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**SUBSTITUTE SENATE BILL 5316**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Becker and Carrell)

READ FIRST TIME 02/20/13.

1       AN ACT Relating to adopting a model policy to require a third  
2 person to be present during interviews; amending RCW 26.44.030;  
3 reenacting and amending RCW 26.44.030; providing an effective date; and  
4 providing an expiration date.

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

6       **Sec. 1.** RCW 26.44.030 and 2012 c 55 s 1 are each amended to read  
7 as follows:

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

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

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

16 For the purposes of this subsection, the following definitions  
17 apply:

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

24 (ii) "Regularly exercises supervisory authority" means to act in  
25 his or her official supervisory capacity on an ongoing or continuing  
26 basis with regards to a particular person.

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

36 (d) The reporting requirement shall also apply to any adult who has  
37 reasonable cause to believe that a child who resides with them, has  
38 suffered severe abuse, and is able or capable of making a report. For

1 the purposes of this subsection, "severe abuse" means any of the  
2 following: Any single act of abuse that causes physical trauma of  
3 sufficient severity that, if left untreated, could cause death; any  
4 single act of sexual abuse that causes significant bleeding, deep  
5 bruising, or significant external or internal swelling; or more than  
6 one act of physical abuse, each of which causes bleeding, deep  
7 bruising, significant external or internal swelling, bone fracture, or  
8 unconsciousness.

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

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

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

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

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

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

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

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

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

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

1 (8) Any case referred to the department by a physician licensed  
2 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
3 opinion that child abuse, neglect, or sexual assault has occurred and  
4 that the child's safety will be seriously endangered if returned home,  
5 the department shall file a dependency petition unless a second  
6 licensed physician of the parents' choice believes that such expert  
7 medical opinion is incorrect. If the parents fail to designate a  
8 second physician, the department may make the selection. If a  
9 physician finds that a child has suffered abuse or neglect but that  
10 such abuse or neglect does not constitute imminent danger to the  
11 child's health or safety, and the department agrees with the  
12 physician's assessment, the child may be left in the parents' home  
13 while the department proceeds with reasonable efforts to remedy  
14 parenting deficiencies.

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

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

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

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

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

34 (11)(a) For reports of alleged abuse or neglect that are accepted  
35 for investigation by the department, the investigation shall be  
36 conducted within time frames established by the department in rule. In  
37 no case shall the investigation extend longer than ninety days from the  
38 date the report is received, unless the investigation is being

1 conducted under a written protocol pursuant to RCW 26.44.180 and a law  
2 enforcement agency or prosecuting attorney has determined that a longer  
3 investigation period is necessary. At the completion of the  
4 investigation, the department shall make a finding that the report of  
5 child abuse or neglect is founded or unfounded.

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

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

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

28 (~~(b)~~) (ii) Shall have access to all relevant records of the child  
29 in the possession of mandated reporters and their employees.

30 (b) The Washington state school directors' association shall adopt  
31 a model policy addressing protocols when an interview, as authorized by  
32 this subsection, is conducted on school premises. In formulating its  
33 policy, the association shall consult with the department and the  
34 Washington association of sheriffs and police chiefs.

35 (13) If a report of alleged abuse or neglect is founded and  
36 constitutes the third founded report received by the department within  
37 the last twelve months involving the same child or family, the

1 department shall promptly notify the office of the family and  
2 children's ombudsman of the contents of the report. The department  
3 shall also notify the ombudsman of the disposition of the report.

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

7 (15) The department shall maintain investigation records and  
8 conduct timely and periodic reviews of all founded cases of abuse and  
9 neglect. The department shall maintain a log of screened-out  
10 nonabusive cases.

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

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

22 (18) Upon receiving a report of alleged abuse or neglect involving  
23 a child under the court's jurisdiction under chapter 13.34 RCW, the  
24 department shall promptly notify the child's guardian ad litem of the  
25 report's contents. The department shall also notify the guardian ad  
26 litem of the disposition of the report. For purposes of this  
27 subsection, "guardian ad litem" has the meaning provided in RCW  
28 13.34.030.

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

31 (1)(a) When any practitioner, county coroner or medical examiner,  
32 law enforcement officer, professional school personnel, registered or  
33 licensed nurse, social service counselor, psychologist, pharmacist,  
34 employee of the department of early learning, licensed or certified  
35 child care providers or their employees, employee of the department,  
36 juvenile probation officer, placement and liaison specialist,  
37 responsible living skills program staff, HOPE center staff, or state

1 family and children's ombudsman or any volunteer in the ombudsman's  
2 office has reasonable cause to believe that a child has suffered abuse  
3 or neglect, he or she shall report such incident, or cause a report to  
4 be made, to the proper law enforcement agency or to the department as  
5 provided in RCW 26.44.040.

