
SENATE BILL 5461

State of Washington

66th Legislature

2019 Regular Session

By Senators Cleveland and Darneille

1 AN ACT Relating to the sharing of information between
2 participants in multidisciplinary coordination of child sexual abuse
3 investigations; amending RCW 26.44.180; and adding a new section to
4 chapter 26.44 RCW.

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

6 **Sec. 1.** RCW 26.44.180 and 2010 c 176 s 2 are each amended to
7 read as follows:

8 (1) Each agency involved in investigating child sexual abuse,
9 online sexual exploitation and commercial sexual exploitation of
10 minors, as well as investigations of child fatality, child physical
11 abuse, and criminal child neglect cases, shall document its role in
12 handling cases and how it will coordinate with other local agencies
13 or systems and shall adopt a local protocol based on the state
14 guidelines. The department and local law enforcement agencies may
15 include other agencies and systems that are involved with child
16 sexual abuse victims in the multidisciplinary coordination.

17 (2) Each county shall develop a written protocol for handling
18 investigations of criminal child sexual abuse ((investigations)),
19 online sexual exploitation and commercial sexual exploitation of
20 minors, and child fatality, child physical abuse, and criminal child
21 neglect cases. The protocol shall address the coordination of ((child

1 ~~sexual abuse~~) such criminal investigations (~~between~~) among
2 multidisciplinary child protection team members, identified as
3 representatives from the prosecutor's office, law enforcement,
4 children's protective services, children's advocacy centers((~~r~~))
5 where available, local advocacy groups, community sexual assault
6 programs((~~r~~)) as defined in RCW 70.125.030, licensed physical and
7 mental health practitioners, and any other local agency involved in
8 ((~~the~~)) such criminal investigations ((~~of child sexual abuse~~)),
9 including those investigations involving multiple victims and
10 multiple offenders. The protocol shall be developed by the
11 prosecuting attorney with the assistance of the agencies referenced
12 in this subsection.

13 (3) Local protocols under this section shall be adopted and in
14 place by July 1, 2000, and shall be submitted to the legislature
15 prior to that date. Beginning on the effective date of this section,
16 local protocols under subsection (1) of this section must be reviewed
17 every two years to determine whether modifications are needed.

18 NEW SECTION. Sec. 2. A new section is added to chapter 26.44
19 RCW to read as follows:

20 (1) The legislature finds that the purpose of multidisciplinary
21 child protection teams as described in RCW 26.44.180 (1) and (2) is
22 to ensure the protection and treatment of the child and to advance
23 and coordinate the prompt investigation of suspected cases of child
24 abuse or neglect to reduce the trauma of any child victim.

25 (2)(a) A multidisciplinary child protection team may meet, review
26 records, and conduct business in the absence of one or more members
27 of the team. When a case as described in RCW 26.44.180 (1) or (2) is
28 referred to the team, records pertaining to the case must be made
29 available to team members. Any member of the team may use or disclose
30 records made available by the team members under this subsection only
31 as necessary for the performance of the member's duties.

32 (b) Team members may share information about criminal child abuse
33 investigations and case planning following such investigations with
34 other participants in the multidisciplinary coordination. This
35 section is not intended to permit, direct, or compel team members to
36 share information if sharing would constitute a violation of their
37 professional ethical obligations or disclose privileged
38 communications as described in RCW 5.60.060.

1 (3) (a) Every member of the multidisciplinary child protection
2 team who receives information or records regarding children and
3 families in his or her capacity as a member of the team is subject to
4 the same privacy and confidentiality obligations and confidentiality
5 penalties as the person disclosing or providing the information or
6 records. The information or records obtained by any team member must
7 be maintained in a manner that ensures the maximum protection of
8 privacy and confidentiality rights.

9 (b) Multidisciplinary child protection team members must execute
10 a confidentiality agreement every year.

11 (c) This section must not be construed to restrict guarantees of
12 confidentiality provided under state or federal law.

13 (4) A multidisciplinary child protection team must meet at least
14 monthly or more often as needed. Team meetings are closed to the
15 public and are not subject to chapter 42.30 RCW.

16 (5) Information and records communicated or provided to the
17 multidisciplinary child protection team members by all providers and
18 agencies, as well as information and records created in the course of
19 a child abuse or neglect case investigation, are deemed private and
20 confidential and are protected from discovery and disclosure by all
21 applicable statutory and common law protections. Existing civil and
22 criminal penalties apply to the inappropriate disclosure of
23 information held by team members.

24 (6) Any person who presented information before the
25 multidisciplinary child protection team or who is a team member may
26 testify as to matters within the person's knowledge. However, in a
27 civil or criminal proceeding, such person or team member may not be
28 questioned about opinions formed as a result of the case consultation
29 meetings.

30 (7) Any multidisciplinary child protection team member whose
31 action in facilitating the exchange and sharing of information in
32 serving any child in the course of the member's profession,
33 specialties, interests, or occupation, for the purpose of ensuring
34 the safety of the child and the community and providing early
35 intervention to avert more serious problems, is immune from any civil
36 liability arising out of any good faith act relevant to participation
37 on the team that might otherwise be incurred or imposed under this

1 section. In a proceeding regarding immunity from liability, there is
2 a rebuttable presumption of good faith.

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