
Early Learning & Human Services Committee

HB 1171

Brief Description: Exempting attorney higher education employees from certain mandated reporting of child abuse and neglect.

Sponsors: Representatives Pollet and Goodman.

Brief Summary of Bill

- Creates an exception to the mandated reporting of suspected child abuse and neglect requirement for attorneys employed by public or private institutions of higher education as it relates to information gained in the course of providing legal representation to a client.

Hearing Date: 2/5/25

Staff: Luke Wickham (786-7146).

Background:

Mandatory Reporting of Child Abuse and Neglect.

State law identifies certain individuals as having a requirement to report child abuse or neglect if there is reasonable cause to believe that a child has suffered abuse or neglect. These individuals must report this information to a law enforcement agency or to the Department of Children, Youth, and Families (DCYF).

Mandatory reporters of child abuse and neglect include:

- medical practitioners;
- county coroners;
- medical examiners;

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- law enforcement officers;
- professional school personnel;
- registered or licensed nurses;
- social service counselors;
- psychologists;
- pharmacists;
- employees of the DCYF;
- licensed or certified child care providers or their employees;
- employees of the Department of Social and Health Services;
- juvenile probation officers;
- placement and liaison specialists;
- responsible living skills program staff;
- HOPE Center staff;
- the Family and Children's Ombuds or any volunteer in that office;
- host home programs;
- any person in an official supervisory capacity with a profit or nonprofit organization that has reason to believe a person over whom her or she exercises supervisory authority has abused or neglected a child;
- Department of Corrections personnel;
- adults who have reasonable cause to believe that a child who resides with the adult is a victim of severe abuse;
- guardians ad litem and court appointed special advocates; and
- administrative, academic, or athletic department employees of public and private institutions of higher education.

Any mandated reporter who knowingly fails to make a report is guilty of a gross misdemeanor.

Attorney-Client Confidentiality.

The Rules of Professional Conduct (RPC), adopted by the Washington Supreme Court, establish the ethical obligations for attorneys. A violation of these RPC may result in disciplinary action, including suspension and disbarment.

The RPC prohibit attorneys from revealing information relating to the representation of a client unless the client gives informed consent or in some other limited circumstances. Some of the other circumstances where an attorney may reveal information relating to the representation of a client include when the lawyer believes it necessary to prevent reasonably certain death or substantial bodily harm and to prevent the client from committing a crime.

Summary of Bill:

An exception to the general rule that administrative, academic, and athletic department employees of public and private institutions of higher education must report suspected child abuse and neglect is created for attorneys employed by public or private institutions of higher education as it relates to information gained in the course of providing legal representation to a

client.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.