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SENATE BILL 5633

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State of Washington

59th Legislature

2005 Regular Session

By Senators Carrell, Rasmussen, Rockefeller, Shin, Stevens, Hargrove, Mulliken and McAuliffe

Read first time 01/31/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to retention of information concerning unfounded  
2 allegations of child abuse or neglect; and amending RCW 26.44.031.

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

4 **Sec. 1.** RCW 26.44.031 and 1997 c 282 s 1 are each amended to read  
5 as follows:

6 (1) To protect the privacy in reporting and the maintenance of  
7 reports of nonaccidental injury, neglect, death, sexual abuse, and  
8 cruelty to children by their parents, and to safeguard against  
9 arbitrary, malicious, or erroneous information or actions, the  
10 department shall not maintain information in any form related to  
11 unfounded referrals in files or reports of child abuse or neglect for  
12 longer than ~~((six))~~ one year~~((s))~~ except as provided in this section.

13 At the end of ~~((six))~~ one year~~((s))~~ from receipt of the unfounded  
14 report, the information shall be purged unless an additional report has  
15 been received in the intervening period.

16 (2)(a) If the department fails to comply with subsection (1) of  
17 this section, any aggrieved person may institute proceedings for  
18 injunctive or other appropriate relief for enforcement of the  
19 requirement to purge information. These proceedings may be instituted

1 in the superior court for the county in which the person resides, or,  
2 if the person is not then a resident of this state, in the superior  
3 court for Thurston county.

4 (b) In a proceeding under this subsection, the court shall enforce  
5 obedience to the requirement to purge information by enjoining  
6 compliance upon the secretary of the department. The court may issue  
7 such writs and processes as are necessary to carry out its orders and  
8 may award a penalty of up to one thousand dollars and reasonable  
9 attorneys' fees and court costs to the aggrieved person who instituted  
10 the proceedings.

11 (c) A proceeding under this subsection does not preclude other  
12 methods of enforcement provided for by law.

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