

ESSB 6555 - H AMD 1323

By Representative Kagi

ADOPTED 03/06/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.44.020 and 2010 c 176 s 1 are each reenacted and
4 amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or
8 injury of a child by any person under circumstances which cause harm to
9 the child's health, welfare, or safety, excluding conduct permitted
10 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
11 child by a person responsible for or providing care to the child. An
12 abused child is a child who has been subjected to child abuse or
13 neglect as defined in this section.

14 (2) "Child" or "children" means any person under the age of
15 eighteen years of age.

16 (3) "Child protective services" means those services provided by
17 the department designed to protect children from child abuse and
18 neglect and safeguard such children from future abuse and neglect, and
19 conduct investigations of child abuse and neglect reports.
20 Investigations may be conducted regardless of the location of the
21 alleged abuse or neglect. Child protective services includes referral
22 to services to ameliorate conditions that endanger the welfare of
23 children, the coordination of necessary programs and services relevant
24 to the prevention, intervention, and treatment of child abuse and
25 neglect, and services to children to ensure that each child has a
26 permanent home. In determining whether protective services should be
27 provided, the department shall not decline to provide such services
28 solely because of the child's unwillingness or developmental inability
29 to describe the nature and severity of the abuse or neglect.

1 (4) "Child protective services section" means the child protective
2 services section of the department.

3 (5) "Children's advocacy center" means a child-focused facility in
4 good standing with the state chapter for children's advocacy centers
5 and that coordinates a multidisciplinary process for the investigation,
6 prosecution, and treatment of sexual and other types of child abuse.
7 Children's advocacy centers provide a location for forensic interviews
8 and coordinate access to services such as, but not limited to, medical
9 evaluations, advocacy, therapy, and case review by multidisciplinary
10 teams within the context of county protocols as defined in RCW
11 26.44.180 and 26.44.185.

12 (6) "Clergy" means any regularly licensed or ordained minister,
13 priest, or rabbi of any church or religious denomination, whether
14 acting in an individual capacity or as an employee or agent of any
15 public or private organization or institution.

16 (7) "Court" means the superior court of the state of Washington,
17 juvenile department.

18 (8) "Department" means the state department of social and health
19 services.

20 (9) "Family assessment" means a comprehensive assessment of child
21 safety, risk of subsequent child abuse or neglect, and family strengths
22 and needs that is applied to a child abuse or neglect report. Family
23 assessment does not include a determination as to whether child abuse
24 or neglect occurred, but does determine the need for services to
25 address the safety of the child and the risk of subsequent
26 maltreatment.

27 (10) "Family assessment response" means a way of responding to
28 certain reports of child abuse or neglect made under this chapter using
29 a differential response approach to child protective services. The
30 family assessment response shall focus on the safety of the child, the
31 integrity and preservation of the family, and shall assess the status
32 of the child and the family in terms of risk of abuse and neglect
33 including the parent's or guardian's or other caretaker's capacity and
34 willingness to protect the child and, if necessary, plan and arrange
35 the provision of services to reduce the risk and otherwise support the
36 family. No one is named as a perpetrator, and no investigative finding
37 is entered in the record as a result of a family assessment.

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

4 ~~((+10+))~~ (12) "Inconclusive" means the determination following an
5 investigation by the department, prior to October 1, 2008, that based
6 on available information a decision cannot be made that more likely
7 than not, child abuse or neglect did or did not occur.

8 ~~((+11+))~~ (13) "Institution" means a private or public hospital or
9 any other facility providing medical diagnosis, treatment, or care.

10 ~~((+12+))~~ (14) "Law enforcement agency" means the police department,
11 the prosecuting attorney, the state patrol, the director of public
12 safety, or the office of the sheriff.

13 ~~((+13+))~~ (15) "Malice" or "maliciously" means an intent, wish, or
14 design to intimidate, annoy, or injure another person. Such malice may
15 be inferred from an act done in willful disregard of the rights of
16 another, or an act wrongfully done without just cause or excuse, or an
17 act or omission of duty betraying a willful disregard of social duty.

