

2 SHB 2588 - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 26.44.030 and 1997 c 386 s 25 are each amended to
8 read as follows:

9 (1)(a) When any practitioner, county coroner or medical examiner,
10 law enforcement officer, professional school personnel, registered or
11 licensed nurse, social service counselor, psychologist, pharmacist,
12 licensed or certified child care providers or their employees, employee
13 of the department, juvenile probation officer, or state family and
14 children's ombudsman or any volunteer in the ombudsman's office has
15 reasonable cause to believe that a child or adult dependent or
16 developmentally disabled person, has suffered abuse or neglect, he or
17 she shall report such incident, or cause a report to be made, to the
18 proper law enforcement agency or to the department as provided in RCW
19 26.44.040.

20 (b) The reporting requirement shall also apply to department of
21 corrections personnel who, in the course of their employment, observe
22 offenders or the children with whom the offenders are in contact. If,
23 as a result of observations or information received in the course of
24 his or her employment, any department of corrections personnel has
25 reasonable cause to believe that a child or adult dependent or
26 developmentally disabled person has suffered abuse or neglect, he or
27 she shall report the incident, or cause a report to be made, to the
28 proper law enforcement agency or to the department as provided in RCW
29 26.44.040.

30 (c) The reporting requirement shall also apply to any adult who has
31 reasonable cause to believe that a child or adult dependent or
32 developmentally disabled person, who resides with them, has suffered
33 severe abuse, and is able or capable of making a report. For the
34 purposes of this subsection, "severe abuse" means any of the following:
35 Any single act of abuse that causes physical trauma of sufficient
36 severity that, if left untreated, could cause death; any single act of

1 sexual abuse that causes significant bleeding, deep bruising, or
2 significant external or internal swelling; or more than one act of
3 physical abuse, each of which causes bleeding, deep bruising,
4 significant external or internal swelling, bone fracture, or
5 unconsciousness.

6 (d) The report shall be made at the first opportunity, but in no
7 case longer than forty-eight hours after there is reasonable cause to
8 believe that the child or adult has suffered abuse or neglect. The
9 report shall include the identity of the accused if known.

10 (2) The reporting requirement of subsection (1) of this section
11 does not apply to the discovery of abuse or neglect that occurred
12 during childhood if it is discovered after the child has become an
13 adult. However, if there is reasonable cause to believe other
14 children, dependent adults, or developmentally disabled persons are or
15 may be at risk of abuse or neglect by the accused, the reporting
16 requirement of subsection (1) of this section shall apply.

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

22 (4) The department, upon receiving a report of an incident of
23 alleged abuse or neglect pursuant to this chapter, involving a child or
24 adult dependent or developmentally disabled person who has died or has
25 had physical injury or injuries inflicted upon him or her other than by
26 accidental means or who has been subjected to alleged sexual abuse,
27 shall report such incident to the proper law enforcement agency. In
28 emergency cases, where the child, adult dependent, or developmentally
29 disabled person's welfare is endangered, the department shall notify
30 the proper law enforcement agency within twenty-four hours after a
31 report is received by the department. In all other cases, the
32 department shall notify the law enforcement agency within seventy-two
33 hours after a report is received by the department. If the department
34 makes an oral report, a written report shall also be made to the proper
35 law enforcement agency within five days thereafter.

36 (5) Any law enforcement agency receiving a report of an incident of
37 alleged abuse or neglect pursuant to this chapter, involving a child or
38 adult dependent or developmentally disabled person who has died or has
39 had physical injury or injuries inflicted upon him or her other than by

1 accidental means, or who has been subjected to alleged sexual abuse,
2 shall report such incident in writing as provided in RCW 26.44.040 to
3 the proper county prosecutor or city attorney for appropriate action
4 whenever the law enforcement agency's investigation reveals that a
5 crime may have been committed. The law enforcement agency shall also
6 notify the department of all reports received and the law enforcement
7 agency's disposition of them. In emergency cases, where the child,
8 adult dependent, or developmentally disabled person's welfare is
9 endangered, the law enforcement agency shall notify the department
10 within twenty-four hours. In all other cases, the law enforcement
11 agency shall notify the department within seventy-two hours after a
12 report is received by the law enforcement agency.

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

18 (7) The department may conduct ongoing case planning and
19 consultation with those persons or agencies required to report under
20 this section, with consultants designated by the department, and with
21 designated representatives of Washington Indian tribes if the client
22 information exchanged is pertinent to cases currently receiving child
23 protective services or department case services for the developmentally
24 disabled. Upon request, the department shall conduct such planning and
25 consultation with those persons required to report under this section
26 if the department determines it is in the best interests of the child
27 or developmentally disabled person. Information considered privileged
28 by statute and not directly related to reports required by this section
29 shall not be divulged without a valid written waiver of the privilege.

