
SENATE BILL 5316

State of Washington

63rd Legislature

2013 Regular Session

By Senators Becker and Carrell

Read first time 01/25/13. Referred to Committee on Human Services & Corrections.

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 to implement (a)(i) of this subsection.

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

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

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

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

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

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

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

28 (1)(a) When any practitioner, county coroner or medical examiner,
29 law enforcement officer, professional school personnel, registered or
30 licensed nurse, social service counselor, psychologist, pharmacist,
31 employee of the department of early learning, licensed or certified
32 child care providers or their employees, employee of the department,
33 juvenile probation officer, placement and liaison specialist,
34 responsible living skills program staff, HOPE center staff, or state
35 family and children's ombudsman or any volunteer in the ombudsman's
36 office has reasonable cause to believe that a child has suffered abuse

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

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

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

19 For the purposes of this subsection, the following definitions
20 apply:

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

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

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

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

12 (e) The reporting requirement also applies to guardians ad litem,
13 including court-appointed special advocates, appointed under Titles 11,
14 13, and 26 RCW, who in the course of their representation of children
15 in these actions have reasonable cause to believe a child has been
16 abused or neglected.

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

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

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

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

36 (4) The department, upon receiving a report of an incident of
37 alleged abuse or neglect pursuant to this chapter, involving a child
38 who has died or has had physical injury or injuries inflicted upon him

1 or her other than by accidental means or who has been subjected to
2 alleged sexual abuse, shall report such incident to the proper law
3 enforcement agency. In emergency cases, where the child's welfare is
4 endangered, the department shall notify the proper law enforcement
5 agency within twenty-four hours after a report is received by the
6 department. In all other cases, the department shall notify the law
7 enforcement agency within seventy-two hours after a report is received
8 by the department. If the department makes an oral report, a written
9 report must also be made to the proper law enforcement agency within
10 five days thereafter.

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

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

31 (7) The department may conduct ongoing case planning and
32 consultation with those persons or agencies required to report under
33 this section, with consultants designated by the department, and with
34 designated representatives of Washington Indian tribes if the client
35 information exchanged is pertinent to cases currently receiving child
36 protective services. Upon request, the department shall conduct such
37 planning and consultation with those persons required to report under
38 this section if the department determines it is in the best interests

1 of the child. Information considered privileged by statute and not
2 directly related to reports required by this section must not be
3 divulged without a valid written waiver of the privilege.

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

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

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

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

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

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

37 (11)(a) Upon receiving a report of alleged abuse or neglect, the

1 department shall use one of the following discrete responses to reports
2 of child abuse or neglect that are screened in and accepted for
3 departmental response:

- 4 (i) Investigation; or
- 5 (ii) Family assessment.

6 (b) In making the response in (a) of this subsection the department
7 shall:

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

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

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

19 (iv) Provide a full investigation if a family refuses the initial
20 family assessment;

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

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

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

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

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

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

4 (E) The child is an adjudicated dependent child as defined in RCW
5 13.34.030, or the child is in a facility that is licensed, operated, or
6 certified for care of children by the department under chapter 74.15
7 RCW, or by the department of early learning.

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

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

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

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

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

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

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

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

3 (e) Implement the family assessment response in a consistent and
4 cooperative manner;

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

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

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

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

33 (b) The Washington state school directors' association shall adopt
34 a model policy to implement (a)(i) of this subsection.

35 (15) 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 (16) 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 (17)(a) 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 (b) In the family assessment response, the department shall not
12 make a finding as to whether child abuse or neglect occurred. No one
13 shall be named as a perpetrator and no investigative finding shall be
14 entered in the department's child abuse or neglect database.

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

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

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

31 NEW SECTION. **Sec. 3.** Section 1 of this act expires December 1,
32 2013.

33 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect December
34 1, 2013.

--- END ---