18 ~~((+14+))~~ (16) "Negligent treatment or maltreatment" means an act or
19 a failure to act, or the cumulative effects of a pattern of conduct,
20 behavior, or inaction, that evidences a serious disregard of
21 consequences of such magnitude as to constitute a clear and present
22 danger to a child's health, welfare, or safety, including but not
23 limited to conduct prohibited under RCW 9A.42.100. When considering
24 whether a clear and present danger exists, evidence of a parent's
25 substance abuse as a contributing factor to negligent treatment or
26 maltreatment shall be given great weight. The fact that siblings share
27 a bedroom is not, in and of itself, negligent treatment or
28 maltreatment. Poverty, homelessness, or exposure to domestic violence
29 as defined in RCW 26.50.010 that is perpetrated against someone other
30 than the child does not constitute negligent treatment or maltreatment
31 in and of itself.

32 ~~((+15+))~~ (17) "Pharmacist" means any registered pharmacist under
33 chapter 18.64 RCW, whether acting in an individual capacity or as an
34 employee or agent of any public or private organization or institution.

35 ~~((+16+))~~ (18) "Practitioner of the healing arts" or "practitioner"
36 means a person licensed by this state to practice podiatric medicine
37 and surgery, optometry, chiropractic, nursing, dentistry, osteopathic
38 medicine and surgery, or medicine and surgery or to provide other

1 health services. The term "practitioner" includes a duly accredited
2 Christian Science practitioner. A person who is being furnished
3 Christian Science treatment by a duly accredited Christian Science
4 practitioner will not be considered, for that reason alone, a neglected
5 person for the purposes of this chapter.

6 ~~((+17))~~ (19) "Professional school personnel" include, but are not
7 limited to, teachers, counselors, administrators, child care facility
8 personnel, and school nurses.

9 ~~((+18))~~ (20) "Psychologist" means any person licensed to practice
10 psychology under chapter 18.83 RCW, whether acting in an individual
11 capacity or as an employee or agent of any public or private
12 organization or institution.

13 ~~((+19))~~ (21) "Screened-out report" means a report of alleged child
14 abuse or neglect that the department has determined does not rise to
15 the level of a credible report of abuse or neglect and is not referred
16 for investigation.

17 ~~((+20))~~ (22) "Sexual exploitation" includes: (a) Allowing,
18 permitting, or encouraging a child to engage in prostitution by any
19 person; or (b) allowing, permitting, encouraging, or engaging in the
20 obscene or pornographic photographing, filming, or depicting of a child
21 by any person.

22 ~~((+21))~~ (23) "Sexually aggressive youth" means a child who is
23 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

24 ~~((+22))~~ (24) "Social service counselor" means anyone engaged in a
25 professional capacity during the regular course of employment in
26 encouraging or promoting the health, welfare, support, or education of
27 children, or providing social services to adults or families, including
28 mental health, drug and alcohol treatment, and domestic violence
29 programs, whether in an individual capacity, or as an employee or agent
30 of any public or private organization or institution.

31 ~~((+23))~~ (25) "Supervising agency" means an agency licensed by the
32 state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that
33 has entered into a performance-based contract with the department to
34 provide child welfare services.

35 ~~((+24))~~ (26) "Unfounded" means the determination following an
36 investigation by the department that available information indicates
37 that, more likely than not, child abuse or neglect did not occur, or

1 that there is insufficient evidence for the department to determine
2 whether the alleged child abuse did or did not occur.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW
4 to read as follows:

5 (1) No later than December 1, 2013, the department shall implement
6 the family assessment response. The department may implement the
7 family assessment response on a phased-in basis, by geographical area.

