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**SENATE BILL 6318**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Fortunato, Padden, and Holy

1 AN ACT Relating to reporting child sexual abuse; amending RCW  
2 26.44.020, 26.44.030, 28A.310.280, and 28A.300.040; and creating a  
3 new section.

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

5 NEW SECTION. **Sec. 1.** The Washington state legislature finds  
6 that because children are one of our state's most valuable resources  
7 and our future, it is of utmost importance to provide for their  
8 physical and emotional safety, especially in places of vulnerability,  
9 such as in schools and religious institutions. In recent years,  
10 allegations of sexual abuse have soared, specifically against trusted  
11 adults, including teachers and clergy. The Catholic church has taken  
12 these allegations very seriously and instituted robust training,  
13 reporting, and background checks for all volunteers and employees in  
14 addition to rigorous psychological screening processes before  
15 interacting with vulnerable populations. The Catholic church is the  
16 only major institution to have undertaken a public study of problems  
17 concerning abuse and the legislature further finds that there is a  
18 need for more data collection regarding sexual abuse of children in  
19 our state, especially in our public schools. In its 2018 report, the  
20 Washington schools risk management pool reported that the pool and  
21 similar pools were experiencing unprecedented numbers of sexual abuse

1 claims, but there is very little specific data. The legislature  
2 intends to improve data collection by public institutions overseeing  
3 our school-age children including educational service districts and  
4 the office of the superintendent of public instruction.

5 The legislature intends that clergy be treated the same as other  
6 mandatory reporters while acknowledging that religious practices and  
7 religious freedoms are protected by the Constitution of the United  
8 States. The legislature intends to respect church practices and  
9 sacred sacraments, including the sacrament of penance and  
10 reconciliation.

11 Finally, the protection of children merits encouraging  
12 significantly better training, monitoring, and screening of public  
13 school employees and volunteers, including administrators, educators,  
14 and other employees and volunteers, in this state, similar to the  
15 processes implemented by the Catholic church.

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

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

20 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,  
21 female genital mutilation as defined in RCW 18.130.460, or injury of  
22 a child by any person under circumstances which cause harm to the  
23 child's health, welfare, or safety, excluding conduct permitted under  
24 RCW 9A.16.100; or the negligent treatment or maltreatment of a child  
25 by a person responsible for or providing care to the child. An abused  
26 child is a child who has been subjected to child abuse or neglect as  
27 defined in this section.

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

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

36 (4) "Child protective services" means those services provided by  
37 the department designed to protect children from child abuse and  
38 neglect and safeguard such children from future abuse and neglect,  
39 and conduct investigations of child abuse and neglect reports.

1 Investigations may be conducted regardless of the location of the  
2 alleged abuse or neglect. Child protective services includes referral  
3 to services to ameliorate conditions that endanger the welfare of  
4 children, the coordination of necessary programs and services  
5 relevant to the prevention, intervention, and treatment of child  
6 abuse and neglect, and services to children to ensure that each child  
7 has a permanent home. In determining whether protective services  
8 should be provided, the department shall not decline to provide such  
9 services solely because of the child's unwillingness or developmental  
10 inability to describe the nature and severity of the abuse or  
11 neglect.

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

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

24 (a) The child has been abandoned by the parent as defined in RCW  
25 13.34.030 and the child's health, safety, and welfare is seriously  
26 endangered as a result;

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

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

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

34 (7) "Children's advocacy center" means a child-focused facility  
35 in good standing with the state chapter for children's advocacy  
36 centers and that coordinates a multidisciplinary process for the  
37 investigation, prosecution, and treatment of sexual and other types  
38 of child abuse. Children's advocacy centers provide a location for  
39 forensic interviews and coordinate access to services such as, but  
40 not limited to, medical evaluations, advocacy, therapy, and case

1 review by multidisciplinary teams within the context of county  
2 protocols as defined in RCW 26.44.180 and 26.44.185.

3 ~~(8) ("Clergy" means any regularly licensed or ordained minister,~~  
4 ~~priest, or rabbi of any church or religious denomination, whether~~  
5 ~~acting in an individual capacity or as an employee or agent of any~~  
6 ~~public or private organization or institution.~~

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

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

11 ~~((11))~~ (10) "Experiencing homelessness" means lacking a fixed,  
12 regular, and adequate nighttime residence, including circumstances  
13 such as sharing the housing of other persons due to loss of housing,  
14 economic hardship, fleeing domestic violence, or a similar reason as  
15 described in the federal McKinney-Vento homeless assistance act  
16 (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January  
17 1, 2021.

