

SB 5359 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 04/15/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 26.44.030 and 2012 c 55 s 1 are each amended to read  
4 as follows:

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

17 (b) When any person, in his or her official supervisory capacity  
18 with a nonprofit or for-profit organization, has reasonable cause to  
19 believe that a child has suffered abuse or neglect caused by a person  
20 over whom he or she regularly exercises supervisory authority, he or  
21 she shall report such incident, or cause a report to be made, to the  
22 proper law enforcement agency, provided that the person alleged to have  
23 caused the abuse or neglect is employed by, contracted by, or  
24 volunteers with the organization and coaches, trains, educates, or  
25 counsels a child or children or regularly has unsupervised access to a  
26 child or children as part of the employment, contract, or voluntary  
27 service. No one shall be required to report under this section when he  
28 or she obtains the information solely as a result of a privileged  
29 communication as provided in RCW 5.60.060.

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

3 For the purposes of this subsection, the following definitions  
4 apply:

5 (i) "Official supervisory capacity" means a position, status, or  
6 role created, recognized, or designated by any nonprofit or for-profit  
7 organization, either for financial gain or without financial gain,  
8 whose scope includes, but is not limited to, overseeing, directing, or  
9 managing another person who is employed by, contracted by, or  
10 volunteers with the nonprofit or for-profit organization.

11 (ii) "Organization" includes a sole proprietor, partnership,  
12 corporation, limited liability company, trust, association, financial  
13 institution, governmental entity, other than the federal government,  
14 and any other individual or group engaged in a trade, occupation,  
15 enterprise, governmental function, charitable function, or similar  
16 activity in this state whether or not the entity is operated as a  
17 nonprofit or for-profit entity.

18 (iii) "Reasonable cause" means a person witnesses or receives a  
19 credible written or oral report alleging abuse, including sexual  
20 contact, or neglect of a child.

21 (iv) "Regularly exercises supervisory authority" means to act in  
22 his or her official supervisory capacity on an ongoing or continuing  
23 basis with regards to a particular person.

24 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

25 (c) The reporting requirement also applies to department of  
26 corrections personnel who, in the course of their employment, observe  
27 offenders or the children with whom the offenders are in contact. If,  
28 as a result of observations or information received in the course of  
29 his or her employment, any department of corrections personnel has  
30 reasonable cause to believe that a child has suffered abuse or neglect,  
31 he or she shall report the incident, or cause a report to be made, to  
32 the proper law enforcement agency or to the department as provided in  
33 RCW 26.44.040.

34 (d) The reporting requirement shall also apply to any adult who has  
35 reasonable cause to believe that a child who resides with them, has  
36 suffered severe abuse, and is able or capable of making a report. For  
37 the purposes of this subsection, "severe abuse" means any of the  
38 following: Any single act of abuse that causes physical trauma of

1 sufficient severity that, if left untreated, could cause death; any  
2 single act of sexual abuse that causes significant bleeding, deep  
3 bruising, or significant external or internal swelling; or more than  
4 one act of physical abuse, each of which causes bleeding, deep  
5 bruising, significant external or internal swelling, bone fracture, or  
6 unconsciousness.

7 (e) The reporting requirement also applies to guardians ad litem,  
8 including court-appointed special advocates, appointed under Titles 11,  
9 13, and 26 RCW, who in the course of their representation of children  
10 in these actions have reasonable cause to believe a child has been  
11 abused or neglected.

12 (f) The reporting requirement in (a) of this subsection also  
13 applies to administrative and academic or athletic department  
14 employees, including student employees, of institutions of higher  
15 education, as defined in RCW 28B.10.016, and of private institutions of  
16 higher education.

17 (g) The report must be made at the first opportunity, but in no  
18 case longer than forty-eight hours after there is reasonable cause to  
19 believe that the child has suffered abuse or neglect. The report must  
20 include the identity of the accused if known.

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

27 (3) Any other person who has reasonable cause to believe that a  
28 child has suffered abuse or neglect may report such incident to the  
29 proper law enforcement agency or to the department of social and health  
30 services as provided in RCW 26.44.040.

31 (4) The department, upon receiving a report of an incident of  
32 alleged abuse or neglect pursuant to this chapter, involving a child  
33 who has died or has had physical injury or injuries inflicted upon him  
34 or her other than by accidental means or who has been subjected to  
35 alleged sexual abuse, shall report such incident to the proper law  
36 enforcement agency. In emergency cases, where the child's welfare is  
37 endangered, the department shall notify the proper law enforcement  
38 agency within twenty-four hours after a report is received by the

1 department. In all other cases, the department shall notify the law  
2 enforcement agency within seventy-two hours after a report is received  
3 by the department. If the department makes an oral report, a written  
4 report must also be made to the proper law enforcement agency within  
5 five days thereafter.

