
HOUSE BILL 1028

State of Washington

69th Legislature

2025 Regular Session

By Representatives Goodman and Eslick

Prefiled 12/10/24.

1 AN ACT Relating to child exposure to violence; amending RCW
2 26.44.020; adding a new section to chapter 26.44 RCW; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
6 multidisciplinary team approach coordinated by children's advocacy
7 centers improves interagency communication, increases the
8 effectiveness of the investigation and prosecution of child abuse,
9 and results in fewer interviews with and less trauma for the child.

10 (2) The legislature finds that current language defining
11 children's advocacy centers was written more than 20 years ago, when
12 such centers were just beginning to develop in our state.
13 Additionally, current language defining child forensic interviews was
14 also written at a time when there were few, if any, designated
15 specialized child forensic interviewers in Washington.

16 (3) Children's exposure to violence in Washington state is
17 occurring at an alarming rate and is a traumatic, adverse experience
18 that can have severe and long-lasting consequences. This traumatic
19 disruption of healthy development is a significant public health
20 crisis.

1 (4) Children exposed to violence can heal if given access to
2 specialized resources, evidence-based treatment, and proper support
3 that promotes the well-being of them and their families.

4 (5) Therefore, because the legislature finds children's advocacy
5 centers employ trauma-informed, research-based, best practices that
6 help child victims of abuse and children exposed to violence heal and
7 reduce the risk of future abuse and other negative consequences, the
8 legislature finds it necessary to update definitions and guidance to
9 ensure support for children's advocacy centers by more accurately
10 defining the work they do, and the tools necessary to support their
11 work.

12 **Sec. 2.** RCW 26.44.020 and 2024 c 298 s 5 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
17 female genital mutilation as defined in RCW 18.130.460, trafficking
18 as described in RCW 9A.40.100, sex trafficking or severe forms of
19 trafficking in persons under the trafficking victims protection act
20 of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any
21 person under circumstances which cause harm to the child's health,
22 welfare, or safety, excluding conduct permitted under RCW 9A.16.100;
23 or the negligent treatment or maltreatment of a child by a person
24 responsible for or providing care to the child. An abused child is a
25 child who has been subjected to child abuse or neglect as defined in
26 this section.

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

29 (3) "Child forensic interview" means a developmentally sensitive
30 ~~((and)), legally sound ((method of gathering factual information~~
31 ~~regarding allegations of child abuse, child neglect, or exposure to~~
32 ~~violence. This interview is conducted by a competently trained,~~
33 ~~neutral professional utilizing techniques informed by research and~~
34 ~~best practice as part of a larger investigative process)), culturally
35 responsive, fact-finding interview of a child that is part of the
36 multidisciplinary team response in child abuse investigations for the
37 purpose of eliciting a child's unique information when there are
38 concerns of possible abuse or when the child has been exposed to
39 violence against another person. Child forensic interviews are~~

1 conducted in a supportive and nonleading manner by a professional
2 with specialized training in a research-based forensic interview
3 model for conducting child forensic interviews, ideally conducted in
4 a neutral location, such as a children's advocacy center, and may be
5 observed by approved members of the multidisciplinary child
6 protection team as outlined in county child abuse investigation
7 protocols under RCW 26.44.180.

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

23 (5) "Child protective services section" means the child
24 protective services section of the department.

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

35 (a) The child has been abandoned by the parent as defined in RCW
36 13.34.030 and the child's health, safety, and welfare is seriously
37 endangered as a result;

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

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

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

5 (7) "Children's advocacy center" means a child-focused (~~(facility~~
6 ~~in good standing with the state chapter for children's advocacy~~
7 ~~centers and that coordinates a multidisciplinary process for the~~
8 ~~investigation, prosecution, and treatment of sexual and other types~~
9 ~~of child abuse. Children's advocacy centers provide a location for~~
10 ~~forensic interviews and coordinate access to services such as, but~~
11 ~~not limited to, medical evaluations, advocacy, therapy, and case~~
12 ~~review by multidisciplinary teams within the context of county~~
13 ~~protocols as defined in RCW 26.44.180 and 26.44.185)), trauma-
14 informed, facility-based program that provides a safe, neutral
15 location for child forensic interviews, facilitates a coordinated and
16 comprehensive approach to addressing the needs of children
17 traumatized by abuse and those who have witnessed, or been exposed
18 to, violence, follows national accreditation standards, and is in
19 good standing with the children's advocacy centers of Washington.
20 Children's advocacy centers support a coordinated multidisciplinary
21 response to allegations of abuse that promotes efficient interagency
22 communication and information sharing, ongoing collaboration of key
23 individuals, and a network of support for children and families.
24 Children's advocacy centers coordinate access to services including,
25 but not limited to: Medical evaluations, advocacy, therapy, and
26 facilitation of case review within the context of county protocols as
27 prescribed in RCW 26.44.180 and 26.44.185.~~

