
SUBSTITUTE SENATE BILL 5730

State of Washington

67th Legislature

2022 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Randall, Das, Lovelett, Saldaña, Trudeau, and C. Wilson)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to confidentiality rights of child victims and
2 witnesses; amending RCW 7.69A.030; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that exposure to
5 trauma can seriously undermine a child's ability to focus and learn
6 in school. The legislature finds that the effects of trauma can be
7 compounded by the lack of an appropriate response, which can lead to
8 school failure, truancy, suspension, expulsion, dropping out, or
9 future involvement in the juvenile justice system. The legislature
10 finds that handle with care programs have been implemented in 65
11 cities across the country and in multiple counties in Washington
12 state. The legislature recognizes that handle with care programs let
13 school officials know when a student has been involved in a traumatic
14 event without disclosing any additional details in order to provide
15 services and supports for that student. The legislature recognizes
16 the importance of privacy for students. The legislature recognizes
17 that for over two years, a handle with care program has been
18 successfully implemented in the Bremerton school district but that
19 statutory language authorizing this process lacks clarity. The
20 legislature resolves to clarify existing law to allow public and
21 private agencies, such as school districts, to continue to access

1 basic contact information of students involved in incidents in order
2 to facilitate a more appropriate response at school.

3 **Sec. 2.** RCW 7.69A.030 and 2004 c 120 s 9 are each amended to
4 read as follows:

5 In addition to the rights of victims and witnesses provided for
6 in RCW 7.69.030, there shall be every reasonable effort made by law
7 enforcement agencies, prosecutors, and judges to assure that child
8 victims and witnesses are afforded the rights enumerated in this
9 section. Except as provided in RCW 7.69A.050 regarding child victims
10 or child witnesses of violent crimes, sex crimes, or child abuse, the
11 enumeration of rights shall not be construed to create substantive
12 rights and duties, and the application of an enumerated right in an
13 individual case is subject to the discretion of the law enforcement
14 agency, prosecutor, or judge. Child victims and witnesses have the
15 following rights, which apply to any criminal court and/or juvenile
16 court proceeding:

17 (1) To have explained in language easily understood by the child,
18 all legal proceedings and/or police investigations in which the child
19 may be involved.

20 (2) With respect to child victims of sex or violent crimes or
21 child abuse, to have a crime victim advocate from a crime victim/
22 witness program, or any other support person of the victim's
23 choosing, present at any prosecutorial or defense interviews with the
24 child victim. This subsection applies if practical and if the
25 presence of the crime victim advocate or support person does not
26 cause any unnecessary delay in the investigation or prosecution of
27 the case. The role of the crime victim advocate is to provide
28 emotional support to the child victim and to promote the child's
29 feelings of security and safety.

30 (3) To be provided, whenever possible, a secure waiting area
31 during court proceedings and to have an advocate or support person
32 remain with the child prior to and during any court proceedings.

33 (4) To not have the names, addresses, nor photographs of the
34 living child victim or witness disclosed by any law enforcement
35 agency, prosecutor's office, or state agency without the permission
36 of the child victim, child witness, parents, or legal guardians to
37 anyone except another law enforcement agency, prosecutor, defense
38 counsel, or private or governmental agency that provides services or
39 supports to the child victim or witness. Information distributed to

1 private or governmental agencies pursuant to this section shall be
2 limited to information necessary to provide services or supports to
3 the child victim or witness.

4 (5) To allow an advocate to make recommendations to the
5 prosecuting attorney about the ability of the child to cooperate with
6 prosecution and the potential effect of the proceedings on the child.

7 (6) To allow an advocate to provide information to the court
8 concerning the child's ability to understand the nature of the
9 proceedings.

10 (7) To be provided information or appropriate referrals to social
11 service agencies to assist the child and/or the child's family with
12 the emotional impact of the crime, the subsequent investigation, and
13 judicial proceedings in which the child is involved.

14 (8) To allow an advocate to be present in court while the child
15 testifies in order to provide emotional support to the child.

16 (9) To provide information to the court as to the need for the
17 presence of other supportive persons at the court proceedings while
18 the child testifies in order to promote the child's feelings of
19 security and safety.

20 (10) To allow law enforcement agencies the opportunity to enlist
21 the assistance of other professional personnel such as child
22 protection services, victim advocates or prosecutorial staff trained
23 in the interviewing of the child victim.

24 (11) With respect to child victims of violent or sex crimes or
25 child abuse, to receive either directly or through the child's parent
26 or guardian if appropriate, at the time of reporting the crime to law
27 enforcement officials, a written statement of the rights of child
28 victims as provided in this chapter. The written statement shall
29 include the name, address, and telephone number of a county or local
30 crime victim/witness program, if such a crime victim/witness program
31 exists in the county.

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