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

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

26 (7) The department may conduct ongoing case planning and  
27 consultation with those persons or agencies required to report under  
28 this section, with consultants designated by the department, and with  
29 designated representatives of Washington Indian tribes if the client  
30 information exchanged is pertinent to cases currently receiving child  
31 protective services. Upon request, the department shall conduct such  
32 planning and consultation with those persons required to report under  
33 this section if the department determines it is in the best interests  
34 of the child. Information considered privileged by statute and not  
35 directly related to reports required by this section must not be  
36 divulged without a valid written waiver of the privilege.

37 (8) Any case referred to the department by a physician licensed  
38 under chapter 18.57 or 18.71 RCW on the basis of an expert medical

1 opinion that child abuse, neglect, or sexual assault has occurred and  
2 that the child's safety will be seriously endangered if returned home,  
3 the department shall file a dependency petition unless a second  
4 licensed physician of the parents' choice believes that such expert  
5 medical opinion is incorrect. If the parents fail to designate a  
6 second physician, the department may make the selection. If a  
7 physician finds that a child has suffered abuse or neglect but that  
8 such abuse or neglect does not constitute imminent danger to the  
9 child's health or safety, and the department agrees with the  
10 physician's assessment, the child may be left in the parents' home  
11 while the department proceeds with reasonable efforts to remedy  
12 parenting deficiencies.

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

17 (10) Upon receiving a report of alleged abuse or neglect, the  
18 department shall make reasonable efforts to learn the name, address,  
19 and telephone number of each person making a report of abuse or neglect  
20 under this section. The department shall provide assurances of  
21 appropriate confidentiality of the identification of persons reporting  
22 under this section. If the department is unable to learn the  
23 information required under this subsection, the department shall only  
24 investigate cases in which:

25 (a) The department believes there is a serious threat of  
26 substantial harm to the child;

27 (b) The report indicates conduct involving a criminal offense that  
28 has, or is about to occur, in which the child is the victim; or

29 (c) The department has a prior founded report of abuse or neglect  
30 with regard to a member of the household that is within three years of  
31 receipt of the referral.

32 (11)(a) For reports of alleged abuse or neglect that are accepted  
33 for investigation by the department, the investigation shall be  
34 conducted within time frames established by the department in rule. In  
35 no case shall the investigation extend longer than ninety days from the  
36 date the report is received, unless the investigation is being  
37 conducted under a written protocol pursuant to RCW 26.44.180 and a law  
38 enforcement agency or prosecuting attorney has determined that a longer

1 investigation period is necessary. At the completion of the  
2 investigation, the department shall make a finding that the report of  
3 child abuse or neglect is founded or unfounded.

4 (b) If a court in a civil or criminal proceeding, considering the  
5 same facts or circumstances as are contained in the report being  
6 investigated by the department, makes a judicial finding by a  
7 preponderance of the evidence or higher that the subject of the pending  
8 investigation has abused or neglected the child, the department shall  
9 adopt the finding in its investigation.

10 (12) In conducting an investigation of alleged abuse or neglect,  
11 the department or law enforcement agency:

12 (a) May interview children. The interviews may be conducted on  
13 school premises, at day-care facilities, at the child's home, or at  
14 other suitable locations outside of the presence of parents. Parental  
15 notification of the interview must occur at the earliest possible point  
16 in the investigation that will not jeopardize the safety or protection  
17 of the child or the course of the investigation. Prior to commencing  
18 the interview the department or law enforcement agency shall determine  
19 whether the child wishes a third party to be present for the interview  
20 and, if so, shall make reasonable efforts to accommodate the child's  
21 wishes. Unless the child objects, the department or law enforcement  
22 agency shall make reasonable efforts to include a third party in any  
23 interview so long as the presence of the third party will not  
24 jeopardize the course of the investigation; and

25 (b) Shall have access to all relevant records of the child in the  
26 possession of mandated reporters and their employees.

27 (13) If a report of alleged abuse or neglect is founded and  
28 constitutes the third founded report received by the department within  
29 the last twelve months involving the same child or family, the  
30 department shall promptly notify the office of the family and  
31 children's ombudsman of the contents of the report. The department  
32 shall also notify the ombudsman of the disposition of the report.

33 (14) In investigating and responding to allegations of child abuse  
34 and neglect, the department may conduct background checks as authorized  
35 by state and federal law.