28 (8) "Children's advocacy centers of Washington" is a membership
29 organization and state chapter of the national children's alliance
30 whose primary purpose is to support the development and
31 sustainability of children's advocacy centers and multidisciplinary
32 child protection teams in Washington state as provided under RCW
33 26.44.175.

34 (9) "Clergy" means any regularly licensed or ordained minister,
35 priest, or rabbi of any church or religious denomination, whether
36 acting in an individual capacity or as an employee or agent of any
37 public or private organization or institution.

38 ((+9)) (10) "Court" means the superior court of the state of
39 Washington, juvenile department.

1 (~~(10)~~) (11) "Department" means the department of children,
2 youth, and families.

3 (~~(11)~~) (12) "Experiencing homelessness" means lacking a fixed,
4 regular, and adequate nighttime residence, including circumstances
5 such as sharing the housing of other persons due to loss of housing,
6 economic hardship, fleeing domestic violence, or a similar reason as
7 described in the federal McKinney-Vento homeless assistance act
8 (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January
9 1, 2021.

10 (~~(12)~~) (13) "Family assessment" means a comprehensive
11 assessment of child safety, risk of subsequent child abuse or
12 neglect, and family strengths and needs that is applied to a child
13 abuse or neglect report. Family assessment does not include a
14 determination as to whether child abuse or neglect occurred, but does
15 determine the need for services to address the safety of the child
16 and the risk of subsequent maltreatment.

17 (~~(13)~~) (14) "Family assessment response" means a way of
18 responding to certain reports of child abuse or neglect made under
19 this chapter using a differential response approach to child
20 protective services. The family assessment response shall focus on
21 the safety of the child, the integrity and preservation of the
22 family, and shall assess the status of the child and the family in
23 terms of risk of abuse and neglect including the parent's or
24 guardian's or other caretaker's capacity and willingness to protect
25 the child and, if necessary, plan and arrange the provision of
26 services to reduce the risk and otherwise support the family. No one
27 is named as a perpetrator, and no investigative finding is entered in
28 the record as a result of a family assessment.

29 (~~(14)~~) (15) "Founded" means the determination following an
30 investigation by the department that, based on available information,
31 it is more likely than not that child abuse or neglect did occur.

32 (~~(15)~~) (16) "Inconclusive" means the determination following an
33 investigation by the department of social and health services, prior
34 to October 1, 2008, that based on available information a decision
35 cannot be made that more likely than not, child abuse or neglect did
36 or did not occur.

37 (~~(16)~~) (17) "Institution" means a private or public hospital or
38 any other facility providing medical diagnosis, treatment, or care.

1 (~~(17)~~) (18) "Law enforcement agency" means the police
2 department, the prosecuting attorney, the state patrol, the director
3 of public safety, or the office of the sheriff.

4 (~~(18)~~) (19) "Malice" or "maliciously" means an intent, wish, or
5 design to intimidate, annoy, or injure another person. Such malice
6 may be inferred from an act done in willful disregard of the rights
7 of another, or an act wrongfully done without just cause or excuse,
8 or an act or omission of duty betraying a willful disregard of social
9 duty.

10 (~~(19)~~) (20) "Negligent treatment or maltreatment" means an act
11 or a failure to act, or the cumulative effects of a pattern of
12 conduct, behavior, or inaction, that evidences a serious disregard of
13 consequences of such magnitude as to constitute a clear and present
14 danger to a child's health, welfare, or safety, including but not
15 limited to conduct prohibited under RCW 9A.42.100. When considering
16 whether a clear and present danger exists, evidence of a parent's
17 substance abuse as a contributing factor to negligent treatment or
18 maltreatment shall be given great weight. The fact that siblings
19 share a bedroom is not, in and of itself, negligent treatment or
20 maltreatment. Poverty, experiencing homelessness, or exposure to
21 domestic violence as defined in RCW 7.105.010 that is perpetrated
22 against someone other than the child does not constitute negligent
23 treatment or maltreatment in and of itself.

