

SENATE BILL REPORT

SB 5316

As Reported by Senate Committee On:
Human Services & Corrections, February 19, 2013

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: Senators Becker and Carrell.

Brief History:

Committee Activity: Human Services & Corrections: 2/07/13, 2/19/13 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5316 be substituted therefor, and the substitute bill do pass.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

Staff: Shani Bauer (786-7468)

Background: In conducting an investigation of alleged abuse or neglect, the Department of Social and Health Services (DSHS) or law enforcement agencies may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside the presence of the parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the investigation.

Prior to commencing the interview, DSHS or the law enforcement agency must determine whether the child wishes a third party to be present for the interview and, if so, must make reasonable efforts to accommodate the child's wishes. Unless the child objects, DSHS or the law enforcement agency must make reasonable efforts to include a third party in the interview so long as the presence of the third party would not jeopardize the course of the investigation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): The Washington State School Directors' Association (WSSDA) must adopt a model policy to implement statutory provisions regarding the interview of children in child abuse and neglect investigations on school premises. The Association must consult with DSHS and the Washington Association of Sheriffs and Police Chiefs (WASPC) in formulating its policy.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The scope of the model policy developed by WSSDA is limited to interviews conducted on school premises. WSSDA must consult with DSHS and WASPC in formulating its policy.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: My child came home from school and told me that a detective had come to talk to her that day. This came as a complete surprise. I discovered she was being interviewed for an investigation that was opened up nine months earlier. She was interviewed alone in the principal's office with no third party present. I followed up with the principal and was told that the school lets law enforcement take the lead in these scenarios. I then followed up with the sheriff's office and found that the sheriff did not follow the provisions of the law. The police officer was disciplined; however, this experience was more scary and traumatic for my daughter than it had to be. This could have been avoided if the school had a protocol for these types of situations.

CON: We are concerned about the requirement that a third party be present. Training is vital for persons involved in these interviews. If a person does not have training, it can actually do more damage to the child or impact the interview if the person reacts inappropriately to what they hear. We support the child having a choice to have a third party present.

OTHER: As written, the model policy would govern all interviews of children, not just those interviews that occur in a school setting. The bill should be clarified in this regard. We would also recommend that law enforcement and DSHS be involved in creating the policy.

Persons Testifying: PRO: Senator Becker, prime sponsor; Jennifer Oliverio, citizen.

CON: Angela Coulter, Children's Advocacy Centers of WA.

OTHER: Randy Hart, DSHS; Andrea Piper-Wentland, WA Coalition of Sexual Assault Programs.