
SENATE BILL 6298

State of Washington

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By Senators Frame and Kauffman

1 AN ACT Relating to the duty of the clergy to report child abuse
2 or neglect; and amending RCW 26.44.020 and 26.44.030.

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

4 **Sec. 1.** RCW 26.44.020 and 2023 c 122 s 5 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
9 female genital mutilation as defined in RCW 18.130.460, or injury of
10 a child by any person under circumstances which cause harm to the
11 child's health, welfare, or safety, excluding conduct permitted under
12 RCW 9A.16.100; or the negligent treatment or maltreatment of a child
13 by a person responsible for or providing care to the child. An abused
14 child is a child who has been subjected to child abuse or neglect as
15 defined in this section.

16 (2) "Child" or "children" means any person under the age of
17 eighteen years of age.

18 (3) "Child forensic interview" means a developmentally sensitive
19 and legally sound method of gathering factual information regarding
20 allegations of child abuse, child neglect, or exposure to violence.
21 This interview is conducted by a competently trained, neutral

1 professional utilizing techniques informed by research and best
2 practice as part of a larger investigative process.

3 (4) "Child protective services" means those services provided by
4 the department designed to protect children from child abuse and
5 neglect and safeguard such children from future abuse and neglect,
6 and conduct investigations of child abuse and neglect reports.
7 Investigations may be conducted regardless of the location of the
8 alleged abuse or neglect. Child protective services includes referral
9 to services to ameliorate conditions that endanger the welfare of
10 children, the coordination of necessary programs and services
11 relevant to the prevention, intervention, and treatment of child
12 abuse and neglect, and services to children to ensure that each child
13 has a permanent home. In determining whether protective services
14 should be provided, the department shall not decline to provide such
15 services solely because of the child's unwillingness or developmental
16 inability to describe the nature and severity of the abuse or
17 neglect.

18 (5) "Child protective services section" means the child
19 protective services section of the department.

20 (6) "Child who is a candidate for foster care" means a child who
21 the department identifies as being at imminent risk of entering
22 foster care but who can remain safely in the child's home or in a
23 kinship placement as long as services or programs that are necessary
24 to prevent entry of the child into foster care are provided, and
25 includes but is not limited to a child whose adoption or guardianship
26 arrangement is at risk of a disruption or dissolution that would
27 result in a foster care placement. The term includes a child for whom
28 there is reasonable cause to believe that any of the following
29 circumstances exist:

30 (a) The child has been abandoned by the parent as defined in RCW
31 13.34.030 and the child's health, safety, and welfare is seriously
32 endangered as a result;

33 (b) The child has been abused or neglected as defined in this
34 chapter and the child's health, safety, and welfare is seriously
35 endangered as a result;

36 (c) There is no parent capable of meeting the child's needs such
37 that the child is in circumstances that constitute a serious danger
38 to the child's development;

39 (d) The child is otherwise at imminent risk of harm.

1 (7) "Children's advocacy center" means a child-focused facility
2 in good standing with the state chapter for children's advocacy
3 centers and that coordinates a multidisciplinary process for the
4 investigation, prosecution, and treatment of sexual and other types
5 of child abuse. Children's advocacy centers provide a location for
6 forensic interviews and coordinate access to services such as, but
7 not limited to, medical evaluations, advocacy, therapy, and case
8 review by multidisciplinary teams within the context of county
9 protocols as defined in RCW 26.44.180 and 26.44.185.

10 (8) "~~((Clergy))~~ Member of the clergy" means any regularly
11 licensed, accredited, or ordained minister, deacon, priest, ~~((or))~~
12 rabbi, imam, elder, or similarly situated religious or spiritual
13 leader of any church ~~((or))~~, religious denomination, religious body,
14 spiritual community, or sect, or person performing official duties
15 that are recognized as the duties of a member of the clergy under the
16 discipline, tenets, doctrine, or custom of the person's church,
17 religious denomination, religious body, spiritual community, or sect,
18 whether acting in an individual capacity or as an employee ~~((or))~~,
19 agent, or official of any public or private organization or
20 institution.

21 (9) "Court" means the superior court of the state of Washington,
22 juvenile department.

23 (10) "Department" means the department of children, youth, and
24 families.

25 (11) "Elder" means a person holding a position of responsibility,
26 spiritual authority, or other similar position formally recognized in
27 the charter or governance documents of a religious organization.