18 ~~((12))~~ (11) "Family assessment" means a comprehensive  
19 assessment of child safety, risk of subsequent child abuse or  
20 neglect, and family strengths and needs that is applied to a child  
21 abuse or neglect report. Family assessment does not include a  
22 determination as to whether child abuse or neglect occurred, but does  
23 determine the need for services to address the safety of the child  
24 and the risk of subsequent maltreatment.

25 ~~((13))~~ (12) "Family assessment response" means a way of  
26 responding to certain reports of child abuse or neglect made under  
27 this chapter using a differential response approach to child  
28 protective services. The family assessment response shall focus on  
29 the safety of the child, the integrity and preservation of the  
30 family, and shall assess the status of the child and the family in  
31 terms of risk of abuse and neglect including the parent's or  
32 guardian's or other caretaker's capacity and willingness to protect  
33 the child and, if necessary, plan and arrange the provision of  
34 services to reduce the risk and otherwise support the family. No one  
35 is named as a perpetrator, and no investigative finding is entered in  
36 the record as a result of a family assessment.

37 ~~((14))~~ (13) "Founded" means the determination following an  
38 investigation by the department that, based on available information,  
39 it is more likely than not that child abuse or neglect did occur.

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

6       (~~(16)~~) (15) "Institution" means a private or public hospital or  
7 any other facility providing medical diagnosis, treatment, or care.

8       (~~(17)~~) (16) "Law enforcement agency" means the police  
9 department, the prosecuting attorney, the state patrol, the director  
10 of public safety, or the office of the sheriff.

11       (~~(18)~~) (17) "Malice" or "maliciously" means an intent, wish, or  
12 design to intimidate, annoy, or injure another person. Such malice  
13 may be inferred from an act done in willful disregard of the rights  
14 of another, or an act wrongfully done without just cause or excuse,  
15 or an act or omission of duty betraying a willful disregard of social  
16 duty.

17       (18) "Member of the clergy" means any regularly licensed,  
18 accredited or ordained minister, deacon, priest, rabbi, imam, elder,  
19 or similarly situated religious or spiritual leader of any church,  
20 religious denomination, religious body, spiritual community, or sect,  
21 or person performing official duties that are recognized as the  
22 duties of a member of the clergy under the discipline, tenets,  
23 doctrine, or custom of the person's church, religious denomination,  
24 religious body, spiritual community, or sect, whether acting in an  
25 individual capacity or as an employee or official agent of any public  
26 or private organization or institution.

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

1 (20) "Pharmacist" means any registered pharmacist under chapter  
2 18.64 RCW, whether acting in an individual capacity or as an employee  
3 or agent of any public or private organization or institution.

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

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

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

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

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

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

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

39 (28) "Social service counselor" means anyone engaged in a  
40 professional capacity during the regular course of employment in

1 encouraging or promoting the health, welfare, support, or education  
2 of children, or providing social services to adults or families,  
3 including mental health, drug and alcohol treatment, and domestic  
4 violence programs, whether in an individual capacity, or as an  
5 employee or agent of any public or private organization or  
6 institution.

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

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

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

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

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

3 For the purposes of this subsection, the following definitions  
4 apply:

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

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

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

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

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

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

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



1 bruising, or significant external or internal swelling; or more than  
2 one act of physical abuse, each of which causes bleeding, deep  
3 bruising, significant external or internal swelling, bone fracture,  
4 or unconsciousness.

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

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

15 (g)(i) The reporting requirement in (a) of this subsection also  
16 applies to members of the clergy, except with regard to information  
17 that a member of the clergy obtains in the member's professional  
18 character as a religious or spiritual advisor when the information is  
19 obtained solely in the context of a sacred confidence.

20 (ii) For the purposes of this subsection, "sacred confidence" as  
21 prescribed in RCW 5.60.060 does not include any of the following  
22 activities:

23 (A) The provision of spiritual direction, unless taking place as  
24 part of the sacred confidence sacrament;

25 (B) Religious counseling;

26 (C) Individual or group therapy;

27 (D) Activity related to human resources or personnel management;

28 (E) Clergy assignment work;

29 (F) Activity relating to church administration or management;

30 (G) Internal judicial proceedings; or

31 (H) Discipline.

32 (iii) The clergy penitent privilege does not apply and the member  
33 of the clergy shall report child abuse or neglect if the member of  
34 the clergy has received the information from any source other than  
35 from a sacred confidence.

