
HOUSE BILL 2706

State of Washington

54th Legislature

1996 Regular Session

By Representatives Cooke, Stevens, Backlund and Johnson

Read first time 01/16/96. Referred to Committee on Children & Family Services.

1 AN ACT Relating to investigative interviews of child victim
2 witnesses; adding a new section to chapter 9.73 RCW; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is a
6 continuing need to improve the treatment of children in legal
7 proceedings and investigations concerning sexual abuse by developing
8 methods to achieve all of the following goals:

9 (a) Eliminate unnecessary repetitive interviews and investigations
10 of child victim witnesses;

11 (b) Streamline and improve investigative practices and procedures
12 involving child victim witnesses;

13 (c) Improve the truth-finding process in cases involving child
14 victim witnesses;

15 (d) Protect the rights of child victims, their families, and the
16 accused.

17 (2)(a) It is the intent of the legislature to establish two pilot
18 program and demonstration projects in one or more counties to improve

1 the treatment of child victim witnesses in legal proceedings and
2 increase the reliability of child interview processes.

3 (b) The investigative pilot program and demonstration projects
4 shall incorporate essential elements for improving and streamlining the
5 investigative process in suspected sexual abuse cases as it affects
6 child victim witnesses. Those elements shall include the following:

7 (i) Interviewing children in a child-oriented setting;

8 (ii) Using a child interview specialist to conduct comprehensive
9 interviews with children;

10 (iii) Developing interdisciplinary child interview protocols;

11 (iv) Memorializing the interview process to eliminate or minimize
12 the need for subsequent interviews;

13 (v) Conducting multidisciplinary team reviews to make
14 recommendations on child abuse interviews and investigations and the
15 needs of child victim witnesses;

16 (vi) Ensuring that initial medical evidentiary examinations of
17 suspected child abuse victims are conducted by medical professionals
18 with forensic expertise in medical evidence related to child abuse.

19 (c) The establishment of the projects is not intended to amend,
20 alter, or modify in any way application of the law of evidence in legal
21 proceedings. The failure to comply with any protocol, procedure, or
22 provision of this act shall not affect otherwise applicable evidence
23 law.

24 NEW SECTION. **Sec. 2.** (1) There are hereby established two three-
25 year pilot program and demonstration projects in the department of
26 community, trade, and economic development pertaining to child victim
27 witness investigative interviews in sexual abuse cases. The projects
28 shall apply only to sexual abuse investigations and operate in one or
29 more counties that have made application to and have been designated by
30 the director of the department of community, trade, and economic
31 development.

32 (2) The department of community, trade, and economic development
33 shall fund the projects from moneys appropriated by the legislature for
34 purposes of this act for a three-year period in order to implement and
35 evaluate the elements set forth in section 1 of this act. The projects
36 shall:

37 (a) Establish a child victim witness center or centers, or special
38 interview settings;

1 (b) Develop interagency agreements and protocols for interviewing
2 child victim witnesses, including procedures to limit the number of
3 interviewers and minimize the number of interviews;

4 (c) Train child interview specialists selected by a team composed
5 of representatives from the district attorney's office, local law
6 enforcement agencies, and social service agencies. The specialists
7 need not be employees of these agencies;

8 (d) Require that comprehensive interviews shall be conducted by a
9 child interview specialist. All other interviews, including initial
10 interviews, shall also be conducted by a child interview specialist
11 unless such interviews are otherwise necessitated for the child's
12 safety and protection, law enforcement procedures, or other legal
13 mandates;

14 (e) Provide for the videotaping of child victim interviews
15 conducted by a child interview specialist pursuant to a protocol
16 established by the multidisciplinary advisory committee created in
17 section 3 of this act. Encourage and support procedures to require
18 other interviews conducted by persons other than child interview
19 specialists to be video or audio taped;

20 (f) Establish criteria and procedures for maintaining the
21 confidentiality of and disclosure of video and audio tape interviews of
22 child victim witnesses;

23 (g) Establish multidisciplinary teams to review and make
24 recommendations on child abuse cases and the needs of child victim
25 witnesses;

26 (h) Develop special procedures for coordination and cooperation of
27 child interviews when a child is involved in criminal and dependency
28 proceedings, domestic relations and dependency proceedings, delinquency
29 and dependency proceedings, or related domestic violence proceedings;

30 (i) Develop guidelines for controlling access to children who are
31 victim witnesses in legal proceedings;

32 (j) Develop guidelines for referral to medical examinations
33 conducted by medical professionals with forensic experience related to
34 child sexual abuse.