28 (12) "Experiencing homelessness" means lacking a fixed, regular,
29 and adequate nighttime residence, including circumstances such as
30 sharing the housing of other persons due to loss of housing, economic
31 hardship, fleeing domestic violence, or a similar reason as described
32 in the federal McKinney-Vento homeless assistance act (Title 42
33 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

34 ~~((+12))~~ (13) "Family assessment" means a comprehensive
35 assessment of child safety, risk of subsequent child abuse or
36 neglect, and family strengths and needs that is applied to a child
37 abuse or neglect report. Family assessment does not include a
38 determination as to whether child abuse or neglect occurred, but does
39 determine the need for services to address the safety of the child
40 and the risk of subsequent maltreatment.

1 (~~(13)~~) (14) "Family assessment response" means a way of
2 responding to certain reports of child abuse or neglect made under
3 this chapter using a differential response approach to child
4 protective services. The family assessment response shall focus on
5 the safety of the child, the integrity and preservation of the
6 family, and shall assess the status of the child and the family in
7 terms of risk of abuse and neglect including the parent's or
8 guardian's or other caretaker's capacity and willingness to protect
9 the child and, if necessary, plan and arrange the provision of
10 services to reduce the risk and otherwise support the family. No one
11 is named as a perpetrator, and no investigative finding is entered in
12 the record as a result of a family assessment.

13 (~~(14)~~) (15) "Founded" means the determination following an
14 investigation by the department that, based on available information,
15 it is more likely than not that child abuse or neglect did occur.

16 (~~(15)~~) (16) "Inconclusive" means the determination following an
17 investigation by the department of social and health services, prior
18 to October 1, 2008, that based on available information a decision
19 cannot be made that more likely than not, child abuse or neglect did
20 or did not occur.

21 (~~(16)~~) (17) "Institution" means a private or public hospital or
22 any other facility providing medical diagnosis, treatment, or care.

23 (~~(17)~~) (18) "Law enforcement agency" means the police
24 department, the prosecuting attorney, the state patrol, the director
25 of public safety, or the office of the sheriff.

26 (~~(18)~~) (19) "Malice" or "maliciously" means an intent, wish, or
27 design to intimidate, annoy, or injure another person. Such malice
28 may be inferred from an act done in willful disregard of the rights
29 of another, or an act wrongfully done without just cause or excuse,
30 or an act or omission of duty betraying a willful disregard of social
31 duty.

32 (~~(19)~~) (20) "Negligent treatment or maltreatment" means an act
33 or a failure to act, or the cumulative effects of a pattern of
34 conduct, behavior, or inaction, that evidences a serious disregard of
35 consequences of such magnitude as to constitute a clear and present
36 danger to a child's health, welfare, or safety, including but not
37 limited to conduct prohibited under RCW 9A.42.100. When considering
38 whether a clear and present danger exists, evidence of a parent's
39 substance abuse as a contributing factor to negligent treatment or
40 maltreatment shall be given great weight. The fact that siblings

1 share a bedroom is not, in and of itself, negligent treatment or
2 maltreatment. Poverty, experiencing homelessness, or exposure to
3 domestic violence as defined in RCW 7.105.010 that is perpetrated
4 against someone other than the child does not constitute negligent
5 treatment or maltreatment in and of itself.

6 ~~((20))~~ (21) "Pharmacist" means any registered pharmacist under
7 chapter 18.64 RCW, whether acting in an individual capacity or as an
8 employee or agent of any public or private organization or
9 institution.

10 ~~((21))~~ (22) "Practitioner of the healing arts" or
11 "practitioner" means a person licensed by this state to practice
12 podiatric medicine and surgery, optometry, chiropractic, nursing,
13 dentistry, osteopathic medicine and surgery, or medicine and surgery
14 or to provide other health services. The term "practitioner" includes
15 a duly accredited Christian Science practitioner. A person who is
16 being furnished Christian Science treatment by a duly accredited
17 Christian Science practitioner will not be considered, for that
18 reason alone, a neglected person for the purposes of this chapter.

19 ~~((22))~~ (23) "Prevention and family services and programs" means
20 specific mental health prevention and treatment services, substance
21 abuse prevention and treatment services, and in-home parent skill-
22 based programs that qualify for federal funding under the federal
23 family first prevention services act, P.L. 115-123. For purposes of
24 this chapter, prevention and family services and programs are not
25 remedial services or family reunification services as described in
26 RCW 13.34.025(2).

