6 as defined in RCW 71.09.020, which have been transferred to the  
7 Washington association of sheriffs and police chiefs for permanent  
8 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

9 (4) License applications under RCW 9.41.070, except that copies  
10 of license applications or information on the applications may be  
11 released to law enforcement or corrections agencies or to persons and  
12 entities as authorized under RCW 9.41.815;

13 (5) (a) Information revealing the specific details that describe  
14 an alleged or proven child victim of sexual assault or sexual abuse  
15 under age (~~(eighteen)~~) 18, or the identity or contact information of  
16 an alleged or proven child victim of sexual assault or sexual abuse  
17 who is under age (~~(eighteen)~~) 18. Identifying information includes  
18 the child victim's name, addresses, location, photograph, and in  
19 cases in which the child victim is a relative, stepchild, or  
20 stepsibling of the alleged perpetrator, identification of the  
21 relationship between the child and the alleged perpetrator. Contact  
22 information includes phone numbers, email addresses, social media  
23 profiles, and user names and passwords.

24 (b) For purposes of this subsection (5), "sexual abuse" means any  
25 form of nonconsensual sexual conduct including, but not limited to,  
26 unwanted or inappropriate touching, rape, molestation, indecent  
27 liberties, sexual coercion, sexually explicit photographing or  
28 recording, voyeurism, indecent exposure, sexual harassment,  
29 commercial sexual abuse of a minor, and sex trafficking;

30 (6) Information contained in a local or regionally maintained  
31 gang database as well as the statewide gang database referenced in  
32 RCW 43.43.762;

33 (7) Data from the electronic sales tracking system established in  
34 RCW 69.43.165;

35 (8) Information submitted to the statewide unified sex offender  
36 notification and registration program under RCW 36.28A.040(6) by a  
37 person for the purpose of receiving notification regarding a  
38 registered sex offender, including the person's name, residential  
39 address, and email address;

1 (9) Personally identifying information collected by law  
2 enforcement agencies pursuant to local security alarm system programs  
3 and vacation crime watch programs. Nothing in this subsection shall  
4 be interpreted so as to prohibit the legal owner of a residence or  
5 business from accessing information regarding his or her residence or  
6 business;

7 (10) The felony firearm offense conviction database of felony  
8 firearm offenders established in RCW 43.43.822;

9 (11) The identity of a state employee or officer who has in good  
10 faith filed a complaint with an ethics board, as provided in RCW  
11 42.52.410, or who has in good faith reported improper governmental  
12 action, as defined in RCW 42.40.020, to the auditor or other public  
13 official, as defined in RCW 42.40.020;

14 (12) The following security threat group information collected  
15 and maintained by the department of corrections pursuant to RCW  
16 72.09.745: (a) Information that could lead to the identification of a  
17 person's security threat group status, affiliation, or activities;  
18 (b) information that reveals specific security threats associated  
19 with the operation and activities of security threat groups; and (c)  
20 information that identifies the number of security threat group  
21 members, affiliates, or associates;

22 (13) The global positioning system data that would indicate the  
23 location of the residence of an employee or worker of a criminal  
24 justice agency as defined in RCW 10.97.030;

25 (14) Body worn camera recordings to the extent nondisclosure is  
26 essential for the protection of any person's right to privacy as  
27 described in RCW 42.56.050, including, but not limited to, the  
28 circumstances enumerated in (a) of this subsection. A law enforcement  
29 or corrections agency shall not disclose a body worn camera recording  
30 to the extent the recording is exempt under this subsection.

31 (a) Disclosure of a body worn camera recording is presumed to be  
32 highly offensive to a reasonable person under RCW 42.56.050 to the  
33 extent it depicts:

34 (i) (A) Any areas of a medical facility, counseling, or  
35 therapeutic program office where:

36 (I) A patient is registered to receive treatment, receiving  
37 treatment, waiting for treatment, or being transported in the course  
38 of treatment; or

39 (II) Health care information is shared with patients, their  
40 families, or among the care team; or

1 (B) Information that meets the definition of protected health  
2 information for purposes of the health insurance portability and  
3 accountability act of 1996 or health care information for purposes of  
4 chapter 70.02 RCW;

5 (ii) The interior of a place of residence where a person has a  
6 reasonable expectation of privacy;

7 (iii) An intimate image;

8 (iv) A minor;

9 (v) The body of a deceased person;

10 (vi) The identity of or communications from a victim or witness  
11 of an incident involving domestic violence as defined in RCW  
12 10.99.020 or sexual assault as defined in RCW 70.125.030, or  
13 disclosure of intimate images as defined in RCW 9A.86.010. If at the  
14 time of recording the victim or witness indicates a desire for  
15 disclosure or nondisclosure of the recorded identity or  
16 communications, such desire shall govern; or

17 (vii) The identifiable location information of a community-based  
18 domestic violence program as defined in RCW 70.123.020, or emergency  
19 shelter as defined in RCW 70.123.020.

20 (b) The presumptions set out in (a) of this subsection may be  
21 rebutted by specific evidence in individual cases.

22 (c) In a court action seeking the right to inspect or copy a body  
23 worn camera recording, a person who prevails against a law  
24 enforcement or corrections agency that withholds or discloses all or  
25 part of a body worn camera recording pursuant to (a) of this  
26 subsection is not entitled to fees, costs, or awards pursuant to RCW  
27 42.56.550 unless it is shown that the law enforcement or corrections  
28 agency acted in bad faith or with gross negligence.

29 (d) A request for body worn camera recordings must:

30 (i) Specifically identify a name of a person or persons involved  
31 in the incident;

32 (ii) Provide the incident or case number;

33 (iii) Provide the date, time, and location of the incident or  
34 incidents; or

35 (iv) Identify a law enforcement or corrections officer involved  
36 in the incident or incidents.