8 (2) The department shall develop an implementation plan in
9 consultation with stakeholders, including tribes. The department shall
10 submit a report of the implementation plan to the appropriate
11 committees of the legislature by December 31, 2012. At a minimum, the
12 following must be developed before implementation and included in the
13 report to the legislature:

14 (a) Description of the family assessment response practice model;

15 (b) Identification of possible additional noninvestigative
16 responses or pathways;

17 (c) Development of an intake screening tool and a family assessment
18 tool specifically to be used in the family assessment response. The
19 family assessment tool must, at minimum, evaluate the safety of the
20 child and determine services needed by the family to improve or restore
21 family well-being;

22 (d) Delineation of staff training requirements;

23 (e) Development of strategies to reduce disproportionality;

24 (f) Development of strategies to assist and connect families with
25 the appropriate private or public housing support agencies, for those
26 parents whose inability to obtain or maintain safe housing creates a
27 risk of harm to the child, risk of out-of-home placement of the child,
28 or a barrier to reunification;

29 (g) Identification of methods to involve local community partners
30 in the development of community-based resources to meet families'
31 needs. Local community partners may include, but are not limited to:
32 Alumni of the foster care system and veteran parents, local private
33 service delivery agencies, schools, local health departments and other
34 health care providers, juvenile court, law enforcement, office of
35 public defense social workers or local defense attorneys, domestic
36 violence victims advocates, and other available community-based
37 entities;

1 (h) Delineation of procedures to assure continuous quality
2 assurance;

3 (i) Identification of current departmental expenditures for
4 services appropriate for the family assessment response, to the
5 greatest practicable extent;

6 (j) Identification of philanthropic funding and other private
7 funding available to supplement public resources in response to
8 identified family needs;

9 (k) Mechanisms to involve the child's Washington state tribe, if
10 any, in any family assessment response, when the child subject to the
11 family assessment response is an Indian child, as defined in RCW
12 13.38.040;

13 (l) A potential phase-in schedule if proposed; and

14 (m) Recommendations for legislative action required to implement
15 the plan.

16 **Sec. 3.** RCW 26.44.030 and 2009 c 480 s 1 are each amended to read
17 as follows:

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

30 (b) When any person, in his or her official supervisory capacity
31 with a nonprofit or for-profit organization, has reasonable cause to
32 believe that a child has suffered abuse or neglect caused by a person
33 over whom he or she regularly exercises supervisory authority, he or
34 she shall report such incident, or cause a report to be made, to the
35 proper law enforcement agency, provided that the person alleged to have
36 caused the abuse or neglect is employed by, contracted by, or
37 volunteers with the organization and coaches, trains, educates, or

1 counsels a child or children or regularly has unsupervised access to a
2 child or children as part of the employment, contract, or voluntary
3 service. No one shall be required to report under this section when he
4 or she obtains the information solely as a result of a privileged
5 communication as provided in RCW 5.60.060.

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

8 For the purposes of this subsection, the following definitions
9 apply:

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

16 (ii) "Regularly exercises supervisory authority" means to act in
17 his or her official supervisory capacity on an ongoing or continuing
18 basis with regards to a particular person.

19 (c) The reporting requirement also applies to department of
20 corrections personnel who, in the course of their employment, observe
21 offenders or the children with whom the offenders are in contact. If,
22 as a result of observations or information received in the course of
23 his or her employment, any department of corrections personnel has
24 reasonable cause to believe that a child has suffered abuse or neglect,
25 he or she shall report the incident, or cause a report to be made, to
26 the proper law enforcement agency or to the department as provided in
27 RCW 26.44.040.

28 (d) The reporting requirement shall also apply to any adult who has
29 reasonable cause to believe that a child who resides with them, has
30 suffered severe abuse, and is able or capable of making a report. For
31 the purposes of this subsection, "severe abuse" means any of the
32 following: Any single act of abuse that causes physical trauma of
33 sufficient severity that, if left untreated, could cause death; any
34 single act of sexual abuse that causes significant bleeding, deep
35 bruising, or significant external or internal swelling; or more than
36 one act of physical abuse, each of which causes bleeding, deep
37 bruising, significant external or internal swelling, bone fracture, or
38 unconsciousness.

1 (e) The reporting requirement also applies to guardians ad litem,
2 including court-appointed special advocates, appointed under Titles 11,
3 13, and 26 RCW, who in the course of their representation of children
4 in these actions have reasonable cause to believe a child has been
5 abused or neglected.

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

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

16 (3) Any other person who has reasonable cause to believe that a
17 child has suffered abuse or neglect may report such incident to the
18 proper law enforcement agency or to the department of social and health
19 services as provided in RCW 26.44.040.

