
HOUSE BILL 2387

State of Washington

54th Legislature

1996 Regular Session

By Representatives Cooke, Costa, Tokuda, Brown, Dellwo, Murray, Patterson, Mitchell and Silver; by request of Department of Social and Health Services and Department of Corrections

Read first time 01/10/96. Referred to Committee on Children & Family Services.

1 AN ACT Relating to reports of abuse of children and adult dependent
2 and developmentally disabled persons; and amending RCW 26.44.030.

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

4 **Sec. 1.** RCW 26.44.030 and 1995 c 311 (ESSB 5885) s 17 are each
5 amended to read as follows:

6 (1)(a) When any practitioner, county coroner or medical examiner,
7 law enforcement officer, department of corrections personnel,
8 professional school personnel, registered or licensed nurse, social
9 service counselor, psychologist, pharmacist, licensed or certified
10 child care providers or their employees, employee of the department, or
11 juvenile probation officer has reasonable cause to believe that a child
12 or adult dependent or developmentally disabled person, has suffered
13 abuse or neglect, he or she shall report such incident, or cause a
14 report to be made, to the proper law enforcement agency or to the
15 department as provided in RCW 26.44.040.

16 (b) The reporting requirement shall also apply to any adult who has
17 reasonable cause to believe that a child or adult dependent or
18 developmentally disabled person, who resides with them, has suffered
19 severe abuse, and is able or capable of making a report. For the

1 purposes of this subsection, "severe abuse" means any of the following:
2 Any single act of abuse that causes physical trauma of sufficient
3 severity that, if left untreated, could cause death; any single act of
4 sexual abuse that causes significant bleeding, deep bruising, or
5 significant external or internal swelling; or more than one act of
6 physical abuse, each of which causes bleeding, deep bruising,
7 significant external or internal swelling, bone fracture, or
8 unconsciousness.

9 (c) The report shall be made at the first opportunity, but in no
10 case longer than forty-eight hours after there is reasonable cause to
11 believe that the child or adult has suffered abuse or neglect. The
12 report shall include the identity of the accused if known.

13 (2) The reporting requirement of subsection (1) of this section
14 does not apply to the discovery of abuse or neglect that occurred
15 during childhood if it is discovered after the child has become an
16 adult. However, if there is reasonable cause to believe other
17 children, dependent adults, or developmentally disabled persons are or
18 may be at risk of abuse or neglect by the accused, the reporting
19 requirement of subsection (1) of this section shall apply.

20 (3) Any other person who has reasonable cause to believe that a
21 child or adult dependent or developmentally disabled person has
22 suffered abuse or neglect may report such incident to the proper law
23 enforcement agency or to the department of social and health services
24 as provided in RCW 26.44.040.

25 (4) The department, upon receiving a report of an incident of abuse
26 or neglect pursuant to this chapter, involving a child or adult
27 dependent or developmentally disabled person who has died or has had
28 physical injury or injuries inflicted upon him or her other than by
29 accidental means or who has been subjected to sexual abuse, shall
30 report such incident to the proper law enforcement agency. In
31 emergency cases, where the child, adult dependent, or developmentally
32 disabled person's welfare is endangered, the department shall notify
33 the proper law enforcement agency within twenty-four hours after a
34 report is received by the department. In all other cases, the
35 department shall notify the law enforcement agency within seventy-two
36 hours after a report is received by the department. If the department
37 makes an oral report, a written report shall also be made to the proper
38 law enforcement agency within five days thereafter.

1 (5) Any law enforcement agency receiving a report of an incident of
2 abuse or neglect pursuant to this chapter, involving a child or adult
3 dependent or developmentally disabled person who has died or has had
4 physical injury or injuries inflicted upon him or her other than by
5 accidental means, or who has been subjected to sexual abuse, shall
6 report such incident in writing as provided in RCW 26.44.040 to the
7 proper county prosecutor or city attorney for appropriate action
8 whenever the law enforcement agency's investigation reveals that a
9 crime may have been committed. The law enforcement agency shall also
10 notify the department of all reports received and the law enforcement
11 agency's disposition of them. In emergency cases, where the child,
12 adult dependent, or developmentally disabled person's welfare is
13 endangered, the law enforcement agency shall notify the department
14 within twenty-four hours. In all other cases, the law enforcement
15 agency shall notify the department within seventy-two hours after a
16 report is received by the law enforcement agency.

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

22 (7) The department may conduct ongoing case planning and
23 consultation with those persons or agencies required to report under
24 this section, with consultants designated by the department, and with
25 designated representatives of Washington Indian tribes if the client
26 information exchanged is pertinent to cases currently receiving child
27 protective services or department case services for the developmentally
28 disabled. Upon request, the department shall conduct such planning and
29 consultation with those persons required to report under this section
30 if the department determines it is in the best interests of the child
31 or developmentally disabled person. Information considered privileged
32 by statute and not directly related to reports required by this section
33 shall not be divulged without a valid written waiver of the privilege.

34 (8) Any case referred to the department by a physician licensed
35 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
36 opinion that child abuse, neglect, or sexual assault has occurred and
37 that the child's safety will be seriously endangered if returned home,
38 the department shall file a dependency petition unless a second
39 licensed physician of the parents' choice believes that such expert

1 medical opinion is incorrect. If the parents fail to designate a
2 second physician, the department may make the selection. If a
3 physician finds that a child has suffered abuse or neglect but that
4 such abuse or neglect does not constitute imminent danger to the
5 child's health or safety, and the department agrees with the
6 physician's assessment, the child may be left in the parents' home
7 while the department proceeds with reasonable efforts to remedy
8 parenting deficiencies.

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

13 (10) Upon receiving reports of abuse or neglect, the department or
14 law enforcement agency may interview children. The interviews may be
15 conducted on school premises, at day-care facilities, at the child's
16 home, or at other suitable locations outside of the presence of
17 parents. Parental notification of the interview shall occur at the
18 earliest possible point in the investigation that will not jeopardize
19 the safety or protection of the child or the course of the
20 investigation. Prior to commencing the interview the department or law
21 enforcement agency shall determine whether the child wishes a third
22 party to be present for the interview and, if so, shall make reasonable
23 efforts to accommodate the child's wishes. Unless the child objects,
24 the department or law enforcement agency shall make reasonable efforts
25 to include a third party in any interview so long as the presence of
26 the third party will not jeopardize the course of the investigation.

27 (11) Upon receiving a report of child abuse and neglect, the
28 department or investigating law enforcement agency shall have access to
29 all relevant records of the child in the possession of mandated
30 reporters and their employees.

31 (12) The department shall maintain investigation records and
32 conduct timely and periodic reviews of all cases constituting abuse and
33 neglect. The department shall maintain a log of screened-out
34 nonabusive cases.

35 (13) The department shall use a risk assessment process when
36 investigating child abuse and neglect referrals. The department shall
37 present the risk factors at all hearings in which the placement of a
38 dependent child is an issue. The department shall, within funds
39 appropriated for this purpose, offer enhanced community-based services

1 to persons who are determined not to require further state
2 intervention.

3 The department shall provide annual reports to the legislature on
4 the effectiveness of the risk assessment process.

5 (14) Upon receipt of a report of abuse or neglect the law
6 enforcement agency may arrange to interview the person making the
7 report and any collateral sources to determine if any malice is
8 involved in the reporting.

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