

SENATE BILL REPORT

SHB 1595

As of March 11, 2019

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: House Committee on Public Safety (originally sponsored by Representatives Stonier, Eslick, Wylie, Appleton, Doglio, Ormsby and Leavitt).

Brief History: Passed House: 3/04/19, 96-0.

Committee Activity: Human Services, Reentry & Rehabilitation: 3/14/19.

Brief Summary of Bill

- Provides the purpose of multidisciplinary child protection teams is to ensure the protection and treatment of the child and to advance and coordinate the prompt investigation of suspected cases of child abuse or neglect to reduce the trauma to any child victim.
- Adds licensed physical and mental health practitioners to the multidisciplinary child protection team, which is to meet at least monthly.
- Expands the crimes subject to reviewing multidisciplinary child protection teams, and county written protocol, to include online sexual exploitation and commercial sexual exploitation of minors, child fatality, child physical abuse, and criminal neglect cases.
- Clarifies who has access to records, confidentiality of the records shared, that the records are not subject to discovery, and other duties and responsibilities of team members.
- Provides any team member facilitating exchanging or sharing information in serving any child is presumed to have acted in good faith and is immune from civil liability.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

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.

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Background: Cases involving child sex abuse victims requires multidisciplinary coordination between the Department of Children, Youth, and Families (DCYF), local law enforcement, and other agencies and systems. Each agency involved in such investigations documents its role in handling cases and how it will coordinate with other local agencies or systems and adopt a local protocol based on state guidelines. Since 2007, county-based protocols have also been required for investigating child abuse, criminal child neglect, and child fatality. Protocols are intended to coordinate a multidisciplinary investigation by the various local entities responsible for responding to the abuse, neglect, or death of children, including city and county law enforcement, child protective services, county prosecutors, emergency medical personnel, and other local agencies and advocacy groups. County prosecutors are responsible for developing the protocols in collaboration with all other entities.

Summary of Bill: The stated purpose of multidisciplinary child protection teams is to ensure protecting and the well-being of the child and to advance and coordinate the prompt investigation of suspected cases of child abuse or neglect to reduce the trauma of any child victim.

Crimes Investigated. The coordination of crimes investigated by agencies is expanded to include online sexual exploitation and commercial sexual exploitation of minors, as well as investigations of child fatality, child physical abuse, and criminal child neglect. Similarly, each county is to develop written protocol for these crimes. County protocols for online sexual exploitation and commercial sexual exploitation of minors must be implemented by July 1, 2021.

Multidisciplinary Child Protection Team. Those involved in coordinating criminal investigations is expanded to include licensed physical and mental health practitioners who are involved with child sex abuse victims. The team may meet, review records, and conduct business in the absence of one or more team members. Team members must sign a confidentiality agreement every year. The county prosecutor is to convene the multidisciplinary team (MDT) meetings, who should meet regularly, at least monthly, unless the needs of the team dictate otherwise.

Records and Information Shared with the Multidisciplinary Child Protection Team. When a case is referred to the MDT, records pertaining to the case must be made available to them. Records may only be disclosed by MDT members as necessary for the performance of the member's duties. DCYF may disclose child welfare records to the MDT related to an investigation. These records remain confidential. MDT members may share information about criminal child abuse investigations with other participants in the multidisciplinary coordination, but no member is required to do so if sharing such information would constitute a violation of that team member's professional ethical obligations or disclose privileged communication as defined by statute. Every team member who receives information or records regarding children and families in their capacity as a MDT member is subject to the same privacy and confidentiality penalties as the person disclosing and providing the information or records.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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