
HOUSE BILL 1215

State of Washington

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By Representatives Costa, Sheahan, Radcliff, Lantz, Kenney, Cody, Scott, Hatfield, Kessler, O'Brien, Wensman, Sheldon, Thompson, Keiser, Ogden and Mason

Read first time 01/17/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to rights of child victims and witnesses; and
2 amending RCW 7.69A.030.

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

4 **Sec. 1.** RCW 7.69A.030 and 1993 c 350 s 8 are each amended to read
5 as follows:

6 In addition to the rights of victims and witnesses provided for in
7 RCW 7.69.030, there shall be every reasonable effort made by law
8 enforcement agencies, prosecutors, and judges to assure that child
9 victims and witnesses are afforded the rights enumerated in this
10 section. The enumeration of rights shall not be construed to create
11 substantive rights and duties, and the application of an enumerated
12 right in an individual case is subject to the discretion of the law
13 enforcement agency, prosecutor, or judge. Child victims and witnesses
14 have the following rights:

15 (1) To have explained in language easily understood by the child,
16 all legal proceedings and/or police investigations in which the child
17 may be involved.

18 (2) With respect to child victims of sex or violent crimes or child
19 abuse, to have a crime victim advocate from a crime victim/witness

1 program present at any prosecutorial or defense interviews with the
2 child victim. This subsection applies if practical and if the presence
3 of the crime victim advocate does not cause any unnecessary delay in
4 the investigation or prosecution of the case. The role of the crime
5 victim advocate is to provide emotional support to the child victim and
6 to promote the child's feelings of security and safety.

7 (3) To be provided, whenever possible, a secure waiting area during
8 court proceedings and to have an advocate or support person remain with
9 the child prior to and during any court proceedings.

10 (4) To not have the names, addresses, nor photographs of the living
11 child victim or witness disclosed by any law enforcement agency,
12 prosecutor's office, or state agency without the permission of the
13 child victim, child witness, parents, or legal guardians to anyone
14 except another law enforcement agency, prosecutor, defense counsel, or
15 private or governmental agency that provides services to the child
16 victim or witness.

17 (5) To allow an advocate to make recommendations to the prosecuting
18 attorney about the ability of the child to cooperate with prosecution
19 and the potential effect of the proceedings on the child.

20 (6) To allow an advocate to provide information to the court
21 concerning the child's ability to understand the nature of the
22 proceedings.

23 (7) To be provided information or appropriate referrals to social
24 service agencies to assist the child and/or the child's family with the
25 emotional impact of the crime, the subsequent investigation, and
26 judicial proceedings in which the child is involved.

27 (8) To allow an advocate to be present in court while the child
28 testifies in order to provide emotional support to the child.

29 (9) To provide information to the court as to the need for the
30 presence of other supportive persons at the court proceedings while the
31 child testifies in order to promote the child's feelings of security
32 and safety.

33 (10) To allow law enforcement agencies the opportunity to enlist
34 the assistance of other professional personnel such as child protection
35 services, victim advocates or prosecutorial staff trained in the
36 interviewing of the child victim.

37 (11) With respect to child victims of violent or sex crimes or
38 child abuse, to receive either directly or through the child's parent
39 or guardian if appropriate, at the time of reporting the crime to law

1 enforcement officials, a written statement of the rights of child
2 victims as provided in this chapter. The written statement shall
3 include the name, address, and telephone number of a county or local
4 crime victim/witness program, if such a crime victim/witness program
5 exists in the county.

6 (12) With respect to child victims and witnesses testifying in
7 court, to be protected from undue harassment or embarrassment and the
8 unnecessary repetition of questions. The court shall: (a) Exercise
9 reasonable control over the mode and order of interrogating witnesses
10 and presenting evidence, so as to protect the child from undue
11 harassment, embarrassment, and unnecessary repetition of questions; (b)
12 take special care to ensure the questions are stated in a form that is
13 appropriate to the age and understanding of the child witness; and (c)
14 in the interest of justice, and on objection by a party, forbid a party
15 from asking the child a question that the child is not reasonably
16 likely to understand.

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