
HOUSE BILL 1467

State of Washington

59th Legislature

2005 Regular Session

By Representatives Dickerson, Wallace, P. Sullivan, Kagi, Roberts, Simpson, Appleton, Moeller, Green, Ericks, Takko and Chase

Read first time 01/25/2005. Referred to Committee on Children & Family Services.

1 AN ACT Relating to mandatory reporting of abuse or neglect; and
2 amending RCW 26.44.030.

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

4 **Sec. 1.** RCW 26.44.030 and 2003 c 207 s 4 are each amended to read
5 as follows:

6 (1)(a) When any practitioner, county coroner or medical examiner,
7 law enforcement officer, professional school personnel, registered or
8 licensed nurse, social service counselor, psychologist, pharmacist,
9 licensed or certified child care providers or their employees, employee
10 of the department, juvenile probation officer, placement and liaison
11 specialist, responsible living skills program staff, HOPE center staff,
12 or state family and children's ombudsman or any volunteer in the
13 ombudsman's office has reasonable cause to believe that a child has
14 suffered abuse or neglect, he or she shall report such incident, or
15 cause a report to be made, to the proper law enforcement agency or to
16 the department as provided in RCW 26.44.040.

17 (b)(i) When any person who is an employee, contractor, or volunteer
18 of a nonprofit entity as defined in RCW 84.36.800 has reasonable cause
19 to believe that a child has suffered abuse or neglect, and the alleged

1 perpetrator is an employee, contractor, or volunteer of the same
2 nonprofit entity, he or she shall report such incident, or cause a
3 report to be made, to the proper law enforcement agency or to the
4 department as provided in RCW 26.44.040.

5 (ii) Nothing in this subsection (1)(b) shall limit a person's duty
6 to report under (a) of this subsection.

7 (c) The reporting requirement also applies to department of
8 corrections personnel who, in the course of their employment, observe
9 offenders or the children with whom the offenders are in contact. If,
10 as a result of observations or information received in the course of
11 his or her employment, any department of corrections personnel has
12 reasonable cause to believe that a child has suffered abuse or neglect,
13 he or she shall report the incident, or cause a report to be made, to
14 the proper law enforcement agency or to the department as provided in
15 RCW 26.44.040.

16 ~~((c))~~ (d) The reporting requirement shall also apply to any adult
17 who has reasonable cause to believe that a child who resides with them,
18 has suffered severe abuse, and is able or capable of making a report.
19 For the purposes of this subsection, "severe abuse" means any of the
20 following: Any single act of abuse that causes physical trauma of
21 sufficient severity that, if left untreated, could cause death; any
22 single act of sexual abuse that causes significant bleeding, deep
23 bruising, or significant external or internal swelling; or more than
24 one act of physical abuse, each of which causes bleeding, deep
25 bruising, significant external or internal swelling, bone fracture, or
26 unconsciousness.

27 ~~((d))~~ (e) The report must be made at the first opportunity, but
28 in no case longer than forty-eight hours after there is reasonable
29 cause to believe that the child has suffered abuse or neglect. The
30 report must include the identity of the accused if known.

31 (2) The reporting requirement of subsection (1) of this section
32 does not apply to the discovery of abuse or neglect that occurred
33 during childhood if it is discovered after the child has become an
34 adult. However, if there is reasonable cause to believe other children
35 are or may be at risk of abuse or neglect by the accused, the reporting
36 requirement of subsection (1) of this section does apply.

37 (3) Any other person who has reasonable cause to believe that a

1 child has suffered abuse or neglect may report such incident to the
2 proper law enforcement agency or to the department of social and health
3 services as provided in RCW 26.44.040.

4 (4) The department, upon receiving a report of an incident of
5 alleged abuse or neglect pursuant to this chapter, involving a child
6 who has died or has had physical injury or injuries inflicted upon him
7 or her other than by accidental means or who has been subjected to
8 alleged sexual abuse, shall report such incident to the proper law
9 enforcement agency. In emergency cases, where the child's welfare is
10 endangered, the department shall notify the proper law enforcement
11 agency within twenty-four hours after a report is received by the
12 department. In all other cases, the department shall notify the law
13 enforcement agency within seventy-two hours after a report is received
14 by the department. If the department makes an oral report, a written
15 report must also be made to the proper law enforcement agency within
16 five days thereafter.