37 (e) (i) A person directly involved in an incident recorded by the  
38 requested body worn camera recording, an attorney representing a  
39 person directly involved in an incident recorded by the requested  
40 body worn camera recording, a person or his or her attorney who

1 requests a body worn camera recording relevant to a criminal case  
2 involving that person, or the executive director from either the  
3 Washington state commission on African American affairs, Asian  
4 Pacific American affairs, or Hispanic affairs, has the right to  
5 obtain the body worn camera recording, subject to any exemption under  
6 this chapter or any applicable law. In addition, an attorney who  
7 represents a person regarding a potential or existing civil cause of  
8 action involving the denial of civil rights under the federal or  
9 state Constitution, or a violation of a United States department of  
10 justice settlement agreement, has the right to obtain the body worn  
11 camera recording if relevant to the cause of action, subject to any  
12 exemption under this chapter or any applicable law. The attorney must  
13 explain the relevancy of the requested body worn camera recording to  
14 the cause of action and specify that he or she is seeking relief from  
15 redaction costs under this subsection (14)(e).

16 (ii) A law enforcement or corrections agency responding to  
17 requests under this subsection (14)(e) may not require the requesting  
18 individual to pay costs of any redacting, altering, distorting,  
19 pixelating, suppressing, or otherwise obscuring any portion of a body  
20 worn camera recording.

21 (iii) A law enforcement or corrections agency may require any  
22 person requesting a body worn camera recording pursuant to this  
23 subsection (14)(e) to identify himself or herself to ensure he or she  
24 is a person entitled to obtain the body worn camera recording under  
25 this subsection (14)(e).

26 (f)(i) A law enforcement or corrections agency responding to a  
27 request to disclose body worn camera recordings may require any  
28 requester not listed in (e) of this subsection to pay the reasonable  
29 costs of redacting, altering, distorting, pixelating, suppressing, or  
30 otherwise obscuring any portion of the body worn camera recording  
31 prior to disclosure only to the extent necessary to comply with the  
32 exemptions in this chapter or any applicable law.

33 (ii) An agency that charges redaction costs under this subsection  
34 (14)(f) must use redaction technology that provides the least costly  
35 commercially available method of redacting body worn camera  
36 recordings, to the extent possible and reasonable.

37 (iii) In any case where an agency charges a requestor for the  
38 costs of redacting a body worn camera recording under this subsection  
39 (14)(f), the time spent on redaction of the recording shall not count  
40 towards the agency's allocation of, or limitation on, time or costs

1 spent responding to public records requests under this chapter, as  
2 established pursuant to local ordinance, policy, procedure, or state  
3 law.

4 (g) For purposes of this subsection (14):

5 (i) "Body worn camera recording" means a video and/or sound  
6 recording that is made by a body worn camera attached to the uniform  
7 or eyewear of a law enforcement or corrections officer while in the  
8 course of his or her official duties; and

9 (ii) "Intimate image" means an individual or individuals engaged  
10 in sexual activity, including sexual intercourse as defined in RCW  
11 9A.44.010 and masturbation, or an individual's intimate body parts,  
12 whether nude or visible through less than opaque clothing, including  
13 the genitals, pubic area, anus, or postpubescent female nipple.

14 (h) Nothing in this subsection shall be construed to restrict  
15 access to body worn camera recordings as otherwise permitted by law  
16 for official or recognized civilian and accountability bodies or  
17 pursuant to any court order.

18 (i) Nothing in this section is intended to modify the obligations  
19 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,  
20 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*  
21 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and  
22 the relevant Washington court criminal rules and statutes.

23 (j) A law enforcement or corrections agency must retain body worn  
24 camera recordings for at least (~~sixty~~) 60 days and thereafter may  
25 destroy the records in accordance with the applicable records  
26 retention schedule;

27 (15) Any records and information contained within the statewide  
28 sexual assault kit tracking system established in RCW 43.43.545;

29 (16)(a) Survivor communications with, and survivor records  
30 maintained by, campus-affiliated advocates.

31 (b) Nothing in this subsection shall be construed to restrict  
32 access to records maintained by a campus-affiliated advocate in the  
33 event that:

34 (i) The survivor consents to inspection or copying;

35 (ii) There is a clear, imminent risk of serious physical injury  
36 or death of the survivor or another person;

37 (iii) Inspection or copying is required by federal law; or

38 (iv) A court of competent jurisdiction mandates that the record  
39 be available for inspection or copying.

1 (c) "Campus-affiliated advocate" and "survivor" have the  
2 definitions in RCW 28B.112.030;

3 (17) Information and records prepared, owned, used, or retained  
4 by the Washington association of sheriffs and police chiefs and  
5 information and records prepared, owned, used, or retained by the  
6 Washington state patrol pursuant to chapter 261, Laws of 2017; and

7 (18) Any and all audio or video recordings of child forensic  
8 interviews as defined in chapter 26.44 RCW. Such recordings are  
9 confidential and may only be disclosed pursuant to a court order  
10 entered upon a showing of good cause and with advance notice to the  
11 child's parent, guardian, or legal custodian. However, if the child  
12 is an emancipated minor or has attained the age of majority as  
13 defined in RCW 26.28.010, advance notice must be to the child.  
14 Failure to disclose an audio or video recording of a child forensic  
15 interview as defined in chapter 26.44 RCW is not grounds for  
16 penalties or other sanctions available under this chapter.

17 **PART VI - MISCELLANEOUS**

18 NEW SECTION. **Sec. 19.** If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 20.** This act takes effect January 1, 2025.

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