27 ~~((23))~~ (24) "Professional school personnel" include, but are
28 not limited to, teachers, counselors, administrators, child care
29 facility personnel, and school nurses.

30 ~~((24))~~ (25) "Psychologist" means any person licensed to
31 practice psychology under chapter 18.83 RCW, whether acting in an
32 individual capacity or as an employee or agent of any public or
33 private organization or institution.

34 ~~((25))~~ (26) "Screened-out report" means a report of alleged
35 child abuse or neglect that the department has determined does not
36 rise to the level of a credible report of abuse or neglect and is not
37 referred for investigation.

38 ~~((26))~~ (27) "Sexual exploitation" includes: (a) Allowing,
39 permitting, or encouraging a child to engage in prostitution by any
40 person; or (b) allowing, permitting, encouraging, or engaging in the

1 obscene or pornographic photographing, filming, or depicting of a
2 child by any person.

3 ~~((27))~~ (28) "Sexually aggressive youth" means a child who is
4 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

5 ~~((28))~~ (29) "Social service counselor" means anyone engaged in
6 a professional capacity during the regular course of employment in
7 encouraging or promoting the health, welfare, support, or education
8 of children, or providing social services to adults or families,
9 including mental health, drug and alcohol treatment, and domestic
10 violence programs, whether in an individual capacity, or as an
11 employee or agent of any public or private organization or
12 institution.

13 ~~((29))~~ (30) "Unfounded" means the determination following an
14 investigation by the department that available information indicates
15 that, more likely than not, child abuse or neglect did not occur, or
16 that there is insufficient evidence for the department to determine
17 whether the alleged child abuse did or did not occur.

18 **Sec. 2.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to
19 read as follows:

20 (1)(a) When any practitioner, county coroner or medical examiner,
21 law enforcement officer, professional school personnel, registered or
22 licensed nurse, social service counselor, psychologist, pharmacist,
23 employee of the department of children, youth, and families, licensed
24 or certified child care providers or their employees, employee of the
25 department of social and health services, juvenile probation officer,
26 placement and liaison specialist, responsible living skills program
27 staff, HOPE center staff, state family and children's ombuds or any
28 volunteer in the ombuds's office, or host home program has reasonable
29 cause to believe that a child has suffered abuse or neglect, he or
30 she shall report such incident, or cause a report to be made, to the
31 proper law enforcement agency or to the department as provided in RCW
32 26.44.040.

33 (b) When any person, in his or her official supervisory capacity
34 with a nonprofit or for-profit organization, has reasonable cause to
35 believe that a child has suffered abuse or neglect caused by a person
36 over whom he or she regularly exercises supervisory authority, he or
37 she shall report such incident, or cause a report to be made, to the
38 proper law enforcement agency, provided that the person alleged to
39 have caused the abuse or neglect is employed by, contracted by, or

1 volunteers with the organization and coaches, trains, educates, or
2 counsels a child or children or regularly has unsupervised access to
3 a child or children as part of the employment, contract, or voluntary
4 service. No one shall be required to report under this section when
5 he or she obtains the information solely as a result of a privileged
6 communication as provided in RCW 5.60.060, except as provided in (g)
7 of this subsection.

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

10 For the purposes of this subsection, the following definitions
11 apply:

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

18 (ii) "Organization" includes a sole proprietor, partnership,
19 corporation, limited liability company, trust, association, financial
20 institution, governmental entity, other than the federal government,
21 and any other individual or group engaged in a trade, occupation,
22 enterprise, governmental function, charitable function, or similar
23 activity in this state whether or not the entity is operated as a
24 nonprofit or for-profit entity.

25 (iii) "Reasonable cause" means a person witnesses or receives a
26 credible written or oral report alleging abuse, including sexual
27 contact, or neglect of a child.

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

31 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

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
38 neglect, he or she shall report the incident, or cause a report to be
39 made, to the proper law enforcement agency or to the department as
40 provided in RCW 26.44.040.

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

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

22 (g)(i) The reporting requirement in (a) of this subsection also
23 applies to members of the clergy, except with regard to information
24 that a member of the clergy obtains in the member's professional
25 character as a religious or spiritual advisor when the information is
26 obtained solely in the context of a penitential communication.

