

SB 5321-S - DIGEST

(DIGEST AS ENACTED)

Provides that, upon receiving a report of alleged abuse or neglect, the department shall: (1) Make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this act. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this act. If the department is unable to learn the information required under this act, the department shall only investigate cases in which: (a) the department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has a prior founded report of abuse or neglect that is within three years of receipt of the referral;

(2) Unless the report is screened-out or being investigated by a law enforcement agency, conduct an investigation within time frames established by the department in rule, but in no case shall the investigation extend longer than ninety days from the date the report is received; and

(3) Make a finding that the report of child abuse or neglect is founded or unfounded at the completion of the investigation.

Requires the department to destroy all of its records concerning: (1) A screened-out report, within three years from the receipt of the report; and

(2) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received before the records are destroyed.

Provides that an unfounded, screened-out, or inconclusive report may not be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Provides that, if the department fails to comply with this act, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information.

Provides that, if the department fails to comply with this act and an individual who is the subject of the report is harmed by the disclosure of information, in addition to the relief provided in this act, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

Declares that nothing in this act shall prevent the department from retaining general, nonidentifying information

which is required for state and federal reporting and management purposes.

Provides that a care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise wherein: (1) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and: (a) the child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and (b) the care provider did not know or have reason to know that the child needed supervision as a sexually reactive or physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(2) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.