

# HOUSE BILL REPORT

## SSB 5316

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### As Reported by House Committee On: Early Learning & Human Services

**Title:** An act relating to adopting a model policy to require a third person to be present during interviews.

**Brief Description:** Adopting a model policy to require a third person to be present during interviews.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker and Carrell).

#### **Brief History:**

##### **Committee Activity:**

Early Learning & Human Services: 3/21/13, 3/28/13 [DP].

#### **Brief Summary of Substitute Bill**

- Requires the Washington State School Directors' Association to adopt a model policy addressing protocols when a child welfare interview is conducted on school premises.
- Requires the Washington State School Directors' Association to consult with the Washington Association of Sheriffs and Police Chiefs when formulating the model policy.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass. Signed by 9 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Goodman, MacEwen, Overstreet, Roberts, Sawyer and Zeiger.

**Staff:** Lindsay Lanham (786-7120).

#### **Background:**

When conducting interviews for a child welfare investigation or the Family Assessment Response (FAR), the Department of Social and Health Services, Children's Administration

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(CA) or the law enforcement have the statutory authority to interview children alone and without parental consent. Interviews may occur in schools, child care facilities, the child's home, or any other suitable location. Prior to conducting interviews the CA investigator, the FAR worker, or law enforcement are required to determine whether the child wishes to have a third party present for the interview. If the child does wish for a third party to be present, the CA investigator, the FAR worker, or law enforcement are required to make reasonable efforts to accommodate the child's wishes. Additionally, the CA investigator, the FAR worker, or law enforcement are mandated to make reasonable efforts to have a third party present during child interviews as long as the presence of a third party does not jeopardize the course of the investigation and the child does not object to having a third party present during the interview.

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**Summary of Bill:**

The Washington State School Directors' Association (WSSDA) is required to adopt a model policy addressing protocols when a child welfare interview is conducted on school premises. Additionally, the WSSDA is required consult with the Washington Association of Sheriffs and Police Chiefs when formulating the model policy.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 20, 2013.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 2 relating to mandatory reporting requirements and the procedures for assigning and conducting child protective services investigations or family assessments, which takes effect December 1, 2013.

**Staff Summary of Public Testimony:**

(In support) An 11-year-old child was interviewed at school and alone by law enforcement without parental permission. The child was interviewed as an alleged witness and not as a victim in a case. The parent discovered from the child that the child was interviewed without parental consent. Law enforcement alleged that the interview was an emergency; however, the child's parent discovered that the case was nine months old at the time of the interview. The law enforcement did not offer to have a third party present during the interview. The child was vulnerable to intimidation and was scared. There was a concern that law enforcement did not follow law. At the time of the incident, the school reported that they did not feel they had the authority to intervene and make law enforcement have a third party present during the interview.

One agency would like to offer assistance in the development of the policy. The Washington State School Directors' Association develops model policies and procedures for school districts. Each district has a choice to determine if they want to adopt model policies.

School districts also have the opportunity to modify the model policy so that the policies best align with local practice. There is no fiscal note because the agency considers the development of model policies within the scope of daily work expectations.

(Opposed) None.

**Persons Testifying:** Senator Becker, prime sponsor; Jennifer Oliverio; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; and Marie Sullivan, Washington State School Directors Association.

**Persons Signed In To Testify But Not Testifying:** None.