

HOUSE BILL REPORT

HB 2855

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

Title: An act relating to the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations.

Brief Description: Concerning the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations.

Sponsors: Representatives Stonier, Appleton, Haler, Lovick, Orwall, Sells, Wylie, Eslick and Hayes.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/31/18, 2/2/18 [DPS].

Brief Summary of Substitute Bill

- Authorizes participants in the multidisciplinary coordination of child sexual abuse investigations to share information about criminal child sexual abuse investigations and case planning following such investigations with other participants in the multidisciplinary coordination.
- Provides immunity for good faith sharing of such information with participants in the multidisciplinary coordination of child sexual abuse investigations.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Klippert, Lovick, Muri and Ortiz-Self.

Staff: Luke Wickham (786-7146).

Background:

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.

Child Sexual Abuse Investigation Protocol.

Each county must develop a written protocol for handling criminal child sexual abuse investigations. The protocol must address the coordination of child sexual abuse investigations between the prosecutor's office, law enforcement, Child Protective Services, children's advocacy centers, local advocacy groups, community sexual assault programs, and any other local agency involved in the criminal investigation of child sexual abuse. Local protocols for handling criminal child sexual abuse investigations must be submitted to the Legislature.

A community sexual assault program means a community-based social service agency that is qualified to provide core services to victims of sexual assault.

A children's advocacy center is a child-focused facility in good standing with the Children's Advocacy Centers of Washington and coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services including, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams.

Summary of Substitute Bill:

Participants in the multidisciplinary coordination of child sexual abuse investigations are:

- authorized to share information about criminal child sexual abuse investigations and case planning following such investigations with other participants in the multidisciplinary coordination; and
- immune from any liability arising out of sharing information about criminal child sexual abuse investigations and case planning following such investigations in good faith with other participants in the multidisciplinary coordination.

Substitute Bill Compared to Original Bill:

The substitute bill makes a change to specify that the authorization to share information and the immunity provisions apply to criminal child sexual abuse investigations, not criminal sexual investigations.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Investigation protocols should not get in the way of confidentiality, and confidentiality law should not get in the way of pursuing these investigations.

There are many benefits of the multidisciplinary team model. Without piercing the mental health privilege, information should be shared with other team members. This bill allows individuals to share information that is not confidential. When participants are sharing information in good faith, these individuals should be immune from prosecution. This bill does not require a piercing of privilege.

There should be specific intent regarding this information, and these meetings should not be subject to the Open Public Meetings Act. A mental health provider had specific information about child abuse and neglect that they were not sure could be shared even with a release from the client.

There should be a genuine open conversation with individuals that have different scopes of practice who are participating in a multidisciplinary team. This has never been a huge issue, but it would help clear things up.

(Opposed) None.

Persons Testifying: Representative Stonier, prime sponsor; Amy Ressel, Children's Justice Center; and Patricia Mahaulu-Stephens, Children's Advocacy Centers of Washington.

Persons Signed In To Testify But Not Testifying: None.