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**SENATE BILL 5711**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senators Long, Stevens, Hargrove, Costa, Roach, Winsley, Oke, Rasmussen and Kohl-Welles

Read first time 02/03/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the development of protocols for use during  
2 interviews involving allegations of child abuse; adding a new section  
3 to chapter 43.06A RCW; creating new sections; providing an expiration  
4 date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
7 create an interdisciplinary team, housed in the office of family and  
8 children's ombudsman, to review the techniques of interviews conducted  
9 of children and adults during allegations of child abuse and to create  
10 state-wide protocols for conducting such interviews. The legislature  
11 intends to improve the training and resources available to individuals  
12 who conduct interviews and to increase the accuracy of risk assessments  
13 and determinations of fact associated with interviews.

14 NEW SECTION. **Sec. 2.** (1) There is established, within the office  
15 of family and children's ombudsman, an interdisciplinary team to create  
16 state-wide protocols to be followed during interviews of children and  
17 adults during investigations of allegations of child abuse. For

1 purposes of this act, "abuse" means the same as defined in chapter  
2 26.44 RCW.

3 (2) The team shall include a representative from the department of  
4 social and health services, a mental health professional certified  
5 under chapter 18.19 RCW, a physician licensed under chapter 18.71 RCW,  
6 a member of the Washington state bar whose practice is primarily  
7 defense oriented, the attorney general, a superior court judge, a  
8 prosecuting attorney, a child development specialist, an advanced  
9 registered nurse practitioner licensed under chapter 18.79 RCW, a  
10 person who has expertise in the operation of video and audio taping, a  
11 hospital administrator, a foster parent, a representative from a child-  
12 serving agency, and three members of the public. Team members shall be  
13 qualified on the basis of knowledge and experience as may contribute to  
14 the effectiveness of the team.

15 (3) The team shall be appointed by the ombudsman.

16 (4) Members of the team, except public employees and elected  
17 officials, shall be compensated in accordance with RCW 43.03.240. Each  
18 member shall be entitled to reimbursement for travel expenses incurred  
19 in the performance of their duties as provided in RCW 43.03.050 and  
20 43.03.060.

21 (5) The team may determine its own operating procedures, elect its  
22 own officers, and shall conduct its business in a manner designed to  
23 permit maximum public participation and input in the development of the  
24 protocols. The team shall meet no less than monthly.

25 (6) The team shall be subject to chapter 42.30 RCW, the state's  
26 open meetings act and chapter 42.17 RCW, the public disclosure act and  
27 all appropriate state and federal laws regarding confidentiality of  
28 information sharing.

29 (7)(a) The office of family and children's ombudsman shall provide  
30 professional, legal, clerical, and administrative support to the team.

31 (b) All state and local government agencies shall fully cooperate  
32 with the team in the development of the protocols.

33 NEW SECTION. **Sec. 3.** (1) The team created in section 2 of this  
34 act shall develop state-wide protocols for creating a verbatim record  
35 of interviews during investigations of allegations of child abuse.

36 (2) The protocols shall be: (a) Based on research-based practices  
37 and standards; (b) provide uniform methods for, and application of, the  
38 creation of verbatim records of child interviews; (c) minimize the

1 trauma of persons who are interviewed during abuse investigations; (d)  
2 provide methods of reducing the number of interviews necessary whenever  
3 possible; (e) assure, to the extent possible, that interviews are  
4 thorough, objective, and complete; (f) recognize needs of special  
5 populations, such as persons with developmental disabilities; (g)  
6 require interviews to be conducted in a manner most likely to permit  
7 the interviewed persons the maximum emotional comfort under the  
8 circumstances; (h) establish initial and ongoing education and training  
9 requirements for persons conducting interviews during investigations of  
10 alleged child abuse; (i) recognize all types of allegations of child  
11 abuse, regardless of the number of alleged victims or perpetrators; (j)  
12 require cross-discipline collaboration and training; and (k) address  
13 record retention and retrieval.

14 (3) In addition to the development of protocols, the team is  
15 authorized and encouraged to make any additional recommendations it  
16 finds appropriate to improve the state's response to allegations of  
17 child abuse including reorganization of resources, specialized  
18 investigative techniques, recognition of different geographical and  
19 cultural needs, and innovative facilities and strategies to reduce  
20 child trauma and abuse.

21 (4)(a) The protocols developed by the team shall be presented to  
22 the legislature and governor not later than October 1, 1999. The  
23 protocols shall include a plan for implementation not later than July  
24 1, 2000.

25 (b) The protocols shall be implemented July 1, 2000, and be  
26 mandatory in conducting interviews during investigations of alleged  
27 child abuse, for purposes of determining dependency and placement of  
28 children under Title 13 RCW.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.06A RCW  
30 to read as follows:

31 The ombudsman shall report once every two years to the legislature  
32 and governor on the effectiveness of the protocols developed under  
33 chapter . . . , Laws of 1999 (this act), their implementation, and  
34 changes that have been made in the protocols since the previous report.

35 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act shall not  
36 be codified.

1        NEW SECTION.    **Sec. 6.**    Sections 1 through 3 of this act expire  
2    January 31, 2001.

3        NEW SECTION.    **Sec. 7.**    This act is necessary for the immediate  
4    preservation of the public peace, health, or safety, or support of the  
5    state government and its existing public institutions, and takes effect  
6    immediately.

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