27 (ii) For the purposes of this subsection (1)(g), "penitential
28 communication" means a communication that is:

29 (A) Communicated through spoken word;

30 (B) Made privately to an individual member of the clergy;

31 (C) Intended by the communicant to be an act of contrition or a
32 matter of conscience;

33 (D) Intended by both parties to be confidential at the time the
34 communication is made;

35 (E) Is initiated by the communicant; and

36 (F) Made in the manner and context that places the member of the
37 clergy specifically and strictly under a level of confidentiality
38 that is considered inviolate by religious doctrine of the member of
39 the clergy.

1 (iii) For the purposes of this subsection (1)(g), "penitential
2 communication" does not include any of the following activities:

3 (A) Providing spiritual direction, unless taking place as part of
4 a penitential communication as defined in (g)(ii) of this subsection;

5 (B) Religious counseling;

6 (C) Individual or group therapy;

7 (D) Activity related to human resources or personnel management;

8 (E) Clergy assignment work;

9 (F) Communications between clergy, laity, or other members of the
10 faith that occur outside of a penitential context;

11 (G) Activity relating to church administration or management;

12 (H) Internal judicial proceedings;

13 (I) Discipline; or

14 (J) Any written communication.

15 (iv) The clergy penitent privilege does not apply and the member
16 of the clergy shall report child abuse or neglect if the member of
17 the clergy has received the information from any source other than
18 from a penitential communication.

19 (v) Nothing in this subsection (1)(g) limits a member of the
20 clergy's duty to report child abuse or neglect when the member of the
21 clergy is acting in some other capacity that would otherwise require
22 them to make a report.

23 (vi) Regardless of (g)(i) of this subsection, a member of the
24 clergy has a duty to warn the department or law enforcement when they
25 have reasonable cause to believe that a child is at imminent risk of
26 being abused or neglected, even if that belief is informed by
27 information obtained in part as a result of a penitential
28 communication.

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

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

1 (3) Any other person who has reasonable cause to believe that a
2 child has suffered abuse or neglect may report such incident to the
3 proper law enforcement agency or to the department as provided in RCW
4 26.44.040.

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

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

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

39 (7) The department may conduct ongoing case planning and
40 consultation with those persons or agencies required to report under

1 this section, with consultants designated by the department, and with
2 designated representatives of Washington Indian tribes if the client
3 information exchanged is pertinent to cases currently receiving child
4 protective services. Upon request, the department shall conduct such
5 planning and consultation with those persons required to report under
6 this section if the department determines it is in the best interests
7 of the child. Information considered privileged by statute and not
8 directly related to reports required by this section must not be
9 divulged without a valid written waiver of the privilege.

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

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

28 (10) Upon receiving a report that a child is a candidate for
29 foster care as defined in RCW 26.44.020, the department may provide
30 prevention and family services and programs to the child's parents,
31 guardian, or caregiver. The department may not be held civilly liable
32 for the decision regarding whether to provide prevention and family
33 services and programs, or for the provision of those services and
34 programs, for a child determined to be a candidate for foster care.

35 (11) Upon receiving a report of alleged abuse or neglect, the
36 department shall make reasonable efforts to learn the name, address,
37 and telephone number of each person making a report of abuse or
38 neglect under this section. The department shall provide assurances
39 of appropriate confidentiality of the identification of persons
40 reporting under this section. If the department is unable to learn

1 the information required under this subsection, the department shall
2 only investigate cases in which:

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

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

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

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

14 (i) Investigation; or

15 (ii) Family assessment.

16 (b) In making the response in (a) of this subsection the
17 department shall:

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

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

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

29 (iv) Provide a full investigation if a family refuses the initial
30 family assessment;

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

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

4 (A) Indicates a child's health, safety, and welfare will be
5 seriously endangered if not taken into custody for reasons including,
6 but not limited to, sexual abuse and sexual exploitation of the child
7 as defined in this chapter;

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

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

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

12 (E) The child is an adjudicated dependent child as defined in RCW
13 13.34.030, or the child is in a facility that is licensed, operated,
14 or certified for care of children by the department under chapter
15 74.15 RCW.

16 (c) In addition, the department may use a family assessment
17 response to assess for and provide prevention and family services and
18 programs, as defined in RCW 26.44.020, for the following children and
19 their families, consistent with requirements under the federal family
20 first prevention services act and this section:

21 (i) A child who is a candidate for foster care, as defined in RCW
22 26.44.020; and

23 (ii) A child who is in foster care and who is pregnant,
24 parenting, or both.

