
HOUSE BILL 1672

State of Washington

64th Legislature

2015 Regular Session

By Representatives Kagi, Walsh, Wylie, and Moscoso; by request of Department of Social and Health Services

Read first time 01/26/15. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to information related to reports of child abuse
2 and neglect; and amending RCW 26.44.031.

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

4 **Sec. 1.** RCW 26.44.031 and 2012 c 259 s 4 are each amended to
5 read as follows:

6 (1) To protect the privacy in reporting and the maintenance of
7 reports of non accidental injury, neglect, death, sexual abuse, and
8 cruelty to children by their parents, and to safeguard against
9 arbitrary, malicious, or erroneous information or actions, the
10 department shall not disclose or maintain information related to
11 reports of child abuse or neglect except as provided in this section
12 or as otherwise required by state and federal law.

13 (2) ~~((The department shall destroy all of its records concerning:~~
14 ~~(a) A screened-out report, within three years from the receipt of~~
15 ~~the report; and~~

16 ~~(b) An unfounded or inconclusive report, within six years of~~
17 ~~completion of the investigation, unless a prior or subsequent founded~~
18 ~~report has been received regarding the child who is the subject of~~
19 ~~the report, a sibling or half-sibling of the child, or a parent,~~
20 ~~guardian, or legal custodian of the child, before the records are~~
21 ~~destroyed.~~

1 ~~(3) The department may keep records concerning founded reports of~~
2 ~~child abuse or neglect as the department determines by rule.~~

3 ~~(4)) No unfounded, screened-out, or inconclusive report or~~
4 ~~information about a family's participation or non participation in~~
5 ~~the family assessment response may be disclosed to a child-placing~~
6 ~~agency, private adoption agency, or any other provider licensed under~~
7 ~~chapter 74.15 RCW ((without the consent of the individual who is the~~
8 ~~subject of the report or family assessment, unless:~~

9 ~~(a) The individual seeks to become a licensed foster parent or~~
10 ~~adoptive parent; or~~

11 ~~(b) The individual is the parent or legal custodian of a child~~
12 ~~being served by one of the agencies referenced in this subsection.~~

13 ~~(5)(a) If the department fails to comply with this section, an~~
14 ~~individual who is the subject of a report may institute proceedings~~
15 ~~for injunctive or other appropriate relief for enforcement of the~~
16 ~~requirement to purge information. These proceedings may be instituted~~
17 ~~in the superior court for the county in which the person resides or,~~
18 ~~if the person is not then a resident of this state, in the superior~~
19 ~~court for Thurston county)).~~

20 ~~((b)) (3) If the department fails to comply with subsection~~
21 ~~((4)) (2) of this section and an individual who is the subject of~~
22 ~~the report or family assessment response information is harmed by the~~
23 ~~disclosure of information(, in addition to the relief provided in~~
24 ~~(a) of this subsection)), the court may award a penalty of up to one~~
25 ~~thousand dollars and reasonable attorneys' fees and court costs to~~
26 ~~the petitioner.~~

27 ~~(c) A proceeding under this subsection does not preclude other~~
28 ~~methods of enforcement provided for by law.~~

29 ~~((6) Nothing in this section shall prevent the department from~~
30 ~~retaining general, non identifying information which is required for~~
31 ~~state and federal reporting and management purposes.))~~

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