

CERTIFICATION OF ENROLLMENT

SENATE BILL 5127

56th Legislature
1999 Regular Session

Passed by the Senate April 20, 1999
YEAS 41 NAYS 3

President of the Senate

Passed by the House April 15, 1999
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5127** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5127

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senators Kohl-Welles, Hargrove, Long, Heavey, McCaslin, Stevens, Zarelli, Prentice, Kline, Winsley and Costa

Read first time 01/13/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to investigations of abuse or neglect; amending RCW
2 74.14B.010 and 26.44.035; adding a new section to chapter 43.101 RCW;
3 adding new sections to chapter 26.44 RCW; adding a new section to
4 chapter 43.20A RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The state of Washington affirms the
7 importance of ensuring that crimes involving child sexual abuse are
8 investigated thoroughly and objectively. Children who have been
9 victims of crime deserve to have those who committed the crimes against
10 them brought to justice. Those who may have been accused should expect
11 that investigative agencies will make every effort to conduct thorough
12 and impartial investigations.

13 The best approach to investigations of child sexual abuse crimes
14 involves a coordinated effort by investigative agencies that minimizes
15 repetitive investigative interviews and improves the quality of the
16 investigations. The legislature intends to improve the training and
17 resources available to individuals who conduct these interviews and to
18 increase the accuracy of risk assessments and determinations of fact
19 associated with interviews.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW
2 to read as follows:

3 (1) On-going specialized training shall be provided for persons
4 responsible for investigating child sexual abuse. Training
5 participants shall have the opportunity to practice interview skills
6 and receive feedback from instructors.

7 (2) The commission, the department of social and health services,
8 the Washington association of sheriffs and police chiefs, and the
9 Washington association of prosecuting attorneys shall design and
10 implement state-wide training that contains consistent elements for
11 persons engaged in the interviewing of children for child sexual abuse
12 cases, including law enforcement, prosecution, and child protective
13 services.

14 (3) The training shall: (a) Be based on research-based practices
15 and standards; (b) minimize the trauma of all persons who are
16 interviewed during abuse investigations; (c) provide methods of
17 reducing the number of investigative interviews necessary whenever
18 possible; (d) assure, to the extent possible, that investigative
19 interviews are thorough, objective, and complete; (e) recognize needs
20 of special populations, such as persons with developmental
21 disabilities; (f) recognize the nature and consequences of
22 victimization; (g) require investigative interviews to be conducted in
23 a manner most likely to permit the interviewed persons the maximum
24 emotional comfort under the circumstances; (h) address record retention
25 and retrieval; and (i) documentation of investigative interviews.

26 NEW SECTION. **Sec. 3.** The Washington state institute for public
27 policy shall convene a work group to develop state guidelines for the
28 development of child sexual abuse investigations protocols. The work
29 group shall consist of representatives from the department of social
30 and health services, the Washington association of sheriffs and police
31 chiefs, and the Washington association of prosecuting attorneys.

32 The work group shall solicit input from a mental health
33 professional certified under chapter 18.19 RCW, a physician licensed
34 under chapter 18.71 RCW with substantial experience in child sexual
35 abuse examinations, a member of the Washington state bar whose practice
36 is primarily defense-oriented, the attorney general, a superior court
37 judge, a child development specialist, a representative from an agency
38 serving the developmentally disabled, an advanced registered nurse

1 practitioner licensed under chapter 18.79 RCW, a representative from a
2 child serving agency, and a victim's advocate.

3 The work group guidelines shall include issues to be addressed
4 within local protocols adopted pursuant to this act. Those issues
5 shall include multivictim cases, cases involving multiple suspects,
6 information sharing between the department and law enforcement, methods
7 to reduce the number of investigative interviews, and documentation of
8 investigations.

9 The work group guidelines shall be provided as a resource to local
10 agencies in developing local protocols mandated under this act.

11 The guidelines developed by the work group shall be presented to
12 the legislature not later than December 1, 1999.

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

15 (1) Each agency involved in investigating child sexual abuse shall
16 document its role in handling cases and how it will coordinate with
17 other local agencies or systems and shall adopt a local protocol based
18 on the state guidelines. The department and local law enforcement
19 agencies may include other agencies and systems that are involved with
20 child sexual abuse victims in the multidisciplinary coordination.

21 (2) Each county shall develop a written protocol for handling
22 criminal child sexual abuse investigations. The protocol shall address
23 the coordination of child sexual abuse investigations between the
24 prosecutor's office, law enforcement, the department, local advocacy
25 groups, and any other local agency involved in the criminal
26 investigation of child sexual abuse, including those investigations
27 involving multiple victims and multiple offenders. The protocol shall
28 be developed by the prosecuting attorney with the assistance of the
29 agencies referenced in this subsection.

30 (3) Local protocols under this section shall be adopted and in
31 place by July 1, 2000, and shall be submitted to the legislature prior
32 to that date.