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

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

8 (3) Any other person who has reasonable cause to believe that a  
9 child has suffered abuse or neglect may report such incident to the  
10 proper law enforcement agency or to the department as provided in RCW  
11 26.44.040.

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

26 (5) Any law enforcement agency receiving a report of an incident  
27 of alleged abuse or neglect pursuant to this chapter, involving a  
28 child who has died or has had physical injury or injuries inflicted  
29 upon him or her other than by accidental means, or who has been  
30 subjected to alleged sexual abuse, shall report such incident in  
31 writing as provided in RCW 26.44.040 to the proper county prosecutor  
32 or city attorney for appropriate action whenever the law enforcement  
33 agency's investigation reveals that a crime may have been committed.  
34 The law enforcement agency shall also notify the department of all  
35 reports received and the law enforcement agency's disposition of  
36 them. In emergency cases, where the child's welfare is endangered,  
37 the law enforcement agency shall notify the department within twenty-  
38 four hours. In all other cases, the law enforcement agency shall  
39 notify the department within seventy-two hours after a report is  
40 received by the law enforcement agency.

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

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

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

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

35 (10) Upon receiving a report that a child is a candidate for  
36 foster care as defined in RCW 26.44.020, the department may provide  
37 prevention and family services and programs to the child's parents,  
38 guardian, or caregiver. The department may not be held civilly liable  
39 for the decision regarding whether to provide prevention and family

1 services and programs, or for the provision of those services and  
2 programs, for a child determined to be a candidate for foster care.

3 (11) Upon receiving a report of alleged abuse or neglect, the  
4 department shall make reasonable efforts to learn the name, address,  
5 and telephone number of each person making a report of abuse or  
6 neglect under this section. The department shall provide assurances  
7 of appropriate confidentiality of the identification of persons  
8 reporting under this section. If the department is unable to learn  
9 the information required under this subsection, the department shall  
10 only investigate cases in which:

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

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

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

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

22 (i) Investigation; or

23 (ii) Family assessment.

24 (b) In making the response in (a) of this subsection the  
25 department shall:

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

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

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

37 (iv) Provide a full investigation if a family refuses the initial  
38 family assessment;

39 (v) Provide voluntary services to families based on the results  
40 of the initial family assessment. If a family refuses voluntary

1 services, and the department cannot identify specific facts related  
2 to risk or safety that warrant assignment to investigation under this  
3 chapter, and there is not a history of reports of child abuse or  
4 neglect related to the family, then the department must close the  
5 family assessment response case. However, if at any time the  
6 department identifies risk or safety factors that warrant an  
7 investigation under this chapter, then the family assessment response  
8 case must be reassigned to investigation;

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

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

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

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

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

20 (E) The child is an adjudicated dependent child as defined in RCW  
21 13.34.030, or the child is in a facility that is licensed, operated,  
22 or certified for care of children by the department under chapter  
23 74.15 RCW.

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

29 (i) A child who is a candidate for foster care, as defined in RCW  
30 26.44.020; and

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

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

38 (13)(a) For reports of alleged abuse or neglect that are accepted  
39 for investigation by the department, the investigation shall be  
40 conducted within time frames established by the department in rule.

1 In no case shall the investigation extend longer than ninety days  
2 from the date the report is received, unless the investigation is  
3 being conducted under a written protocol pursuant to RCW 26.44.180  
4 and a law enforcement agency or prosecuting attorney has determined  
5 that a longer investigation period is necessary. At the completion of  
6 the investigation, the department shall make a finding that the  
7 report of child abuse or neglect is founded or unfounded.

8 (b) If a court in a civil or criminal proceeding, considering the  
9 same facts or circumstances as are contained in the report being  
10 investigated by the department, makes a judicial finding by a  
11 preponderance of the evidence or higher that the subject of the  
12 pending investigation has abused or neglected the child, the  
13 department shall adopt the finding in its investigation.

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

16 (a) Provide the family with a written explanation of the  
17 procedure for assessment of the child and the family and its  
18 purposes;

19 (b) Collaborate with the family to identify family strengths,  
20 resources, and service needs, and develop a service plan with the  
21 goal of reducing risk of harm to the child and improving or restoring  
22 family well-being;

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

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

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

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

38 (e) Implement the family assessment response in a consistent and  
39 cooperative manner;

1 (f) Have the parent or guardian agree to participate in services  
2 before services are initiated. The department shall inform the  
3 parents of their rights under family assessment response, all of  
4 their options, and the options the department has if the parents do  
5 not agree to participate in services.

