
HOUSE BILL 2395

State of Washington

59th Legislature

2006 Regular Session

By Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia

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1 AN ACT Relating to protocols for addressing the impact of domestic
2 violence on children; adding new sections to chapter 26.44 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there is a lack
6 of common understanding among victim advocates, child welfare
7 authorities, law enforcement, and the courts in dealing with the
8 effects of domestic violence on families. Problems raised by domestic
9 violence are compounded by differing perspectives about how to address
10 its impact on families. The legislature also finds that discussion and
11 resolution of these perspectives is essential to the common goal of
12 protecting children. Efforts to enhance the safety and support of
13 nonoffending parents lead to increased safety and well-being for
14 children. The legislature further finds that in cases of child abuse
15 or neglect, reasonable intervention should include routine screening
16 for domestic violence and, in cases where domestic violence is
17 indicated, reasonable intervention should also include a comprehensive
18 assessment regarding the risk posed by the offender, and referrals to
19 appropriate services and relevant intervention for every family member.

1 The legislature acknowledges the efforts of the Washington state gender
2 and justice commission in its work on the Washington state coordinated
3 response protocol project and the template for coordinated response to
4 child maltreatment and domestic violence.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW
6 to read as follows:

7 (1) When, as a result of a referral to the department regarding
8 alleged child abuse or neglect, an investigation is made that includes
9 an in-person contact with a person alleged to have committed abuse or
10 neglect, there shall be a determination of whether it is probable that
11 domestic violence as defined in RCW 26.50.010 was a contributing factor
12 to the alleged abuse or neglect.

13 (2) The department shall provide appropriate training for persons
14 who conduct investigations under subsection (1) of this section and
15 persons who perform assessments under subsection (3) of this section.
16 The training shall include, but is not limited to, methods and tools
17 for:

- 18 (a) Identifying indicators of domestic violence;
- 19 (b) Interviewing techniques that do not increase the risk of danger
20 to the adult victim of domestic violence or child;
- 21 (c) Identifying protective behaviors that may reduce the risk of
22 harm to the adult victim or child;
- 23 (d) Determining risks posed by an alleged domestic violence
24 perpetrator to the adult victim or child;
- 25 (e) Appropriate interventions for the adult victim and the child;
- 26 and
- 27 (f) Appropriate interventions for the alleged domestic violence
28 perpetrator.

29 (3) If a determination is made under subsection (1) of this section
30 that there is probable cause to believe domestic violence has
31 contributed to the child abuse or neglect, the department shall, within
32 available funds, conduct a comprehensive assessment of a person
33 identified as the alleged domestic violence perpetrator. The
34 assessment must be conducted with attention to the safety of potential
35 adult victims of domestic violence and the child. The assessment shall
36 consider:

1 (a) The risk of abuse or neglect to the child is not related to the
2 alleged domestic violence by the adult victim of domestic violence;

3 (b) The level of risk posed to the child by the alleged perpetrator
4 of domestic violence, including the alleged perpetrator's history of
5 domestic violence;

6 (c) The safety of the adult victim of domestic violence and the
7 child;

8 (d) Potential protective behaviors that may reduce the risk of harm
9 to the adult victim and the child; and

10 (e) The capacity of the adult victim for self-protection and
11 protection of the child.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.44 RCW
13 to read as follows:

14 (1) Each agency intervening in cases with co-occurring allegations
15 of child abuse or neglect and domestic violence shall document its role
16 in handling cases and its coordination with other local agencies or
17 systems. The agency shall adopt a local protocol based on the
18 guidelines in subsection (3) of this section. The department is
19 encouraged to coordinate with the courts, local law enforcement
20 agencies, and other agencies and systems that are involved with
21 domestic violence victims.

22 (2) Each county shall develop a written protocol for intervening in
23 cases where allegations of child abuse or neglect and domestic violence
24 co-occur. The protocol shall address the coordination of interventions
25 between the department, local advocacy groups, courts, local law
26 enforcement agencies, and any other local agency involved in responding
27 to domestic violence.

28 (3) The following recommendations shall serve as guidelines for the
29 development of protocols required under subsection (2) of this section:

30 (a) Protocols should articulate a mission statement identifying the
31 target population of the protocol, consistent with the following
32 principles:

33 (i) Domestic violence, independently, shall not be considered child
34 maltreatment. A thorough assessment should be conducted to determine
35 the level of risk posed to the child by the occurrence of domestic
36 violence;

1 (ii) Increasing the safety, autonomy, and emotional well-being of
2 the adult victim generally leads to safer outcomes for children;

3 (iii) Considering the best interests of the children, by keeping
4 them in the care of the adult victim and nonoffending parent;

5 (iv) Each family should receive an individualized response that
6 allows for participation in the development of a plan for increased
7 safety for all members of the family;

8 (v) A perpetrator of domestic violence should be held accountable
9 for the domestic violence and any subsequent risk posed by such
10 behavior;

11 (vi) Attending to a family's cultural strengths and resources is
12 paramount, and services should be provided in a culturally responsive
13 manner; and

14 (vii) Effective treatment and support resources for families
15 experiencing domestic violence where children are present are essential
16 components of a coordinated community response system.

17 (b) Protocols also should:

18 (i) Outline the notification process to be used, the development
19 and implementation of interagency case staffing for cases with co-
20 occurring domestic violence and child maltreatment, and a plan for
21 routine cross-training opportunities;

22 (ii) Include a formalized understanding of the information exchange
23 process, including a description of the confidentiality mandates of
24 participating organizations, as well as the safety issues considered,
25 in order to ensure confidentiality, protection of the child, and
26 protection of the adult victim;

27 (iii) Identify the organizations responsible for implementing
28 interventions:

29 (A) The resources necessary to implement routine screening;

30 (B) Assessments, including separate assessments for the safety of
31 the adult victim, child, and alleged perpetrator;

32 (C) Safety planning; and

33 (D) Services for victims, children, and perpetrators;

34 (iv) Specify the dispute resolution process among agencies and
35 courts;

36 (v) Identify outcomes to be measured including, but not limited to,
37 increased coordination between agencies, increased safety of adult

1 victims and children, and increased accountability for perpetrators;
2 and

3 (vi) Specify the gathering of data and the measuring of outcomes.

4 (c) Agency protocols should define the roles, responsibilities, and
5 limitations of the agency, and should include copies of the policies,
6 procedures, or legislative directives shaping the organization's roles
7 and responsibilities for responding to domestic violence and child
8 maltreatment.

9 (4) Local protocols required under this section shall be adopted by
10 July 1, 2007, and submitted to the legislature for review before that
11 date.

12 (5) Subject to local resources and court processes, courts are
13 encouraged to implement the court improvement recommendations in the
14 template for coordinated response to child maltreatment and domestic
15 violence developed by the Washington state gender and justice
16 commission.

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