25 (d) The department may not be held civilly liable for the
26 decision to respond to an allegation of child abuse or neglect by
27 using the family assessment response under this section unless the
28 state or its officers, agents, or employees acted with reckless
29 disregard.

30 (13)(a) For reports of alleged abuse or neglect that are accepted
31 for investigation by the department, the investigation shall be
32 conducted within time frames established by the department in rule.
33 In no case shall the investigation extend longer than ninety days
34 from the date the report is received, unless the investigation is
35 being conducted under a written protocol pursuant to RCW 26.44.180
36 and a law enforcement agency or prosecuting attorney has determined
37 that a longer investigation period is necessary. At the completion of
38 the investigation, the department shall make a finding that the
39 report of child abuse or neglect is founded or unfounded.

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

7 (14) For reports of alleged abuse or neglect that are responded
8 to through family assessment response, the department shall:

9 (a) Provide the family with a written explanation of the
10 procedure for assessment of the child and the family and its
11 purposes;

12 (b) Collaborate with the family to identify family strengths,
13 resources, and service needs, and develop a service plan with the
14 goal of reducing risk of harm to the child and improving or restoring
15 family well-being;

16 (c) Complete the family assessment response within forty-five
17 days of receiving the report except as follows:

18 (i) Upon parental agreement, the family assessment response
19 period may be extended up to one hundred twenty days. The
20 department's extension of the family assessment response period must
21 be operated within the department's appropriations;

22 (ii) For cases in which the department elects to use a family
23 assessment response as authorized under subsection (12)(c) of this
24 section, and upon agreement of the child's parent, legal guardian,
25 legal custodian, or relative placement, the family assessment
26 response period may be extended up to one year. The department's
27 extension of the family assessment response must be operated within
28 the department's appropriations.

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

31 (e) Implement the family assessment response in a consistent and
32 cooperative manner;

33 (f) Have the parent or guardian agree to participate in services
34 before services are initiated. The department shall inform the
35 parents of their rights under family assessment response, all of
36 their options, and the options the department has if the parents do
37 not agree to participate in services.

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

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

20 (ii) Shall have access to all relevant records of the child in
21 the possession of mandated reporters and their employees.

22 (b) The Washington state school directors' association shall
23 adopt a model policy addressing protocols when an interview, as
24 authorized by this subsection, is conducted on school premises. In
25 formulating its policy, the association shall consult with the
26 department and the Washington association of sheriffs and police
27 chiefs.

28 (16) If a report of alleged abuse or neglect is founded and
29 constitutes the third founded report received by the department
30 within the last twelve months involving the same child or family, the
31 department shall promptly notify the office of the family and
32 children's ombuds of the contents of the report. The department shall
33 also notify the ombuds of the disposition of the report.

34 (17) In investigating and responding to allegations of child
35 abuse and neglect, the department may conduct background checks as
36 authorized by state and federal law.

37 (18)(a) The department shall maintain investigation records and
38 conduct timely and periodic reviews of all founded cases of abuse and
39 neglect. The department shall maintain a log of screened-out
40 nonabusive cases.

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

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

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

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

21 (22) The department shall make efforts as soon as practicable to
22 determine the military status of parents whose children are subject
23 to abuse or neglect allegations. If the department determines that a
24 parent or guardian is in the military, the department shall notify a
25 department of defense family advocacy program that there is an
26 allegation of abuse and neglect that is screened in and open for
27 investigation that relates to that military parent or guardian.

28 (23) The department shall make available on its public website a
29 downloadable and printable poster that includes the reporting
30 requirements included in this section. The poster must be no smaller
31 than eight and one-half by eleven inches with all information on one
32 side. The poster must be made available in both the English and
33 Spanish languages. Organizations that include employees or volunteers
34 subject to the reporting requirements of this section must clearly
35 display this poster in a common area. At a minimum, this poster must
36 include the following:

- 37 (a) Who is required to report child abuse and neglect;
- 38 (b) The standard of knowledge to justify a report;
- 39 (c) The definition of reportable crimes;
- 40 (d) Where to report suspected child abuse and neglect; and

1 (e) What should be included in a report and the appropriate
2 timing.

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