
HOUSE BILL 2510

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Kagi, Walsh, Pedersen, Orwall, Jinkins, Dickerson, Ryu, Van De Wege, Darneille, and Roberts

Read first time 01/17/12. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting government liability during preshelter
2 care investigations of child abuse or neglect; amending RCW 26.44.010;
3 and adding a new section to chapter 4.24 RCW.

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

5 **Sec. 1.** RCW 26.44.010 and 1999 c 176 s 27 are each amended to read
6 as follows:

7 The Washington state legislature finds and declares: The bond
8 between a child and his or her parent, custodian, or guardian is of
9 paramount importance, and any intervention into the life of a child is
10 also an intervention into the life of the parent, custodian, or
11 guardian; however, instances of nonaccidental injury, neglect, death,
12 sexual abuse and cruelty to children by their parents, custodians or
13 guardians have occurred, and in the instance where a child is deprived
14 of his or her right to conditions of minimal nurture, health, and
15 safety, the state is justified in emergency intervention based upon
16 verified information; and therefore the Washington state legislature
17 hereby provides for the reporting of such cases to the appropriate
18 public authorities. It is the intent of the legislature that, as a
19 result of such reports, protective services shall be made available in

1 an effort to prevent further abuses, and to safeguard the general
2 welfare of such children(~~(+PROVIDED, That such)~~). When the child's
3 interests of basic nurture, physical and mental health, and safety
4 conflict with the parents' interests, the interests of the child should
5 prevail. When determining whether a parent and child should be
6 separated during or immediately following an investigation of alleged
7 child abuse or neglect, the safety of the child shall be the
8 department's paramount concern. Reports of child abuse and neglect
9 shall be maintained and disseminated with strictest regard for the
10 privacy of the subjects of such reports and so as to safeguard against
11 arbitrary, malicious or erroneous information or actions(~~(+PROVIDED~~
12 ~~FURTHER, That)~~). This chapter shall not be construed to authorize
13 interference with child-raising practices, including reasonable
14 parental discipline, which are not proved to be injurious to the
15 child's health, welfare and safety.

16 NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW
17 to read as follows:

18 (1) Governmental entities, and their officers, agents, employees,
19 and volunteers, are not liable in tort for acts or omissions in
20 emergent placement investigations of child abuse or neglect under
21 chapter 26.44 RCW unless the investigation was done with gross
22 negligence of whether there was reason to believe the child was in
23 danger of abuse or neglect. Emergent investigations are those
24 conducted pursuant to RCW 26.44.056.

25 (2) The department and its employees shall comply with the orders
26 of the court, including shelter care and other dependency orders, and
27 are not liable for acts performed to comply with such court orders. In
28 providing reports and recommendations to the court, caseworkers are
29 entitled to the same witness immunity as would be provided to any other
30 witness.

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