
SENATE BILL 6558

State of Washington

55th Legislature

1998 Regular Session

By Senators Zarelli, Hargrove, Long, Stevens, Roach and Oke

Read first time 01/21/98. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to citizen review of child abuse and neglect cases;
2 reenacting and amending RCW 13.50.010; adding a new chapter to Title 26
3 RCW; prescribing penalties; and making an appropriation.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is critically
6 important to the basic nurture, health, and safety of children that the
7 state operate a state-wide program relating to child abuse and neglect
8 that includes the creation of regional citizen review panels. The
9 creation of these panels is intended to meet the federal requirements
10 contained in the federal child abuse prevention and treatment act, 42
11 U.S.C. Sec. 5106a. Citizen review panels will enable community members
12 to contribute to improving the policy and programs critical to the
13 well-being of children and their families and to ensure that the
14 state's plan for the prevention and investigation of child abuse and
15 neglect is being carried out as intended by the legislature. It has
16 been long-standing public policy in Washington that the family unit is
17 a fundamental resource of American life which should be nurtured.
18 Toward continuation of this principle, the legislature finds that
19 through the performance of these panels, which are broadly

1 representative of the community, knowledge of the policies and
2 procedures of state and local agencies and an examination of specific
3 cases will occur. From this an evaluation of the state-wide program to
4 prevent child abuse and neglect will yield improvements that are in the
5 best interest of children and families and further the principle that
6 the family unit should remain intact, recognizing that the child's
7 health and safety are paramount.

8 NEW SECTION. **Sec. 2.** The citizen review panels shall have only
9 those powers and duties expressly authorized under this chapter. The
10 citizen review panels must have access to all information from the
11 department of social and health services, criminal justice agencies,
12 law enforcement, schools, and medical providers, and other sources that
13 have relevant information, including reports and records made and
14 maintained by the department and its contracting agencies. The citizen
15 review panels must preserve the confidentiality of all records in order
16 to protect the rights of the child and of the child's parents or
17 guardians. However, the state shall always have the right to refuse to
18 disclose identifying information concerning the individual alleging
19 suspected instances of child abuse or neglect. The state must make
20 such information known to the citizen review panel only where a court
21 orders such disclosure after such court has reviewed, in camera, the
22 record of the state related to the report or complaint and has found it
23 has reason to believe that the reporter knowingly made a false report.

24 NEW SECTION. **Sec. 3.** There shall be at least one citizen review
25 panel in each of the six department of social and health services'
26 designated service delivery regions. Each panel shall have no more
27 than seven volunteer members who are all permanent residents living in
28 the region, who broadly represent the region in which each panel is
29 established. Three members shall have professional or academic
30 expertise in the prevention and treatment of child abuse and neglect.
31 Four members shall be members of the public at large with no fiduciary
32 interest in publicly funded social services. "Fiduciary interest" has
33 the same meaning as defined in RCW 70.190.010. Volunteer members of
34 the local citizen review panels shall serve for no longer than an
35 eighteen-month period of time and can not serve again for a period of
36 sixty months from the date they end their eighteen-month membership.
37 The citizen review panel shall meet no less than once every three

1 months to examine the policies and procedures of state and local
2 agencies and, where appropriate in specific cases, evaluate the extent
3 to which the agencies are effectively discharging their child
4 protection responsibilities in accordance with applicable state law.
5 The goal of the citizen review panels is to improve the child
6 protective services system.

7 NEW SECTION. **Sec. 4.** The family and children's ombudsman shall
8 serve as the appointing authority for the citizen review panels and
9 shall appoint at least six citizen review panels by January 1, 1999.
10 The family and children's ombudsman shall provide administrative
11 coordination and support to the local citizen review panels and shall:

12 (1) Recruit applicants through public service announcements in
13 local radio, television, and newspapers of record and accept
14 application on a first-come basis based on postmarked date of receipt;

15 (2) Obtain background checks, screening applicants on the same
16 suitability, character, and competence standards as required in RCW
17 74.15.130;

18 (3) Select citizen review panel members for each region and
19 establish basic requirements for participation;

20 (4) Stagger the terms of membership on each panel so that there is
21 always a quorum of members who have had at least six months' experience
22 and have participated in at least two meetings of the panel;

23 (5) Provide consultation and basic training to local panels as
24 requested;

25 (6) Compile and provide aggregate citizen review panel reports;

26 (7) Consider recommendations of local teams; and

27 (8) Ensure that they meet at least every three months.

28 NEW SECTION. **Sec. 5.** The family and children's ombudsman shall
29 present proposed rules, policies, and procedures to the legislative
30 children's oversight committee created in RCW 44.04.220 prior to
31 implementation.

32 NEW SECTION. **Sec. 6.** The citizen review panels shall employ staff
33 as necessary which may include contracting for investigators only as
34 necessary to assist the panel in fulfilling their responsibilities.

1 NEW SECTION. **Sec. 7.** Members and staff and any staff on contract
2 with the citizen review panel shall not disclose to any person or
3 government official any identifying information about any specific
4 child protection case with respect to which the panel is provided
5 information and shall not make public other information unless
6 authorized by state statute. A violation of this section is a civil
7 infraction punishable by a fine not to exceed five thousand dollars per
8 violation.

