

SENATE BILL REPORT

SB 5566

As of February 12, 2013

Title: An act relating to interviewing children in child protective services investigations.

Brief Description: Concerning interviewing children in child protective services investigations at children's advocacy centers.

Sponsors: Senators Pearson, Carrell and Harper.

Brief History:

Committee Activity: Human Services & Corrections: 2/11/13.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

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.

A Children's Advocacy Center (CAC) is defined in law as a child-focused facility in good standing with Children's Advocacy Centers of Washington (CACWA) and which provides coordination of a multidisciplinary process for the investigation, prosecution, and treatment of child abuse, including child sexual abuse. The CACs provide a child-friendly location for forensic interviews and help coordinate access to medical evaluations, advocacy, therapy, and case reviews within the context of the county-based protocols.

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.

The CACWA is a membership association providing training and technical assistance to existing and emerging CACs. The CACWA also is the Washington Chapter of the National Children's Alliance, a national membership and accrediting organization for CACs.

The common goal of the CACs and the state chapter is to ensure children are not revictimized by the system designed to protect them. There are 19 CACs located in Washington cities throughout the state.

Summary of Bill: It is preferable that interviews take place at CACs, when access to a CAC is reasonably available.

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: PRO: This is noncontroversial housekeeping to state a preference for conducting an interview at a CAC and reduce the trauma a child and family might feel by having to go to different locations in order to comply with an investigation. The stakeholders are in agreement to add two clarifications: (1) to ensure that the preference only applies to forensic interviews; and (2) the preference should be a general preference as there might be individual scenarios where this does not make sense. The number of CACs has increased substantially in the last few years so that coverage is improving around the state. The state chapter has a growth management plan and intends to keep growing. The CACs can provide a safe haven for better interviews which leads to better outcomes for children. This is also an early opportunity in the life of a case to get a child into the CAC to access resources.

Persons Testifying: PRO: Seth Dawson, The CACs of WA; Byron Manering, Children's Advocacy Centers of WA.