36 (15) The department shall maintain investigation records and  
37 conduct timely and periodic reviews of all founded cases of abuse and

1 neglect. The department shall maintain a log of screened-out  
2 nonabusive cases.

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

10 (17) Upon receipt of a report of alleged abuse or neglect the law  
11 enforcement agency may arrange to interview the person making the  
12 report and any collateral sources to determine if any malice is  
13 involved in the reporting.

14 (18) Upon receiving a report of alleged abuse or neglect involving  
15 a child under the court's jurisdiction under chapter 13.34 RCW, the  
16 department shall promptly notify the child's guardian ad litem of the  
17 report's contents. The department shall also notify the guardian ad  
18 litem of the disposition of the report. For purposes of this  
19 subsection, "guardian ad litem" has the meaning provided in RCW  
20 13.34.030.

21 **Sec. 2.** RCW 26.44.030 and 2012 c 259 s 3 and 2012 c 55 s 1 are  
22 each reenacted and amended to read as follows:

23 (1)(a) When any practitioner, county coroner or medical examiner,  
24 law enforcement officer, professional school personnel, registered or  
25 licensed nurse, social service counselor, psychologist, pharmacist,  
26 employee of the department of early learning, licensed or certified  
27 child care providers or their employees, employee of the department,  
28 juvenile probation officer, placement and liaison specialist,  
29 responsible living skills program staff, HOPE center staff, or state  
30 family and children's ombudsman or any volunteer in the ombudsman's  
31 office has reasonable cause to believe that a child has suffered abuse  
32 or neglect, he or she shall report such incident, or cause a report to  
33 be made, to the proper law enforcement agency or to the department as  
34 provided in RCW 26.44.040.

35 (b) When any person, in his or her official supervisory capacity  
36 with a nonprofit or for-profit organization, has reasonable cause to  
37 believe that a child has suffered abuse or neglect caused by a person

1 over whom he or she regularly exercises supervisory authority, he or  
2 she shall report such incident, or cause a report to be made, to the  
3 proper law enforcement agency, provided that the person alleged to have  
4 caused the abuse or neglect is employed by, contracted by, or  
5 volunteers with the organization and coaches, trains, educates, or  
6 counsels a child or children or regularly has unsupervised access to a  
7 child or children as part of the employment, contract, or voluntary  
8 service. No one shall be required to report under this section when he  
9 or she obtains the information solely as a result of a privileged  
10 communication as provided in RCW 5.60.060.

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

13 For the purposes of this subsection, the following definitions  
14 apply:

15 (i) "Official supervisory capacity" means a position, status, or  
16 role created, recognized, or designated by any nonprofit or for-profit  
17 organization, either for financial gain or without financial gain,  
18 whose scope includes, but is not limited to, overseeing, directing, or  
19 managing another person who is employed by, contracted by, or  
20 volunteers with the nonprofit or for-profit organization.

21 (ii) "Organization" includes a sole proprietor, partnership,  
22 corporation, limited liability company, trust, association, financial  
23 institution, governmental entity, other than the federal government,  
24 and any other individual or group engaged in a trade, occupation,  
25 enterprise, governmental function, charitable function, or similar  
26 activity in this state whether or not the entity is operated as a  
27 nonprofit or for-profit entity.

28 (iii) "Reasonable cause" means a person witnesses or receives a  
29 credible written or oral report alleging abuse, including sexual  
30 contact, or neglect of a child.

31 (iv) "Regularly exercises supervisory authority" means to act in  
32 his or her official supervisory capacity on an ongoing or continuing  
33 basis with regards to a particular person.

34 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

35 (c) The reporting requirement also applies to department of  
36 corrections personnel who, in the course of their employment, observe  
37 offenders or the children with whom the offenders are in contact. If,  
38 as a result of observations or information received in the course of



1 his or her employment, any department of corrections personnel has  
2 reasonable cause to believe that a child has suffered abuse or neglect,  
3 he or she shall report the incident, or cause a report to be made, to  
4 the proper law enforcement agency or to the department as provided in  
5 RCW 26.44.040.

6 (d) The reporting requirement shall also apply to any adult who has  
7 reasonable cause to believe that a child who resides with them, has  
8 suffered severe abuse, and is able or capable of making a report. For  
9 the purposes of this subsection, "severe abuse" means any of the  
10 following: Any single act of abuse that causes physical trauma of  
11 sufficient severity that, if left untreated, could cause death; any  
12 single act of sexual abuse that causes significant bleeding, deep  
13 bruising, or significant external or internal swelling; or more than  
14 one act of physical abuse, each of which causes bleeding, deep  
15 bruising, significant external or internal swelling, bone fracture, or  
16 unconsciousness.