24 (~~(20)~~) (21) "Pharmacist" means any registered pharmacist under
25 chapter 18.64 RCW, whether acting in an individual capacity or as an
26 employee or agent of any public or private organization or
27 institution.

28 (~~(21)~~) (22) "Practitioner of the healing arts" or
29 "practitioner" means a person licensed by this state to practice
30 podiatric medicine and surgery, optometry, chiropractic, nursing,
31 dentistry, osteopathic medicine and surgery, or medicine and surgery
32 or to provide other health services. The term "practitioner" includes
33 a duly accredited Christian Science practitioner. A person who is
34 being furnished Christian Science treatment by a duly accredited
35 Christian Science practitioner will not be considered, for that
36 reason alone, a neglected person for the purposes of this chapter.

37 (~~(22)~~) (23) "Prevention and family services and programs" means
38 specific mental health prevention and treatment services, substance
39 abuse prevention and treatment services, and in-home parent skill-
40 based programs that qualify for federal funding under the federal

1 family first prevention services act, P.L. 115-123. For purposes of
2 this chapter, prevention and family services and programs are not
3 remedial services or family reunification services as described in
4 RCW 13.34.025(2).

5 ~~((23))~~ (24) "Professional school personnel" include, but are
6 not limited to, teachers, counselors, administrators, child care
7 facility personnel, and school nurses.

8 ~~((24))~~ (25) "Psychologist" means any person licensed to
9 practice psychology under chapter 18.83 RCW, whether acting in an
10 individual capacity or as an employee or agent of any public or
11 private organization or institution.

12 ~~((25))~~ (26) "Screened-out report" means a report of alleged
13 child abuse or neglect that the department has determined does not
14 rise to the level of a credible report of abuse or neglect and is not
15 referred for investigation.

16 ~~((26))~~ (27) "Sexual exploitation" includes: (a) Allowing,
17 permitting, or encouraging a child to engage in prostitution by any
18 person; or (b) allowing, permitting, encouraging, or engaging in the
19 obscene or pornographic photographing, filming, or depicting of a
20 child by any person.

21 ~~((27))~~ (28) "Sexually aggressive youth" means a child who is
22 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

23 ~~((28))~~ (29) "Social service counselor" means anyone engaged in
24 a professional capacity during the regular course of employment in
25 encouraging or promoting the health, welfare, support, or education
26 of children, or providing social services to adults or families,
27 including mental health, drug and alcohol treatment, and domestic
28 violence programs, whether in an individual capacity, or as an
29 employee or agent of any public or private organization or
30 institution.

31 ~~((29))~~ (30) "Unfounded" means the determination following an
32 investigation by the department that available information indicates
33 that, more likely than not, child abuse or neglect did not occur, or
34 that there is insufficient evidence for the department to determine
35 whether the alleged child abuse did or did not occur.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.44
37 RCW to read as follows:

38 (1) Statewide and regional peer review of child forensic
39 interviews serve as quality assurance mechanisms that reinforce the

1 methodologies utilized in child forensic interviewing and provide
2 support and problem solving for participants.

3 (2) Child forensic interview recordings of closed cases may be
4 used as part of a structured and confidential peer review, if hosted
5 by an accredited or developing children's advocacy center or the
6 children's advocacy centers of Washington. Any information reviewed
7 or discussed during the peer review process is and must remain
8 confidential and must not be disclosed except where authorized under
9 state or federal law. The hosting organization's policies regarding
10 interview selection criteria and parent, guardian, or caregiver
11 consent must be followed. All participants in a peer review must sign
12 a confidentiality agreement that:

13 (a) Prohibits verbal or written disclosure of any information
14 received in any peer review process; and

15 (b) Requires disclosure of any personal, professional, or social
16 acquaintance with anyone associated with the case before attending a
17 peer review session.

--- END ---