30 (8) Any case referred to the department by a physician licensed
31 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
32 opinion that child abuse, neglect, or sexual assault has occurred and
33 that the child's safety will be seriously endangered if returned home,
34 the department shall file a dependency petition unless a second
35 licensed physician of the parents' choice believes that such expert
36 medical opinion is incorrect. If the parents fail to designate a
37 second physician, the department may make the selection. If a
38 physician finds that a child has suffered abuse or neglect but that
39 such abuse or neglect does not constitute imminent danger to the

1 child's health or safety, and the department agrees with the
2 physician's assessment, the child may be left in the parents' home
3 while the department proceeds with reasonable efforts to remedy
4 parenting deficiencies.

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

9 (10) Upon receiving reports of alleged abuse or neglect, the
10 department or law enforcement agency may interview children. The
11 interviews may be conducted on school premises, at day-care facilities,
12 at the child's home, or at other suitable locations outside of the
13 presence of parents. Parental notification of the interview shall
14 occur at the earliest possible point in the investigation that will not
15 jeopardize the safety or protection of the child or the course of the
16 investigation. Prior to commencing the interview the department or law
17 enforcement agency shall determine whether the child wishes a third
18 party to be present for the interview and, if so, shall make reasonable
19 efforts to accommodate the child's wishes. Unless the child objects,
20 the department or law enforcement agency shall make reasonable efforts
21 to include a third party in any interview so long as the presence of
22 the third party will not jeopardize the course of the investigation.

23 (11) Upon receiving a report of alleged child abuse and neglect,
24 the department or investigating law enforcement agency shall have
25 access to all relevant records of the child in the possession of
26 mandated reporters and their employees.

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

31 (13) The department shall use a risk assessment process when
32 investigating alleged child abuse and neglect referrals. The
33 department shall present the risk factors at all hearings in which the
34 placement of a dependent child is an issue. Substance abuse must be a
35 risk factor. The department shall, within funds appropriated for this
36 purpose, offer enhanced community-based services to persons who are
37 determined not to require further state intervention.

38 The department shall provide annual reports to the legislature on
39 the effectiveness of the risk assessment process.

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

5 (15) The department shall make reasonable efforts to learn the
6 name, address, and telephone number of each person making a report of
7 abuse or neglect under this section. The department shall provide
8 assurances of appropriate confidentiality of the identification of
9 persons reporting under this section. If the department is unable to
10 learn the information required under this subsection, the department
11 shall only investigate cases in which: (a) The department believes
12 there is a serious threat of substantial harm to the child; (b) the
13 report indicates conduct involving a criminal offense that has, or is
14 about to occur, in which the child is the victim; or (c) the department
15 has, after investigation, a report of abuse or neglect that has been
16 founded with regard to a member of the household within three years of
17 receipt of the referral.

18 **Sec. 2.** RCW 43.20A.870 and 1997 c 386 s 47 are each amended to
19 read as follows:

20 (1) The department shall prepare an annual quality assurance report
21 that shall include but is not limited to: ~~((+1))~~ (a) Performance
22 outcomes regarding health and safety of children in the children's
23 services system; ~~((+2))~~ (b) children's length of stay in out-of-home
24 placement from each date of referral; ~~((+3))~~ (c) adherence to
25 permanency planning timelines; and ~~((+4))~~ (d) the response time on
26 child protective services investigations differentiated by risk level
27 determined at intake. The report shall be provided to the governor and
28 legislature not later than July 1.

29 (2) In cases where a dependency action has been initiated and in
30 cases where a family has been referred to the alternative response
31 system, the department shall report:

32 (a) The number of cases where substance abuse is an identified risk
33 factor in the risk factor assessment;

34 (b) The number of cases where substance abuse is the factor or a
35 primary factor in the risk assessment;

36 (c) The number of cases where substance abuse treatment is
37 recommended for a parent;

1 (d) The period parent's referred to substance abuse treatment wait
2 before entering substance abuse treatment;

3 (e) The number of cases where substance abuse is a factor and
4 substance abuse treatment is provided;

5 (f) The number of cases where substance abuse is a factor and
6 substance abuse treatment is not provided, including the reason why
7 treatment was not provided; and

8 (g) The number of cases where no dependency is filed because a
9 parent receives substance abuse treatment."

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13 On page 1, line 2 of the title, after "child;" strike the remainder
14 of the title and insert "and amending RCW 26.44.030 and 43.20A.870."

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