17 (e) The reporting requirement also applies to guardians ad litem,  
18 including court-appointed special advocates, appointed under Titles 11,  
19 13, and 26 RCW, who in the course of their representation of children  
20 in these actions have reasonable cause to believe a child has been  
21 abused or neglected.

22 (f) The reporting requirement in (a) of this subsection also  
23 applies to administrative and academic or athletic department  
24 employees, including student employees, of institutions of higher  
25 education, as defined in RCW 28B.10.016, and of private institutions of  
26 higher education.

27 (g) The report must be made at the first opportunity, but in no  
28 case longer than forty-eight hours after there is reasonable cause to  
29 believe that the child has suffered abuse or neglect. The report must  
30 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 a report of alleged abuse or neglect, the  
29 department shall make reasonable efforts to learn the name, address,  
30 and telephone number of each person making a report of abuse or neglect  
31 under this section. The department shall provide assurances of  
32 appropriate confidentiality of the identification of persons reporting  
33 under this section. If the department is unable to learn the  
34 information required under this subsection, the department shall only  
35 investigate cases in which:

36 (a) The department believes there is a serious threat of  
37 substantial harm to the child;

1 (b) The report indicates conduct involving a criminal offense that  
2 has, or is about to occur, in which the child is the victim; or

3 (c) The department has a prior founded report of abuse or neglect  
4 with regard to a member of the household that is within three years of  
5 receipt of the referral.

6 (11)(a) Upon receiving a report of alleged abuse or neglect, the  
7 department shall use one of the following discrete responses to reports  
8 of child abuse or neglect that are screened in and accepted for  
9 departmental response:

10 (i) Investigation; or

11 (ii) Family assessment.

12 (b) In making the response in (a) of this subsection the department  
13 shall:

14 (i) Use a method by which to assign cases to investigation or  
15 family assessment which are based on an array of factors that may  
16 include the presence of: Imminent danger, level of risk, number of  
17 previous child abuse or neglect reports, or other presenting case  
18 characteristics, such as the type of alleged maltreatment and the age  
19 of the alleged victim. Age of the alleged victim shall not be used as  
20 the sole criterion for determining case assignment;

21 (ii) Allow for a change in response assignment based on new  
22 information that alters risk or safety level;

23 (iii) Allow families assigned to family assessment to choose to  
24 receive an investigation rather than a family assessment;

25 (iv) Provide a full investigation if a family refuses the initial  
26 family assessment;

27 (v) Provide voluntary services to families based on the results of  
28 the initial family assessment. If a family refuses voluntary services,  
29 and the department cannot identify specific facts related to risk or  
30 safety that warrant assignment to investigation under this chapter, and  
31 there is not a history of reports of child abuse or neglect related to  
32 the family, then the department must close the family assessment  
33 response case. However, if at any time the department identifies risk  
34 or safety factors that warrant an investigation under this chapter,  
35 then the family assessment response case must be reassigned to  
36 investigation;

37 (vi) Conduct an investigation, and not a family assessment, in

1 response to an allegation that, the department determines based on the  
2 intake assessment:

3 (A) Poses a risk of "imminent harm" consistent with the definition  
4 provided in RCW 13.34.050, which includes, but is not limited to,  
5 sexual abuse and sexual exploitation as defined in this chapter;

6 (B) Poses a serious threat of substantial harm to a child;

7 (C) Constitutes conduct involving a criminal offense that has, or  
8 is about to occur, in which the child is the victim;

9 (D) The child is an abandoned child as defined in RCW 13.34.030;

10 (E) The child is an adjudicated dependent child as defined in RCW  
11 13.34.030, or the child is in a facility that is licensed, operated, or  
12 certified for care of children by the department under chapter 74.15  
13 RCW, or by the department of early learning.

14 (c) The department may not be held civilly liable for the decision  
15 to respond to an allegation of child abuse or neglect by using the  
16 family assessment response under this section unless the state or its  
17 officers, agents, or employees acted with reckless disregard.

18 (12)(a) For reports of alleged abuse or neglect that are accepted  
19 for investigation by the department, the investigation shall be  
20 conducted within time frames established by the department in rule. In  
21 no case shall the investigation extend longer than ninety days from the  
22 date the report is received, unless the investigation is being  
23 conducted under a written protocol pursuant to RCW 26.44.180 and a law  
24 enforcement agency or prosecuting attorney has determined that a longer  
25 investigation period is necessary. At the completion of the  
26 investigation, the department shall make a finding that the report of  
27 child abuse or neglect is founded or unfounded.