9 NEW SECTION. **Sec. 8.** (1) Members of the legislature may refer
10 child abuse and neglect cases, in writing, to the panel in the
11 legislator's district for review. The panels may also receive written
12 requests for review from the family and children's ombudsman and from
13 the department of social and health services. No other entity or
14 individual may refer cases to the citizen review panels.

15 (2) Notwithstanding any confidentiality laws, if the citizen review
16 panel finds possible criminal activity, the panel shall turn the
17 investigation and information over to the local prosecuting attorney in
18 the county in which the case resides.

19 (3) If the panel finds possible civil infractions, the panel shall
20 turn the findings over to any interested citizen, if the conditions set
21 forth in RCW 74.13.500 through 74.13.525 are met. The courts shall
22 award attorney fees, costs, and triple damages, and may impose punitive
23 damages if the citizens prevail in court.

24 **Sec. 9.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are
25 each reenacted and amended to read as follows:

26 (1) For purposes of this chapter:

27 (a) "Juvenile justice or care agency" means any of the following:
28 Police, diversion units, court, prosecuting attorney, defense attorney,
29 detention center, attorney general, the legislative children's
30 oversight committee, the office of family and children's ombudsman
31 including members of the citizen review panels and their staff and
32 contractors, the department of social and health services and its
33 contracting agencies, schools; and, in addition, persons or public or
34 private agencies having children committed to their custody;

35 (b) "Official juvenile court file" means the legal file of the
36 juvenile court containing the petition or information, motions,
37 memorandums, briefs, findings of the court, and court orders;

1 (c) "Social file" means the juvenile court file containing the
2 records and reports of the probation counselor;

3 (d) "Records" means the official juvenile court file, the social
4 file, and records of any other juvenile justice or care agency in the
5 case.

6 (2) Each petition or information filed with the court may include
7 only one juvenile and each petition or information shall be filed under
8 a separate docket number. The social file shall be filed separately
9 from the official juvenile court file.

10 (3) It is the duty of any juvenile justice or care agency to
11 maintain accurate records. To this end:

12 (a) The agency may never knowingly record inaccurate information.
13 Any information in records maintained by the department of social and
14 health services relating to a petition filed pursuant to chapter 13.34
15 RCW that is found by the court, upon proof presented, to be false or
16 inaccurate shall be corrected or expunged from such records by the
17 agency;

18 (b) An agency shall take reasonable steps to assure the security of
19 its records and prevent tampering with them; and

20 (c) An agency shall make reasonable efforts to insure the
21 completeness of its records, including action taken by other agencies
22 with respect to matters in its files.

23 (4) Each juvenile justice or care agency shall implement procedures
24 consistent with the provisions of this chapter to facilitate inquiries
25 concerning records.

26 (5) Any person who has reasonable cause to believe information
27 concerning that person is included in the records of a juvenile justice
28 or care agency and who has been denied access to those records by the
29 agency may make a motion to the court for an order authorizing that
30 person to inspect the juvenile justice or care agency record concerning
31 that person. The court shall grant the motion to examine records
32 unless it finds that in the interests of justice or in the best
33 interests of the juvenile the records or parts of them should remain
34 confidential.

35 (6) A juvenile, or his or her parents, or any person who has
36 reasonable cause to believe information concerning that person is
37 included in the records of a juvenile justice or care agency may make
38 a motion to the court challenging the accuracy of any information
39 concerning the moving party in the record or challenging the continued

1 possession of the record by the agency. If the court grants the
2 motion, it shall order the record or information to be corrected or
3 destroyed.

4 (7) The person making a motion under subsection (5) or (6) of this
5 section shall give reasonable notice of the motion to all parties to
6 the original action and to any agency whose records will be affected by
7 the motion.

8 (8) The court may permit inspection of records by, or release of
9 information to, any clinic, hospital, or agency which has the subject
10 person under care or treatment. The court may also permit inspection
11 by or release to individuals or agencies, including juvenile justice
12 advisory committees of county law and justice councils, engaged in
13 legitimate research for educational, scientific, or public purposes.
14 The court may also permit inspection of, or release of information
15 from, records which have been sealed pursuant to RCW 13.50.050(11).
16 The court shall release to the sentencing guidelines commission records
17 needed for its research and data-gathering functions under RCW
18 9.94A.040 and other statutes. Access to records or information for
19 research purposes shall be permitted only if the anonymity of all
20 persons mentioned in the records or information will be preserved.
21 Each person granted permission to inspect juvenile justice or care
22 agency records for research purposes shall present a notarized
23 statement to the court stating that the names of juveniles and parents
24 will remain confidential.

25 (9) Juvenile detention facilities shall release records to the
26 sentencing guidelines commission under RCW 9.94A.040 upon request. The
27 commission shall not disclose the names of any juveniles or parents
28 mentioned in the records without the named individual's written
29 permission.

30 (10) Requirements in this chapter relating to the court's authority
31 to compel disclosure shall not apply to the legislative children's
32 oversight committee or the office of the family and children's
33 ombudsman.

34 NEW SECTION. **Sec. 10.** The sum of dollars, or as much
35 thereof as may be necessary, is appropriated from the general fund to
36 the family and children's ombudsman for the fiscal year ending June 30,
37 1999, to carry out the purposes of sections 3 and 4 of this act.

1 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act constitute
2 a new chapter in Title 26 RCW.

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