35 NEW SECTION. **Sec. 3.** (1) The director of the department of
36 community, trade, and economic development shall establish a
37 multidisciplinary child victim witness advisory committee for purposes
38 of assisting in the implementation of sections 1 through 4 of this act.

1 The director of the department of community, trade, and economic
2 development shall place substantive weight on the advice of the
3 committee. The committee shall consist of:

4 (a) One member who is an employee of the division of child and
5 family services;

6 (b) One member who is a medical examiner;

7 (c) One member who is a prosecuting attorney;

8 (d) One member who is a dependency practitioner designated by the
9 Washington defender association;

10 (e) One member designated by the Washington association of criminal
11 defense lawyers;

12 (f) One member who is a child interview specialist employed at a
13 project site;

14 (g) One member who is an employee of a law enforcement agency;

15 (h) One member who is a private family law practitioner designated
16 by the Washington state bar association family law section;

17 (i) One member designated by the attorney general;

18 (j) Other members as appointed in the discretion of the director of
19 the department of community, trade, and economic development.

20 (2) The committee shall elect its chairperson for such terms and
21 duties as the committee establishes. The committee shall meet at least
22 once every three months as determined by the committee.

23 (3) In addition to its other duties, the committee shall establish
24 qualifications for child interview specialists selected under section
25 2 of this act.

26 NEW SECTION. **Sec. 4.** (1) The projects shall establish a baseline
27 of data and information for an evaluation by the Washington state
28 institute for public policy, and collect data during the operation of
29 the projects relevant to the evaluation and report required by this
30 act. The Washington state institute for public policy shall evaluate
31 the projects for the purpose of determining whether the projects have
32 been successful in meeting the following goals or objectives:

33 (a) Reducing the number of interviewers and the number of
34 interviews for child victim witnesses in suspected sexual abuse cases;

35 (b) Reducing the number of interview settings for child victim
36 witnesses in suspected sexual abuse cases;

37 (c) Reducing the number of medical examinations of suspected child
38 abuse victims after the initial examination;

1 (d) Videotaping the interviews of child victim witnesses;
2 (e) Developing interagency cooperation, agreements, and protocols
3 for interviewing child victim witnesses;
4 (f) Improving the qualifications, selection process, and training
5 of child victim witness interviewers;
6 (g) Establishing procedures for maintaining the confidentiality of
7 and appropriate disclosure of audiotape and videotape interviews of
8 child victim witnesses;
9 (h) Improving the reliability of child interviews in suspected
10 child sexual abuse cases.

11 (2) Not later than November 1, 1998, the Washington state institute
12 for public policy shall report to the legislature on the results of the
13 projects. The report shall include evaluations and recommendations as
14 to whether the techniques utilized in the projects should be required
15 or encouraged on a state-wide basis, and how any expenses related to
16 the changes should be financed. Recommended changes in the law shall
17 be included in the report.

18 NEW SECTION. **Sec. 5.** The Washington child victim witness pilot
19 program and demonstration projects described in sections 1 through 4 of
20 this act shall terminate on June 30, 1999.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.73 RCW
22 to read as follows:

23 This chapter shall not apply to any person, government, entity, or
24 agency, or private entity or agency acting in accordance with the
25 provisions of sections 1 through 4, chapter . . . , Laws of 1996
26 (sections 1 through 4 of this act), including but not limited to video
27 and audio recordings made pursuant to the provisions of the child
28 victim witness pilot program and demonstration projects under sections
29 1 through 4, chapter . . . , Laws of 1996 (sections 1 through 4 of this
30 act).

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