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

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

21 For the purposes of this subsection, the following definitions  
22 apply:

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

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

32 (c) The reporting requirement also applies to department of  
33 corrections personnel who, in the course of their employment, observe  
34 offenders or the children with whom the offenders are in contact. If,  
35 as a result of observations or information received in the course of  
36 his or her employment, any department of corrections personnel has  
37 reasonable cause to believe that a child has suffered abuse or neglect,



1 he or she shall report the incident, or cause a report to be made, to  
2 the proper law enforcement agency or to the department as provided in  
3 RCW 26.44.040.

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

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

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

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

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

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

1 (4) The department, upon receiving a report of an incident of  
2 alleged abuse or neglect pursuant to this chapter, involving a child  
3 who has died or has had physical injury or injuries inflicted upon him  
4 or her other than by accidental means or who has been subjected to  
5 alleged sexual abuse, shall report such incident to the proper law  
6 enforcement agency. In emergency cases, where the child's welfare is  
7 endangered, the department shall notify the proper law enforcement  
8 agency within twenty-four hours after a report is received by the  
9 department. In all other cases, the department shall notify the law  
10 enforcement agency within seventy-two hours after a report is received  
11 by the department. If the department makes an oral report, a written  
12 report must also be made to the proper law enforcement agency within  
13 five days thereafter.

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

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

34 (7) The department may conduct ongoing case planning and  
35 consultation with those persons or agencies required to report under  
36 this section, with consultants designated by the department, and with  
37 designated representatives of Washington Indian tribes if the client  
38 information exchanged is pertinent to cases currently receiving child

1 protective services. Upon request, the department shall conduct such  
2 planning and consultation with those persons required to report under  
3 this section if the department determines it is in the best interests  
4 of the child. Information considered privileged by statute and not  
5 directly related to reports required by this section must not be  
6 divulged without a valid written waiver of the privilege.

7 (8) Any case referred to the department by a physician licensed  
8 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
9 opinion that child abuse, neglect, or sexual assault has occurred and  
10 that the child's safety will be seriously endangered if returned home,  
11 the department shall file a dependency petition unless a second  
12 licensed physician of the parents' choice believes that such expert  
13 medical opinion is incorrect. If the parents fail to designate a  
14 second physician, the department may make the selection. If a  
15 physician finds that a child has suffered abuse or neglect but that  
16 such abuse or neglect does not constitute imminent danger to the  
17 child's health or safety, and the department agrees with the  
18 physician's assessment, the child may be left in the parents' home  
19 while the department proceeds with reasonable efforts to remedy  
20 parenting deficiencies.

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

25 (10) Upon receiving a report of alleged abuse or neglect, the  
26 department shall make reasonable efforts to learn the name, address,  
27 and telephone number of each person making a report of abuse or neglect  
28 under this section. The department shall provide assurances of  
29 appropriate confidentiality of the identification of persons reporting  
30 under this section. If the department is unable to learn the  
31 information required under this subsection, the department shall only  
32 investigate cases in which:

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

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

37 (c) The department has a prior founded report of abuse or neglect

1 with regard to a member of the household that is within three years of  
2 receipt of the referral.

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

- 7 (i) Investigation; or
- 8 (ii) Family assessment.

9 (b) In making the response in (a) of this subsection the department  
10 shall:

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

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

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

22 (iv) Provide a full investigation if a family refuses the initial  
23 family assessment;

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

34 (vi) Conduct an investigation, and not a family assessment, in  
35 response to an allegation that, the department determines based on the  
36 intake assessment:

37 (A) Poses a risk of "imminent harm" consistent with the definition

1 provided in RCW 13.34.050, which includes, but is not limited to,  
2 sexual abuse and sexual exploitation as defined in this chapter;

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

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

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

7 (E) The child is an adjudicated dependent child as defined in RCW  
8 13.34.030, or the child is in a facility that is licensed, operated, or  
9 certified for care of children by the department under chapter 74.15  
10 RCW, or by the department of early learning.

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

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

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

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

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

35 (b) Collaborate with the family to identify family strengths,  
36 resources, and service needs, and develop a service plan with the goal  
37 of reducing risk of harm to the child and improving or restoring family  
38 well-being;

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

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

6 (e) Implement the family assessment response in a consistent and  
7 cooperative manner;

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

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

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

34 ((+b)) (ii) Shall have access to all relevant records of the child  
35 in the possession of mandated reporters and their employees.

36 (b) The Washington state school directors' association shall adopt  
37 a model policy addressing protocols when an interview, as authorized by

1 this subsection, is conducted on school premises. In formulating its  
2 policy, the association shall consult with the department and the  
3 Washington association of sheriffs and police chiefs.

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

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

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

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

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

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

30 (20) Upon receiving a report of alleged abuse or neglect involving  
31 a child under the court's jurisdiction under chapter 13.34 RCW, the  
32 department shall promptly notify the child's guardian ad litem of the  
33 report's contents. The department shall also notify the guardian ad  
34 litem of the disposition of the report. For purposes of this  
35 subsection, "guardian ad litem" has the meaning provided in RCW  
36 13.34.030.

1        NEW SECTION.    **Sec. 3.**    Section 1 of this act expires December 1,  
2    2013.

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

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