
HOUSE BILL 1098

State of Washington

68th Legislature

2023 Regular Session

By Representative Walen

Prefiled 12/30/22.

1 AN ACT Relating to the duty of clergy to report child abuse or
2 neglect; amending RCW 26.44.030; and reenacting and amending RCW
3 26.44.020.

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

5 **Sec. 1.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3 are
6 each reenacted and amended to read as follows:

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

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
10 or injury of a child by any person under circumstances which cause
11 harm to the child's health, welfare, or safety, excluding conduct
12 permitted under RCW 9A.16.100; or the negligent treatment or
13 maltreatment of a child by a person responsible for or providing care
14 to the child. An abused child is a child who has been subjected to
15 child abuse or neglect as 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, priest, ~~((\oplus))~~ rabbi,
12 imam, or similarly situated religious or spiritual leader of any
13 church ~~((\oplus))~~, religious denomination, religious body, spiritual
14 community, or sect, or person performing official duties that are
15 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 ~~((\oplus))~~,
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) "Experiencing homelessness" means lacking a fixed, regular,
26 and adequate nighttime residence, including circumstances such as
27 sharing the housing of other persons due to loss of housing, economic
28 hardship, fleeing domestic violence, or a similar reason as described
29 in the federal McKinney-Vento homeless assistance act (Title 42
30 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

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

38 (13) "Family assessment response" means a way of responding to
39 certain reports of child abuse or neglect made under this chapter
40 using a differential response approach to child protective services.

1 The family assessment response shall focus on the safety of the
2 child, the integrity and preservation of the family, and shall assess
3 the status of the child and the family in terms of risk of abuse and
4 neglect including the parent's or guardian's or other caretaker's
5 capacity and willingness to protect the child and, if necessary, plan
6 and arrange the provision of services to reduce the risk and
7 otherwise support the family. No one is named as a perpetrator, and
8 no investigative finding is entered in the record as a result of a
9 family assessment.

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

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

18 (16) "Institution" means a private or public hospital or any
19 other facility providing medical diagnosis, treatment, or care.

20 (17) "Law enforcement agency" means the police department, the
21 prosecuting attorney, the state patrol, the director of public
22 safety, or the office of the sheriff.

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

29 (19) "Negligent treatment or maltreatment" means an act or a
30 failure to act, or the cumulative effects of a pattern of conduct,
31 behavior, or inaction, that evidences a serious disregard of
32 consequences of such magnitude as to constitute a clear and present
33 danger to a child's health, welfare, or safety, including but not
34 limited to conduct prohibited under RCW 9A.42.100. When considering
35 whether a clear and present danger exists, evidence of a parent's
36 substance abuse as a contributing factor to negligent treatment or
37 maltreatment shall be given great weight. The fact that siblings
38 share a bedroom is not, in and of itself, negligent treatment or
39 maltreatment. Poverty, experiencing homelessness, or exposure to
40 domestic violence as defined in RCW 7.105.010 that is perpetrated

1 against someone other than the child does not constitute negligent
2 treatment or maltreatment in and of itself.

3 (20) "Pharmacist" means any registered pharmacist under chapter
4 18.64 RCW, whether acting in an individual capacity or as an employee
5 or agent of any public or private organization or institution.

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

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

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

26 (24) "Psychologist" means any person licensed to practice
27 psychology under chapter 18.83 RCW, whether acting in an individual
28 capacity or as an employee or agent of any public or private
29 organization or institution.

30 (25) "Screened-out report" means a report of alleged child abuse
31 or neglect that the department has determined does not rise to the
32 level of a credible report of abuse or neglect and is not referred
33 for investigation.

34 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or
35 encouraging a child to engage in prostitution by any person; or (b)
36 allowing, permitting, encouraging, or engaging in the obscene or
37 pornographic photographing, filming, or depicting of a child by any
38 person.

39 (27) "Sexually aggressive youth" means a child who is defined in
40 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

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

9 (29) "Unfounded" means the determination following an
10 investigation by the department that available information indicates
11 that, more likely than not, child abuse or neglect did not occur, or
12 that there is insufficient evidence for the department to determine
13 whether the alleged child abuse did or did not occur.

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

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

29 (b) When any person, in his or her official supervisory capacity
30 with a nonprofit or for-profit organization, has reasonable cause to
31 believe that a child has suffered abuse or neglect caused by a person
32 over whom he or she regularly exercises supervisory authority, he or
33 she shall report such incident, or cause a report to be made, to the
34 proper law enforcement agency, provided that the person alleged to
35 have caused the abuse or neglect is employed by, contracted by, or
36 volunteers with the organization and coaches, trains, educates, or
37 counsels a child or children or regularly has unsupervised access to
38 a child or children as part of the employment, contract, or voluntary
39 service. No one shall be required to report under this section when

1 he or she obtains the information solely as a result of a privileged
2 communication as provided in RCW 5.60.060.

