

SHB 1817 - H AMD 684

By Representative Couture

NOT CONSIDERED 04/27/2025

1 On page 1, after line 5, insert the following:

2 "Sec. 1. RCW 26.44.030 and 2024 c 298 s 6 are each amended to
3 read as follows:

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

18 (b) When any person, in his or her official supervisory capacity
19 with a nonprofit or for-profit organization, has reasonable cause to
20 believe that a child has suffered abuse or neglect caused by a
21 person over whom he or she regularly exercises supervisory
22 authority, he or she shall report such incident, or cause a report
23 to be made, to the proper law enforcement agency, provided that the
24 person alleged to have caused the abuse or neglect is employed by,
25 contracted by, or volunteers with the organization and coaches,
26 trains, educates, or counsels a child or children or regularly has
27 unsupervised access to a child or children as part of the

1 employment, contract, or voluntary service. No one shall be required
2 to report under this section when he or she obtains the information
3 solely as a result of a privileged communication as provided in RCW
4 5.60.060.

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

7 For the purposes of this subsection, the following definitions
8 apply:

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

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

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

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

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

29 (c) The reporting requirement also applies to department of
30 corrections personnel who, in the course of their employment,
31 observe offenders or the children with whom the offenders are in
32 contact. If, as a result of observations or information received in
33 the course of his or her employment, any department of corrections
34 personnel has reasonable cause to believe that a child has suffered

1 abuse or neglect, he or she shall report the incident, or cause a
2 report to be made, to the proper law enforcement agency or to the
3 department as provided in RCW 26.44.040.

4 (d) The reporting requirement shall also apply to any adult who
5 has reasonable cause to believe that a child who resides with them,
6 has suffered severe abuse, and is able or capable of making a
7 report. For the purposes of this subsection, "severe abuse" means
8 any of the following: Any single act of abuse that causes physical
9 trauma of sufficient severity that, if left untreated, could cause
10 death; any single act of sexual abuse that causes significant
11 bleeding, deep bruising, or significant external or internal
12 swelling; or more than one act of physical abuse, each of which
13 causes bleeding, deep bruising, significant external or internal
14 swelling, bone fracture, or unconsciousness.

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

20 (f) The reporting requirement in (a) of this subsection also
21 applies to administrative and academic or athletic department
22 employees, including student employees, of institutions of higher
23 education, as defined in RCW 28B.10.016, and of private institutions
24 of higher education.

25 (g) The report must be made (~~(at the first opportunity, but in~~
26 ~~no case longer than forty eight hours after)~~) immediately once there
27 is reasonable cause to believe that the child has suffered abuse or
28 neglect. The report must include the identity of the accused if known.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (i) Investigation; or

33 (ii) Family assessment.

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1 (b) In making the response in (a) of this subsection the
2 department shall:

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

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

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

14 (iv) Provide a full investigation if a family refuses the
15 initial family assessment;

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

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

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

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

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

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

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

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

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

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

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

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

33 (b) If a court in a civil or criminal proceeding, considering
34 the same facts or circumstances as are contained in the report being

1 investigated by the department, makes a judicial finding by a
2 preponderance of the evidence or higher that the subject of the
3 pending investigation has abused or neglected the child, the
4 department shall adopt the finding in its investigation.

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

7 (a) Provide the family with a written explanation of the
8 procedure for assessment of the child and the family and its purposes;

9 (b) Collaborate with the family to identify family strengths,
10 resources, and service needs, and develop a service plan with the
11 goal of reducing risk of harm to the child and improving or
12 restoring family well-being;

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

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

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

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

28 (e) Implement the family assessment response in a consistent and
29 cooperative manner;

30 (f) Have the parent or guardian agree to participate in services
31 before services are initiated. The department shall inform the
32 parents of their rights under family assessment response, all of
33 their options, and the options the department has if the parents do
34 not agree to participate in services.

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

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

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

31 (16) If a report of alleged abuse or neglect is founded and
32 constitutes the third founded report received by the department
33 within the last twelve months involving the same child or family,
34 the department shall promptly notify the office of the family and

1 children's ombuds of the contents of the report. The department
2 shall also notify the ombuds of the disposition of the report.

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

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

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

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

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

23 (21) Upon receiving a report of alleged abuse or neglect
24 involving a child under the court's jurisdiction under chapter 13.34
25 RCW, the department shall promptly notify the child's guardian ad
26 litem of the report's contents. The department shall also notify the
27 guardian ad litem of the disposition of the report. For purposes of
28 this subsection, "guardian ad litem" has the meaning provided in RCW
29 13.34.030.

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

1 allegation of abuse and neglect that is screened in and open for
2 investigation that relates to that military parent or guardian.

3 (23) The department shall make available on its public website a
4 downloadable and printable poster that includes the reporting
5 requirements included in this section. The poster must be no smaller
6 than eight and one-half by eleven inches with all information on one
7 side. The poster must be made available in both the English and
8 Spanish languages. Organizations that include employees or
9 volunteers subject to the reporting requirements of this section
10 must clearly display this poster in a common area. At a minimum,
11 this poster must include the following:

- 12 (a) Who is required to report child abuse and neglect;
- 13 (b) The standard of knowledge to justify a report;
- 14 (c) The definition of reportable crimes;
- 15 (d) Where to report suspected child abuse and neglect; and
- 16 (e) What should be included in a report and the appropriate
17 timing."

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19 Renumber the remaining sections consecutively and correct any
20 internal references accordingly.

21

22 On page 2, line 7, after "parties" insert ", including the parents
23 or legal guardians of the student or students,"

24

25 On page 2, line 12, after "must" strike "promote" insert ":(i)
26 Promote"

27

28 On page 2, line 14, after "assault" strike ", and must" and
29 insert ";(ii) include instruction on reporting immediately once
30 there is reasonable cause as required by RCW 26.44.030; and (iii)"

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32 On page 2, line 34, after "informed;" strike "and"

33

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1 On page 2, line 35, after "(b)" insert "Include information
2 about the duty of professional school personnel to make an immediate
3 report to law enforcement or the department of children, youth, and
4 families once there is reasonable cause to believe that a child has
5 suffered abuse or neglect; and

6 (c)"

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EFFECT: (1) Requires mandatory reporters, including professional school personnel, to report to law enforcement or the Department of Children, Youth, and Families (DCYF) immediately once there is reasonable cause to believe that a child has suffered abuse or neglect (rather than at the first opportunity, but in no case longer than forty-eight hours, after there is a reasonable belief).

(2) Requires that mandatory reporter training for school employees include instruction on reporting immediately once there is a reasonable cause as required by mandatory reporting provisions.

(3) Adds that the student and family guide must include information about the duty of professional school personnel to make an immediate report to law enforcement or the DCYF once there is reasonable cause to believe that a child has suffered abuse or neglect.

(4) Specifies that, when a school administrator is making a reasonable cause determination as to whether a student has been a victim of physical or sexual abuse, sexual misconduct, or assault by a school employee and is required to contact all parties involved in the complaint, the parents or legal guardians of the student or students are included as parties involved in the complaint.

--- END ---