

---

**SUBSTITUTE HOUSE BILL 1544**

---

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Rule, Hill, Davis, Reed, and Ormsby)

READ FIRST TIME 02/11/25.

1 AN ACT Relating to the risk assessment process used by the  
2 department of children, youth, and families when investigating  
3 alleged child abuse and neglect referrals; amending RCW 26.44.030;  
4 creating a new section; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The department of children, youth, and  
7 families shall conduct a study to improve its risks, strengths, and  
8 needs assessment tool used in the risk assessment process when  
9 investigating alleged child abuse and neglect referrals described in  
10 RCW 26.44.030(19) to:

11 (a) Identify family risks, strengths, cultural strengths, and  
12 needs at the time of the initial child protective services  
13 investigation or family assessment response to help inform the most  
14 appropriate service path for the family;

15 (b) Identify the risk of harm to a child when substance use  
16 disorder is a factor in the case or high potency synthetic opioids,  
17 such as fentanyl, are a condition in the home, that incorporates  
18 guidance from the department of health regarding high potency  
19 synthetic opioids and child safety;

1 (c) Determine the culturally appropriate service needs of the  
2 family and support caseworkers to identify and transition families to  
3 culturally appropriate, available services quickly;

4 (d) Support reassessment and monitoring of family progress; and

5 (e) Ensure that the assessment tool incorporates evidence-based  
6 practices to address cultural bias.

7 (2) By November 1, 2025, and in compliance with RCW 43.01.036,  
8 the department of children, youth, and families shall provide data  
9 and information to the legislature on the department of children,  
10 youth, and families' efforts to improve its risks, strengths, and  
11 needs assessment tool based on the study required under subsection  
12 (1) of this section, including feedback provided by the office of  
13 tribal relations within the department of children, youth, and  
14 families.

15 (3) This section expires July 1, 2026.

16 **Sec. 2.** RCW 26.44.030 and 2024 c 298 s 6 are each amended to  
17 read as follows:

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

31 (b) When any person, in his or her official supervisory capacity  
32 with a nonprofit or for-profit organization, has reasonable cause to  
33 believe that a child has suffered abuse or neglect caused by a person  
34 over whom he or she regularly exercises supervisory authority, he or  
35 she shall report such incident, or cause a report to be made, to the  
36 proper law enforcement agency, provided that the person alleged to  
37 have caused the abuse or neglect is employed by, contracted by, or  
38 volunteers with the organization and coaches, trains, educates, or  
39 counsels a child or children or regularly has unsupervised access to

1 a child or children as part of the employment, contract, or voluntary  
2 service. No one shall be required to report under this section when  
3 he or she obtains the information solely as a result of a privileged  
4 communication as provided in RCW 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, financial  
17 institution, governmental entity, other than the federal government,  
18 and any other individual or group engaged in a trade, occupation,  
19 enterprise, governmental function, charitable function, or similar  
20 activity in this state whether or not the entity is operated as a  
21 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, observe  
31 offenders or the children with whom the offenders are in contact. If,  
32 as a result of observations or information received in the course of  
33 his or her employment, any department of corrections personnel has  
34 reasonable cause to believe that a child has suffered abuse or  
35 neglect, he or she shall report the incident, or cause a report to be  
36 made, to the proper law enforcement agency or to the department as  
37 provided in RCW 26.44.040.

38 (d) The reporting requirement shall also apply to any adult who  
39 has reasonable cause to believe that a child who resides with them,  
40 has suffered severe abuse, and is able or capable of making a report.

1 For the purposes of this subsection, "severe abuse" means any of the  
2 following: Any single act of abuse that causes physical trauma of  
3 sufficient severity that, if left untreated, could cause death; any  
4 single act of sexual abuse that causes significant bleeding, deep  
5 bruising, or significant external or internal swelling; or more than  
6 one act of physical abuse, each of which causes bleeding, deep  
7 bruising, significant external or internal swelling, bone fracture,  
8 or unconsciousness.

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

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

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

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

30 (3) Any other person who has reasonable cause to believe that a  
31 child has suffered abuse or neglect may report such incident to the  
32 proper law enforcement agency or to the department as provided in RCW  
33 26.44.040.

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

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

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

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

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

39 (8) Any case referred to the department by a physician licensed  
40 under chapter 18.57 or 18.71 RCW on the basis of an expert medical

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

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

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

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

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

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

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

39 (12)(a) Upon receiving a report of alleged abuse or neglect, the  
40 department shall use one of the following discrete responses to

1 reports of child abuse or neglect that are screened in and accepted  
2 for departmental response:

- 3 (i) Investigation; or
- 4 (ii) Family assessment.

5 (b) In making the response in (a) of this subsection the  
6 department shall:

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

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

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

18 (iv) Provide a full investigation if a family refuses the initial  
19 family assessment;

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

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

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

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

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

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

1 (E) The child is an adjudicated dependent child as defined in RCW  
2 13.34.030, or the child is in a facility that is licensed, operated,  
3 or certified for care of children by the department under chapter  
4 74.15 RCW.

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

10 (i) A child who is a candidate for foster care, as defined in RCW  
11 26.44.020; and

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

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

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

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

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

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



1 (b) Collaborate with the family to identify family strengths,  
2 resources, and service needs, and develop a service plan with the  
3 goal of reducing risk of harm to the child and improving or restoring  
4 family well-being;

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

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

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

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

20 (e) Implement the family assessment response in a consistent and  
21 cooperative manner;

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

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

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

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

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

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

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

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

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

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

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

38 (b) The risk assessment process used under this subsection must  
39 be certified at least once every three years based on current  
40 academic standards for assessment validation, and can be certified by

1 the office of innovation, alignment, and accountability or an outside  
2 researcher.

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

7 (21) Upon receiving a report of alleged abuse or neglect  
8 involving a child under the court's jurisdiction under chapter 13.34  
9 RCW, the department shall promptly notify the child's guardian ad  
10 litem of the report's contents. The department shall also notify the  
11 guardian ad litem of the disposition of the report. For purposes of  
12 this subsection, "guardian ad litem" has the meaning provided in RCW  
13 13.34.030.

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

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

- 30 (a) Who is required to report child abuse and neglect;
- 31 (b) The standard of knowledge to justify a report;
- 32 (c) The definition of reportable crimes;
- 33 (d) Where to report suspected child abuse and neglect; and
- 34 (e) What should be included in a report and the appropriate  
35 timing.

--- END ---