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

5 For the purposes of this subsection, the following definitions
6 apply:

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

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

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

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

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

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

36 (d) The reporting requirement shall also apply to any adult who
37 has reasonable cause to believe that a child who resides with them,
38 has suffered severe abuse, and is able or capable of making a report.
39 For the purposes of this subsection, "severe abuse" means any of the
40 following: Any single act of abuse that causes physical trauma of

1 sufficient severity that, if left untreated, could cause death; any
2 single act of sexual abuse that causes significant bleeding, deep
3 bruising, or significant external or internal swelling; or more than
4 one act of physical abuse, each of which causes bleeding, deep
5 bruising, significant external or internal swelling, bone fracture,
6 or unconsciousness.

7 (e) The reporting requirement also applies to guardians ad litem,
8 including court-appointed special advocates, appointed under Titles
9 11 and 13 RCW and this title, who in the course of their
10 representation of children in these actions have reasonable cause to
11 believe a child has been abused or neglected.

12 (f) The reporting requirement in (a) of this subsection also
13 applies to administrative and academic or athletic department
14 employees, including student employees, of institutions of higher
15 education, as defined in RCW 28B.10.016, and of private institutions
16 of higher education.

17 (g)(i) The reporting requirement in (a) of this subsection also
18 applies to members of the clergy, except with regard to information
19 that a member of the clergy obtains in the member's professional
20 character as a religious or spiritual advisor when the information is
21 obtained solely as a result of a confession made pursuant to the
22 clergy-penitent privilege as provided in RCW 5.60.060(3), and the
23 member of the clergy is authorized to hear such confession, and has a
24 duty under the discipline, tenets, doctrine, or custom of the
25 member's church, religious denomination, religious body, spiritual
26 community, or sect to keep the confession secret. The clergy-penitent
27 privilege does not apply and the member of the clergy shall report
28 child abuse or neglect if the member of the clergy has received the
29 information from any source other than from a confession.

30 (ii) Nothing in this subsection (1)(g) limits a member of the
31 clergy's duty to report child abuse or neglect when the member of the
32 clergy is acting in some other capacity that would otherwise require
33 them to make a report.

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

38 (2) The reporting requirement of subsection (1) of this section
39 does not apply to the discovery of abuse or neglect that occurred
40 during childhood if it is discovered after the child has become an

1 adult. However, if there is reasonable cause to believe other
2 children are or may be at risk of abuse or neglect by the accused,
3 the reporting requirement of subsection (1) of this section does
4 apply.

5 (3) Any other person who has reasonable cause to believe that a
6 child has suffered abuse or neglect may report such incident to the
7 proper law enforcement agency or to the department as provided in RCW
8 26.44.040.

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

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

38 (6) Any county prosecutor or city attorney receiving a report
39 under subsection (5) of this section shall notify the victim, any
40 persons the victim requests, and the local office of the department,

1 of the decision to charge or decline to charge a crime, within five
2 days of making the decision.

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

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

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

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

39 (11) Upon receiving a report of alleged abuse or neglect, the
40 department shall make reasonable efforts to learn the name, address,

1 and telephone number of each person making a report of abuse or
2 neglect under this section. The department shall provide assurances
3 of appropriate confidentiality of the identification of persons
4 reporting under this section. If the department is unable to learn
5 the information required under this subsection, the department shall
6 only investigate cases in which:

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

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

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

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

18 (i) Investigation; or

19 (ii) Family assessment.

20 (b) In making the response in (a) of this subsection the
21 department shall:

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

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

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

33 (iv) Provide a full investigation if a family refuses the initial
34 family assessment;

35 (v) Provide voluntary services to families based on the results
36 of the initial family assessment. If a family refuses voluntary
37 services, and the department cannot identify specific facts related
38 to risk or safety that warrant assignment to investigation under this
39 chapter, and there is not a history of reports of child abuse or
40 neglect related to the family, then the department must close the

1 family assessment response case. However, if at any time the
2 department identifies risk or safety factors that warrant an
3 investigation under this chapter, then the family assessment response
4 case must be reassigned to investigation;

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

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

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

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

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

16 (E) The child is an adjudicated dependent child as defined in RCW
17 13.34.030, or the child is in a facility that is licensed, operated,
18 or certified for care of children by the department under chapter
19 74.15 RCW.

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

25 (i) A child who is a candidate for foster care, as defined in RCW
26 26.44.020; and

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

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

34 (13)(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.
37 In no case shall the investigation extend longer than ninety days
38 from the date the report is received, unless the investigation is
39 being conducted under a written protocol pursuant to RCW 26.44.180
40 and a law enforcement agency or prosecuting attorney has determined

1 that a longer investigation period is necessary. At the completion of
2 the investigation, the department shall make a finding that the
3 report of child abuse or neglect is founded or unfounded.

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

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

12 (a) Provide the family with a written explanation of the
13 procedure for assessment of the child and the family and its
14 purposes;

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

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

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

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

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

34 (e) Implement the family assessment response in a consistent and
35 cooperative manner;

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

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

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

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

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

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

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

39 (18)(a) The department shall maintain investigation records and
40 conduct timely and periodic reviews of all founded cases of abuse and

1 neglect. The department shall maintain a log of screened-out
2 nonabusive cases.

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

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

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

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

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

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

- 39 (a) Who is required to report child abuse and neglect;
- 40 (b) The standard of knowledge to justify a report;

- 1 (c) The definition of reportable crimes;
- 2 (d) Where to report suspected child abuse and neglect; and
- 3 (e) What should be included in a report and the appropriate
- 4 timing.

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