17 (5) Any law enforcement agency receiving a report of an incident of
18 alleged abuse or neglect pursuant to this chapter, involving a child
19 who has died or has had physical injury or injuries inflicted upon him
20 or her other than by accidental means, or who has been subjected to
21 alleged sexual abuse, shall report such incident in writing as provided
22 in RCW 26.44.040 to the proper county prosecutor or city attorney for
23 appropriate action whenever the law enforcement agency's investigation
24 reveals that a crime may have been committed. The law enforcement
25 agency shall also notify the department of all reports received and the
26 law enforcement agency's disposition of them. In emergency cases,
27 where the child's welfare is endangered, the law enforcement agency
28 shall notify the department within twenty-four hours. In all other
29 cases, the law enforcement agency shall notify the department within
30 seventy-two hours after a report is received by the law enforcement
31 agency.

32 (6) Any county prosecutor or city attorney receiving a report under
33 subsection (5) of this section shall notify the victim, any persons the
34 victim requests, and the local office of the department, of the
35 decision to charge or decline to charge a crime, within five days of
36 making the decision.

37 (7) The department may conduct ongoing case planning and
38 consultation with those persons or agencies required to report under

1 this section, with consultants designated by the department, and with
2 designated representatives of Washington Indian tribes if the client
3 information exchanged is pertinent to cases currently receiving child
4 protective services. Upon request, the department shall conduct such
5 planning and consultation with those persons required to report under
6 this section if the department determines it is in the best interests
7 of the child. Information considered privileged by statute and not
8 directly related to reports required by this section must not be
9 divulged without a valid written waiver of the privilege.

10 (8) Any case referred to the department by a physician licensed
11 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
12 opinion that child abuse, neglect, or sexual assault has occurred and
13 that the child's safety will be seriously endangered if returned home,
14 the department shall file a dependency petition unless a second
15 licensed physician of the parents' choice believes that such expert
16 medical opinion is incorrect. If the parents fail to designate a
17 second physician, the department may make the selection. If a
18 physician finds that a child has suffered abuse or neglect but that
19 such abuse or neglect does not constitute imminent danger to the
20 child's health or safety, and the department agrees with the
21 physician's assessment, the child may be left in the parents' home
22 while the department proceeds with reasonable efforts to remedy
23 parenting deficiencies.

24 (9) Persons or agencies exchanging information under subsection (7)
25 of this section shall not further disseminate or release the
26 information except as authorized by state or federal statute.
27 Violation of this subsection is a misdemeanor.

28 (10) Upon receiving reports of alleged abuse or neglect, the
29 department or law enforcement agency may interview children. The
30 interviews may be conducted on school premises, at day-care facilities,
31 at the child's home, or at other suitable locations outside of the
32 presence of parents. Parental notification of the interview must occur
33 at the earliest possible point in the investigation that will not
34 jeopardize the safety or protection of the child or the course of the
35 investigation. Prior to commencing the interview the department or law
36 enforcement agency shall determine whether the child wishes a third
37 party to be present for the interview and, if so, shall make reasonable
38 efforts to accommodate the child's wishes. Unless the child objects,

1 the department or law enforcement agency shall make reasonable efforts
2 to include a third party in any interview so long as the presence of
3 the third party will not jeopardize the course of the investigation.

4 (11) Upon receiving a report of alleged child abuse and neglect,
5 the department or investigating law enforcement agency shall have
6 access to all relevant records of the child in the possession of
7 mandated reporters and their employees.

8 (12) The department shall maintain investigation records and
9 conduct timely and periodic reviews of all cases constituting abuse and
10 neglect. The department shall maintain a log of screened-out
11 nonabusive cases.

12 (13) The department shall use a risk assessment process when
13 investigating alleged child abuse and neglect referrals. The
14 department shall present the risk factors at all hearings in which the
15 placement of a dependent child is an issue. Substance abuse must be a
16 risk factor. The department shall, within funds appropriated for this
17 purpose, offer enhanced community-based services to persons who are
18 determined not to require further state intervention.

19 (14) Upon receipt of a report of alleged abuse or neglect the law
20 enforcement agency may arrange to interview the person making the
21 report and any collateral sources to determine if any malice is
22 involved in the reporting.

23 (15) The department shall make reasonable efforts to learn the
24 name, address, and telephone number of each person making a report of
25 abuse or neglect under this section. The department shall provide
26 assurances of appropriate confidentiality of the identification of
27 persons reporting under this section. If the department is unable to
28 learn the information required under this subsection, the department
29 shall only investigate cases in which: (a) The department believes
30 there is a serious threat of substantial harm to the child; (b) the
31 report indicates conduct involving a criminal offense that has, or is
32 about to occur, in which the child is the victim; or (c) the department
33 has, after investigation, a report of abuse or neglect that has been
34 founded with regard to a member of the household within three years of
35 receipt of the referral.

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