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HOUSE BILL 1810

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Boldt and Tokuda; by request of Department of Social and Health Services

Read first time 02/08/1999. Referred to Committee on Children & Family Services.

1 AN ACT Relating to technical amendments concerning the child abuse  
2 protection and treatment act; amending RCW 74.13.500; and declaring an  
3 emergency.

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

5 **Sec. 1.** RCW 74.13.500 and 1997 c 305 s 2 are each amended to read  
6 as follows:

7 (1) Consistent with the provisions of chapter 42.17 RCW and  
8 applicable federal law, the secretary, or the secretary's designee,  
9 shall disclose information regarding the abuse or neglect of a child,  
10 the investigation of the abuse (~~or~~), neglect, or near fatality of a  
11 child, and any services related to the abuse or neglect of a child if  
12 any one of the following factors is present:

13 (a) The subject of the report has been charged in an accusatory  
14 instrument with committing a crime related to a report maintained by  
15 the department in its case and management information system;

16 (b) The investigation of the abuse or neglect of the child by the  
17 department or the provision of services by the department has been  
18 publicly disclosed in a report required to be disclosed in the course  
19 of their official duties, by a law enforcement agency or official, a

1 prosecuting attorney, any other state or local investigative agency or  
2 official, or by a judge of the superior court;

3 (c) There has been a prior knowing, voluntary public disclosure by  
4 an individual concerning a report of child abuse or neglect in which  
5 such individual is named as the subject of the report; or

6 (d) The child named in the report has died and the child's death  
7 resulted from abuse or neglect or the child was in the care of, or  
8 receiving services from the department at the time of death or within  
9 twelve months before death.

10 (2) The secretary is not required to disclose information if the  
11 factors in subsection (1) of this section are present if he or she  
12 specifically determines the disclosure is contrary to the best  
13 interests of the child, the child's siblings, or other children in the  
14 household.

15 (3) Except for cases in subsection (1)(d) of this section, requests  
16 for information under this section shall specifically identify the case  
17 about which information is sought and the facts that support a  
18 determination that one of the factors specified in subsection (1) of  
19 this section is present.

20 (4) For the purposes of this section, "near fatality" means an act  
21 that, as certified by a physician, places the child in serious or  
22 critical condition. The secretary is under no obligation to have an  
23 act certified by a physician in order to comply with this section.

24 NEW SECTION. Sec. 2. This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately.

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