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

8 (i) May interview children. If the department determines that the  
9 response to the allegation will be family assessment response, the  
10 preferred practice is to request a parent's, guardian's, or  
11 custodian's permission to interview the child before conducting the  
12 child interview unless doing so would compromise the safety of the  
13 child or the integrity of the assessment. The interviews may be  
14 conducted on school premises, at day-care facilities, at the child's  
15 home, or at other suitable locations outside of the presence of  
16 parents. If the allegation is investigated, parental notification of  
17 the interview must occur at the earliest possible point in the  
18 investigation that will not jeopardize the safety or protection of  
19 the child or the course of the investigation. Prior to commencing the  
20 interview the department or law enforcement agency shall determine  
21 whether the child wishes a third party to be present for the  
22 interview and, if so, shall make reasonable efforts to accommodate  
23 the child's wishes. Unless the child objects, the department or law  
24 enforcement agency shall make reasonable efforts to include a third  
25 party in any interview so long as the presence of the third party  
26 will not jeopardize the course of the investigation; and

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

29 (b) The Washington state school directors' association shall  
30 adopt a model policy addressing protocols when an interview, as  
31 authorized by this subsection, is conducted on school premises. In  
32 formulating its policy, the association shall consult with the  
33 department and the Washington association of sheriffs and police  
34 chiefs.

35 (16) If a report of alleged abuse or neglect is founded and  
36 constitutes the third founded report received by the department  
37 within the last twelve months involving the same child or family, the  
38 department shall promptly notify the office of the family and  
39 children's ombuds of the contents of the report. The department shall  
40 also notify the ombuds of the disposition of the report.

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

4 (18)(a) The department shall maintain investigation records and  
5 conduct timely and periodic reviews of all founded cases of abuse and  
6 neglect. The department shall maintain a log of screened-out  
7 nonabusive cases.

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

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

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

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

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

35 (23) The department shall make available on its public website a  
36 downloadable and printable poster that includes the reporting  
37 requirements included in this section. The poster must be no smaller  
38 than eight and one-half by eleven inches with all information on one  
39 side. The poster must be made available in both the English and  
40 Spanish languages. Organizations that include employees or volunteers



1 subject to the reporting requirements of this section must clearly  
2 display this poster in a common area. At a minimum, this poster must  
3 include the following:

- 4 (a) Who is required to report child abuse and neglect;
- 5 (b) The standard of knowledge to justify a report;
- 6 (c) The definition of reportable crimes;
- 7 (d) Where to report suspected child abuse and neglect; and
- 8 (e) What should be included in a report and the appropriate  
9 timing.

10 **Sec. 4.** RCW 28A.310.280 and 1975 1st ex.s. c 275 s 25 are each  
11 amended to read as follows:

12 In addition to other powers and duties as provided by law, each  
13 educational service district superintendent shall:

14 (1) Perform such recordkeeping, including such annual reports as  
15 may be required, and liaison and informational services to local  
16 school districts and the superintendent of public instruction as  
17 required by rule or regulation of the superintendent of public  
18 instruction or state board of education: PROVIDED, That the  
19 superintendent of public instruction and the state board of education  
20 may require some or all of the school districts to report information  
21 directly when such reporting procedures are deemed desirable or  
22 feasible;

23 (2) Keep records of official acts of the educational service  
24 district board and superintendents in accordance with RCW  
25 (~~28A.21.120~~) 28A.310.310, as now or hereafter amended;

26 (3) Preserve carefully all reports of school officers and  
27 teachers and deliver to the successor of the office all records,  
28 books, documents, and papers belonging to the office either  
29 personally or through a personal representative, taking a receipt for  
30 the same, which shall be filed in the office of the county auditor in  
31 the county where the office is located;

32 (4) Report to the office of the superintendent of public  
33 instruction annually, a record of sexual abuse accusations,  
34 investigations, and subsequent disciplinary or corrective actions as  
35 well as preventative measures taken by the educational service  
36 district towards both students and any school employee or volunteer.  
37 Individual school employees or volunteers shall be identified.

