
SUBSTITUTE SENATE BILL 5511

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Zarelli, Haugen, Benton, Strannigan, Rasmussen, Hochstatter, Schow and Goings)

Read first time 02/28/97.

1 AN ACT Relating to child abuse and neglect information; amending
2 RCW 26.44.100; and adding new sections to chapter 26.44 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.44 RCW
5 to read as follows:

6 To protect the privacy in reporting and the maintenance of reports
7 of nonaccidental injury, neglect, death, sexual abuse, and cruelty to
8 children by their parents, and to safeguard against arbitrary,
9 malicious, or erroneous information or actions, the department shall
10 not maintain information determined to be unfounded in files or reports
11 of child abuse or neglect for longer than six years except as provided
12 in this section.

13 At the end of six years from receipt of the unfounded report, the
14 information shall be purged unless an additional report has been
15 received in the intervening period.

16 The department shall, by rule, establish a definition of
17 "unfounded." The defined term shall be used uniformly by the
18 department in all investigations and actions involving child protective
19 services.

1 **Sec. 2.** RCW 26.44.100 and 1993 c 412 s 17 are each amended to read
2 as follows:

3 (1) The legislature finds parents and children often are not aware
4 of their due process rights when agencies are investigating allegations
5 of child abuse and neglect. The legislature reaffirms that all
6 citizens, including parents, shall be afforded due process, that
7 protection of children remains the priority of the legislature, and
8 that this protection includes protecting the family unit from
9 unnecessary disruption. To facilitate this goal, the legislature
10 wishes to ensure that parents and children be advised in writing and
11 orally, if feasible, of their basic rights and other specific
12 information as set forth in this chapter, provided that nothing
13 contained in this chapter shall cause any delay in protective custody
14 action.

15 (2) The department shall notify the alleged perpetrator of the
16 allegations of child abuse and neglect at the earliest possible point
17 in the investigation that will not jeopardize the safety and protection
18 of the child or the investigation process.

19 Whenever the department completes an investigation of a child abuse
20 or neglect report under chapter 26.44 RCW, the department shall notify
21 the alleged perpetrator of the report and the department's
22 investigative findings. The notice shall also advise the alleged
23 perpetrator that:

24 (a) A written response to the report may be provided to the
25 department and that such response will be filed in the record following
26 receipt by the department;

27 (b) Information in the department's record may be considered in
28 subsequent investigations or proceedings related to child protection or
29 child custody;

30 (c) There is currently information in the department's record that
31 may be considered in determining that the person is disqualified from
32 being licensed to provide child care, employed by a licensed child care
33 agency, or authorized by the department to care for children; and

34 (d) A person who has demonstrated a good-faith desire to work in a
35 licensed agency may request an informal meeting with the department to
36 have an opportunity to discuss and contest the information currently in
37 the record.

38 (3) The notification required by this section shall be made by
39 regular mail to the person's last known address.

1 (4) The duty of notification created by this section is subject to
2 the ability of the department to ascertain the location of the person
3 to be notified. The department shall exercise reasonable, good-faith
4 efforts to ascertain the location of persons entitled to notification
5 under this section.

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

8 The department shall report annually to the legislature on the
9 number of reports determined to be unfounded and the percentage of
10 unfounded reports compared to the total number of reports received by
11 the department. The department shall also report annually on the
12 number of files or reports from which unfounded information was purged.

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