33 **Sec. 5.** RCW 74.14B.010 and 1987 c 503 s 8 are each amended to read
34 as follows:

35 (1) Caseworkers employed in children services shall meet minimum
36 standards established by the department of social and health services.
37 Comprehensive training for caseworkers shall be completed before such

1 caseworkers are assigned to case-carrying responsibilities without
2 direct supervision. Intermittent, part-time, and standby workers shall
3 be subject to the same minimum standards and training.

4 (2) On-going specialized training shall be provided for persons
5 responsible for investigating child sexual abuse. Training
6 participants shall have the opportunity to practice interview skills
7 and receive feedback from instructors.

8 (3) The department, the criminal justice training commission, the
9 Washington association of sheriffs and police chiefs, and the
10 Washington association of prosecuting attorneys shall design and
11 implement state-wide training that contains consistent elements for
12 persons engaged in the interviewing of children, including law
13 enforcement, prosecution, and child protective services.

14 (4) The training shall: (a) Be based on research-based practices
15 and standards; (b) minimize the trauma of all persons who are
16 interviewed during abuse investigations; (c) provide methods of
17 reducing the number of investigative interviews necessary whenever
18 possible; (d) assure, to the extent possible, that investigative
19 interviews are thorough, objective, and complete; (e) recognize needs
20 of special populations, such as persons with developmental
21 disabilities; (f) recognize the nature and consequences of
22 victimization; (g) require investigative interviews to be conducted in
23 a manner most likely to permit the interviewed persons the maximum
24 emotional comfort under the circumstances; (h) address record retention
25 and retrieval; and (i) documentation of investigative interviews.

26 NEW SECTION. Sec. 6. A new section is added to chapter 43.20A RCW
27 to read as follows:

28 The department shall establish three pilot projects involving child
29 sexual abuse investigations. The projects shall follow written
30 protocols and use different methods and techniques to conduct and
31 preserve interviews with alleged child victims of sexual abuse. The
32 department shall provide the appropriate committees of the senate and
33 house of representatives an interim report by December 15, 1999, and a
34 final report by December 15, 2000. The Washington state institute for
35 public policy shall evaluate the pilot projects and report to the
36 legislature by December 1, 2000.

1 **Sec. 7.** RCW 26.44.035 and 1997 c 386 s 26 are each amended to read
2 as follows:

3 (1) If the department or a law enforcement agency responds to a
4 complaint of alleged child abuse or neglect and discovers that another
5 agency has also responded to the complaint, the agency shall notify the
6 other agency of their presence, and the agencies shall coordinate the
7 investigation and keep each other apprised of progress.

8 (2) The department, each law enforcement agency, each county
9 prosecuting attorney, each city attorney, and each court shall make as
10 soon as practicable a written record and shall maintain records of all
11 incidents of suspected child abuse reported to that person or agency.

12 (3) Every employee of the department who conducts an interview of
13 any person involved in an allegation of abuse or neglect shall retain
14 his or her original written records or notes setting forth the content
15 of the interview unless the notes were entered into the electronic
16 system operated by the department which is designed for storage,
17 retrieval, and preservation of such records.

18 (4) Written records involving child sexual abuse shall, at a
19 minimum, be a near verbatim record for the disclosure interview. The
20 near verbatim record shall be produced within fifteen calendar days of
21 the disclosure interview, unless waived by management on a case-by-case
22 basis.

23 (5) Records kept under this section shall be identifiable by means
24 of an agency code for child abuse.

25 NEW SECTION. **Sec. 8.** The legislature finds that the parent,
26 guardian, or foster parent of a child who may be the victim of abuse or
27 neglect may become involved in the investigation of the abuse or
28 neglect. The parent, guardian, or foster parent may also be made a
29 party to later court proceedings and be subject to a court-ordered
30 examination by a physician, psychologist, or psychiatrist. It is the
31 intent of the legislature by enacting section 9 of this act to avoid
32 actual or perceived conflicts of interest that may occur when the
33 parent, guardian, or foster parent is also a law enforcement officer
34 and is assigned to conduct the investigation of alleged abuse or
35 neglect concerning the child.

36 NEW SECTION. **Sec. 9.** A new section is added to chapter 26.44 RCW
37 to read as follows:

1 A law enforcement agency shall not allow a law enforcement officer
2 to participate as an investigator in the investigation of alleged abuse
3 or neglect concerning a child for whom the law enforcement officer is,
4 or has been, a parent, guardian, or foster parent. This section is not
5 intended to limit the authority or duty of a law enforcement officer to
6 report, testify, or be examined as authorized or required by this
7 chapter, or to perform other official duties as a law enforcement
8 officer.

9 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
10 sections 1 through 7 this act, referencing sections 1 through 7 of this
11 act by bill or chapter number, is not provided by June 30, 1999, in the
12 omnibus appropriations act, sections 1 through 7 this act are null and
13 void.

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