1       **Sec. 5.** RCW 28A.300.040 and 2023 c 303 s 3 are each amended to  
2 read as follows:

3       In addition to any other powers and duties as provided by law,  
4 the powers and duties of the superintendent of public instruction  
5 shall be:

6       (1) To have supervision over all matters pertaining to the public  
7 schools of the state;

8       (2) To report to the governor and the legislature such  
9 information and data as may be required for the management and  
10 improvement of the schools;

11       (3) To prepare and have printed such forms, registers, courses of  
12 study, rules for the government of the common schools, and such other  
13 material and books as may be necessary for the discharge of the  
14 duties of teachers and officials charged with the administration of  
15 the laws relating to the common schools, and to distribute the same  
16 to educational service district superintendents;

17       (4) To travel, without neglecting his or her other official  
18 duties as superintendent of public instruction, for the purpose of  
19 attending educational meetings or conventions, of visiting schools,  
20 and of consulting educational service district superintendents or  
21 other school officials;

22       (5) To prepare and from time to time to revise a manual of the  
23 Washington state common school code, copies of which shall be made  
24 available online and which shall be sold at approximate actual cost  
25 of publication and distribution per volume to public and nonpublic  
26 agencies or individuals, said manual to contain Titles 28A and 28C  
27 RCW, rules related to the common schools, and such other matter as  
28 the state superintendent or the state board of education shall  
29 determine;

30       (6) To file all papers, reports and public documents transmitted  
31 to the superintendent by the school officials of the several counties  
32 or districts of the state, each year separately. Copies of all papers  
33 filed in the superintendent's office, and the superintendent's  
34 official acts, may, or upon request, shall be certified by the  
35 superintendent and attested by the superintendent's official seal,  
36 and when so certified shall be evidence of the papers or acts so  
37 certified to;

38       (7) To require annually, on or before the 15th day of August, of  
39 the president, manager, or principal of every educational institution  
40 in this state, a report as required by the superintendent of public

1 instruction; and it is the duty of every president, manager, or  
2 principal, to complete and return such forms within such time as the  
3 superintendent of public instruction shall direct;

4 (8) To keep in the superintendent's office a record of all  
5 teachers receiving certificates to teach in the common schools of  
6 this state;

7 (9) To issue certificates as provided by law;

8 (10) To keep in the superintendent's office at the capital of the  
9 state, all books and papers pertaining to the business of the  
10 superintendent's office, and to keep and preserve in the  
11 superintendent's office a complete record of statistics, as well as a  
12 record of the meetings of the state board of education;

13 (11) With the assistance of the office of the attorney general,  
14 to decide all points of law which may be submitted to the  
15 superintendent in writing by any educational service district  
16 superintendent, or that may be submitted to the superintendent by any  
17 other person, upon appeal from the decision of any educational  
18 service district superintendent; and the superintendent shall publish  
19 his or her rulings and decisions from time to time for the  
20 information of school officials and teachers; and the  
21 superintendent's decision shall be final unless set aside by a court  
22 of competent jurisdiction;

23 (12) To administer oaths and affirmations in the discharge of the  
24 superintendent's official duties;

25 (13) To deliver to his or her successor, at the expiration of the  
26 superintendent's term of office, all records, books, maps, documents  
27 and papers of whatever kind belonging to the superintendent's office  
28 or which may have been received by the superintendent's for the use  
29 of the superintendent's office;

30 (14) To administer family services and programs to promote the  
31 state's policy as provided in RCW 74.14A.025;

32 (15) To promote the adoption of school-based curricula and  
33 policies that provide quality, daily physical education for all  
34 students, and to encourage policies that provide all students with  
35 opportunities for physical activity outside of formal physical  
36 education classes;

37 (16) To perform all duties required by chapter 303, Laws of 2023  
38 for the delivery and oversight of basic education services to  
39 justice-involved students under the age of 21 who are served through  
40 institutional education programs in facilities that are not under the

1 jurisdiction of the department of social and health services or the  
2 department of corrections; ((and))

3 (17) To collect and compile data regarding sexual abuse from the  
4 educational service districts, to make available information  
5 regarding school employees or volunteers who have been the subject of  
6 investigations and disciplinary actions regarding sexual abuse of  
7 students upon request of educational service districts, and report to  
8 the governor and to the legislature annually regarding the numbers of  
9 sexual abuse investigations and corrective actions taken by the  
10 educational service districts;

11 (18) To develop systems for the psychological screening,  
12 training, and background checks for all volunteers and school  
13 employees to promote prevention of sexual abuse. To develop and  
14 promote safe environment programs and establish an annual auditing  
15 process by an independent auditor to ensure that volunteers and  
16 employees are being screened and trained to prevent sexual abuse of  
17 students by other students and by educators and volunteers. The  
18 results of such audit must be made available annually to the public;  
19 and

20 (19) To perform such other duties as may be required by law.

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