
ENGROSSED HOUSE BILL 1115

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Riley, Mielke, R. Johnson, Jones, Brough, Van Luven
and Karahalios

Read first time 01/15/93. Referred to Committee on Human Services.

1 AN ACT Relating to abuse of children; and amending RCW 26.44.030.

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

3 **Sec. 1.** RCW 26.44.030 and 1991 c 111 s 1 are each amended to read
4 as follows:

5 (1) When any practitioner, professional school personnel,
6 registered or licensed nurse, social service counselor, psychologist,
7 pharmacist, licensed or certified child care providers or their
8 employees, employee of the department, or juvenile probation officer
9 has reasonable cause to believe that a child or adult dependent or
10 developmentally disabled person, has suffered abuse or neglect, he or
11 she shall report such incident, or cause a report to be made, to the
12 proper law enforcement agency or to the department as provided in RCW
13 26.44.040. The report shall be made at the first opportunity, but in
14 no case longer than forty-eight hours after there is reasonable cause
15 to believe that the child or adult has suffered abuse or neglect. The
16 report shall include the identity of the accused if known.

17 (2) The reporting requirement of subsection (1) of this section
18 does not apply to the discovery of abuse or neglect that occurred
19 during childhood if it is discovered after the child has become an

1 adult. However, if there is reasonable cause to believe other
2 children, dependent adults, or developmentally disabled persons are or
3 may be at risk of abuse or neglect by the accused, the reporting
4 requirement of subsection (1) of this section shall apply.

5 (3) Any other person who has reasonable cause to believe that a
6 child or adult dependent or developmentally disabled person has
7 suffered abuse or neglect may report such incident to the proper law
8 enforcement agency or to the department of social and health services
9 as provided in RCW 26.44.040.

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

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

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

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

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

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

36 (10) Upon receiving reports of abuse or neglect, the department or
37 law enforcement agency may interview children. The interviews may be
38 conducted on school premises, at day-care facilities, at the child's
39 home, or at other suitable locations outside of the presence of

1 parents. Parental notification of the interview shall occur at the
2 earliest possible point in the investigation that will not jeopardize
3 the safety or protection of the child or the course of the
4 investigation. Prior to commencing the interview the department or law
5 enforcement agency shall determine whether the child wishes a third
6 party to be present for the interview and, if so, shall make reasonable
7 efforts to accommodate the child's wishes. Unless the child objects,
8 the department or law enforcement agency shall make reasonable efforts
9 to include a third party in any interview so long as the presence of
10 the third party will not jeopardize the course of the investigation.

11 (11) Upon receiving a report (~~of incidents, conditions, or~~
12 ~~circumstances~~) of child abuse and neglect, the department or
13 investigating law enforcement agency shall have access to all relevant
14 records of the child in the possession of mandated reporters and their
15 employees.

16 (12) When a medical practitioner has reasonable cause to believe
17 that a child, or adult dependent or developmentally disabled person has
18 suffered abuse or neglect, the practitioner shall request the alleged
19 victim's parent or guardian to sign a release of information waiver
20 authorizing the department and law enforcement to review appropriate
21 medical records. A release signed under this subsection or a failure
22 to comply with this subsection shall not affect the practitioner's
23 responsibility to report under this section or the right of access by
24 the department or law enforcement agencies to the reported information.

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

29 (~~(13)~~) (14) The department of social and health services shall,
30 within funds appropriated for this purpose, use a risk assessment tool
31 when investigating child abuse and neglect referrals. The tool shall
32 be used, on a pilot basis, in three local office service areas. The
33 department shall, within funds appropriated for this purpose, offer
34 enhanced community-based services to persons who are determined not to
35 require further state intervention.

36 The department shall report to the ways and means committees of the
37 senate and house of representatives on the use of the tool by December
38 1, 1989. The report shall include recommendations on the continued use
39 and possible expanded use of the tool.

1 (~~(14)~~) (15) Upon receipt of such report the law enforcement
2 agency may arrange to interview the person making the report and any
3 collateral sources to determine if any malice is involved in the
4 reporting.

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