28 (b) If a court in a civil or criminal proceeding, considering the  
29 same facts or circumstances as are contained in the report being  
30 investigated by the department, makes a judicial finding by a  
31 preponderance of the evidence or higher that the subject of the pending  
32 investigation has abused or neglected the child, the department shall  
33 adopt the finding in its investigation.

34 (13) For reports of alleged abuse or neglect that are responded to  
35 through family assessment response, the department shall:

36 (a) Provide the family with a written explanation of the procedure  
37 for assessment of the child and the family and its purposes;

1 (b) Collaborate with the family to identify family strengths,  
2 resources, and service needs, and develop a service plan with the goal  
3 of reducing risk of harm to the child and improving or restoring family  
4 well-being;

5 (c) Complete the family assessment response within forty-five days  
6 of receiving the report; however, upon parental agreement, the family  
7 assessment response period may be extended up to ninety days;

8 (d) Offer services to the family in a manner that makes it clear  
9 that acceptance of the services is voluntary;

10 (e) Implement the family assessment response in a consistent and  
11 cooperative manner;

12 (f) Have the parent or guardian sign an agreement to participate in  
13 services before services are initiated that informs the parents of  
14 their rights under family assessment response, all of their options,  
15 and the options the department has if the parents do not sign the  
16 consent form.

17 (14) In conducting an investigation or family assessment of alleged  
18 abuse or neglect, the department or law enforcement agency:

19 (a) May interview children. If the department determines that the  
20 response to the allegation will be family assessment response, the  
21 preferred practice is to request a parent's, guardian's, or custodian's  
22 permission to interview the child before conducting the child interview  
23 unless doing so would compromise the safety of the child or the  
24 integrity of the assessment. The interviews may be conducted on school  
25 premises, at day-care facilities, at the child's home, or at other  
26 suitable locations outside of the presence of parents. If the  
27 allegation is investigated, parental notification of the interview must  
28 occur at the earliest possible point in the investigation that will not  
29 jeopardize the safety or protection of the child or the course of the  
30 investigation. Prior to commencing the interview the department or law  
31 enforcement agency shall determine whether the child wishes a third  
32 party to be present for the interview and, if so, shall make reasonable  
33 efforts to accommodate the child's wishes. Unless the child objects,  
34 the department or law enforcement agency shall make reasonable efforts  
35 to include a third party in any interview so long as the presence of  
36 the third party will not jeopardize the course of the investigation;  
37 and

1 (b) Shall have access to all relevant records of the child in the  
2 possession of mandated reporters and their employees.

3 (15) If a report of alleged abuse or neglect is founded and  
4 constitutes the third founded report received by the department within  
5 the last twelve months involving the same child or family, the  
6 department shall promptly notify the office of the family and  
7 children's ombudsman of the contents of the report. The department  
8 shall also notify the ombudsman of the disposition of the report.

9 (16) In investigating and responding to allegations of child abuse  
10 and neglect, the department may conduct background checks as authorized  
11 by state and federal law.

12 (17)(a) The department shall maintain investigation records and  
13 conduct timely and periodic reviews of all founded cases of abuse and  
14 neglect. The department shall maintain a log of screened-out  
15 nonabusive cases.

16 (b) In the family assessment response, the department shall not  
17 make a finding as to whether child abuse or neglect occurred. No one  
18 shall be named as a perpetrator and no investigative finding shall be  
19 entered in the department's child abuse or neglect database.

20 (18) The department shall use a risk assessment process when  
21 investigating alleged child abuse and neglect referrals. The  
22 department shall present the risk factors at all hearings in which the  
23 placement of a dependent child is an issue. Substance abuse must be a  
24 risk factor.

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

29 (20) Upon receiving a report of alleged abuse or neglect involving  
30 a child under the court's jurisdiction under chapter 13.34 RCW, the  
31 department shall promptly notify the child's guardian ad litem of the  
32 report's contents. The department shall also notify the guardian ad  
33 litem of the disposition of the report. For purposes of this  
34 subsection, "guardian ad litem" has the meaning provided in RCW  
35 13.34.030.

36 NEW SECTION. **Sec. 3.** Section 1 of this act expires December  
37 1, 2013.

1        NEW SECTION.   **Sec. 4.**   Section 2 of this act takes effect December  
2   1, 2013."

3        Correct the title.

EFFECT:   Specifies that reasonable cause means a person witnesses  
or receives a credible written or oral report alleging abuse, including  
sexual contact, or neglect of a child and strikes the requirement that  
such abuse or neglect must be by one over whom the person regularly  
exercises authority.

--- END ---