CERTIFICATION OF ENROLLMENT

HOUSE BILL 1028

Chapter 75, Laws of 2025

69th Legislature
2025 Regular Session

CHILDREN'S ADVOCACY CENTERS—CHILD EXPOSURE TO VIOLENCE

EFFECTIVE DATE: July 27, 2025

Passed by the House February 6, 2025
Yeas 94 Nays 2

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate April 8, 2025
Yeas 47 Nays 2

DENNY HECK

President of the Senate

Approved April 21, 2025 9:08 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1028** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 21, 2025

Secretary of State
State of Washington

HOUSE BILL 1028

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By Representatives Goodman, Eslick, Reed, Fey, Davis, and Lekanoff

Prefiled 12/10/24. Read first time 01/13/25. Referred to Committee on Early Learning & Human Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed by the House February 6, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

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