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

33 (5) Any law enforcement agency receiving a report of an incident of
34 alleged abuse or neglect pursuant to this chapter, involving a child
35 who has died or has had physical injury or injuries inflicted upon him
36 or her other than by accidental means, or who has been subjected to
37 alleged sexual abuse, shall report such incident in writing as provided
38 in RCW 26.44.040 to the proper county prosecutor or city attorney for

1 appropriate action whenever the law enforcement agency's investigation
2 reveals that a crime may have been committed. The law enforcement
3 agency shall also notify the department of all reports received and the
4 law enforcement agency's disposition of them. In emergency cases,
5 where the child's welfare is endangered, the law enforcement agency
6 shall notify the department within twenty-four hours. In all other
7 cases, the law enforcement agency shall notify the department within
8 seventy-two hours after a report is received by the law enforcement
9 agency.

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

15 (7) The department may conduct ongoing case planning and
16 consultation with those persons or agencies required to report under
17 this section, with consultants designated by the department, and with
18 designated representatives of Washington Indian tribes if the client
19 information exchanged is pertinent to cases currently receiving child
20 protective services. Upon request, the department shall conduct such
21 planning and consultation with those persons required to report under
22 this section if the department determines it is in the best interests
23 of the child. Information considered privileged by statute and not
24 directly related to reports required by this section must not be
25 divulged without a valid written waiver of the privilege.

26 (8) Any case referred to the department by a physician licensed
27 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
28 opinion that child abuse, neglect, or sexual assault has occurred and
29 that the child's safety will be seriously endangered if returned home,
30 the department shall file a dependency petition unless a second
31 licensed physician of the parents' choice believes that such expert
32 medical opinion is incorrect. If the parents fail to designate a
33 second physician, the department may make the selection. If a
34 physician finds that a child has suffered abuse or neglect but that
35 such abuse or neglect does not constitute imminent danger to the
36 child's health or safety, and the department agrees with the
37 physician's assessment, the child may be left in the parents' home

1 while the department proceeds with reasonable efforts to remedy
2 parenting deficiencies.

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

7 (10) Upon receiving a report of alleged abuse or neglect, the
8 department shall make reasonable efforts to learn the name, address,
9 and telephone number of each person making a report of abuse or neglect
10 under this section. The department shall provide assurances of
11 appropriate confidentiality of the identification of persons reporting
12 under this section. If the department is unable to learn the
13 information required under this subsection, the department shall only
14 investigate cases in which:

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

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

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

22 (11)(a) Upon receiving a report of alleged abuse or neglect, the
23 department shall use one of the following discrete responses to reports
24 of child abuse or neglect that are screened in and accepted for
25 departmental response:

26 (i) Investigation; or

27 (ii) Family assessment.

28 (b) In making the response in (a) of this subsection the department
29 shall:

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

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

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

3 (iv) Provide a full investigation if a family refuses the initial
4 family assessment;

5 (v) Provide voluntary services to families based on the results of
6 the initial family assessment. If a family refuses voluntary services,
7 and the department cannot identify specific facts related to risk or
8 safety that warrant assignment to investigation under this chapter, and
9 there is not a history of reports of child abuse or neglect related to
10 the family, then the department must close the family assessment
11 response case. However, if at any time the department identifies risk
12 or safety factors that warrant an investigation under this chapter,
13 then the family assessment response case must be reassigned to
14 investigation;

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

18 (A) Poses a risk of "imminent harm" consistent with the definition
19 provided in RCW 13.34.050, which includes, but is not limited to,
20 sexual abuse and sexual exploitation as defined in this chapter;

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

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

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

25 (E) The child is an adjudicated dependent child as defined in RCW
26 13.34.030, or the child is in a facility that is licensed, operated, or
27 certified for care of children by the department under chapter 74.15
28 RCW, or by the department of early learning.

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

33 (12)(a) For reports of alleged abuse or neglect that are accepted
34 for investigation by the department, the investigation shall be
35 conducted within time frames established by the department in rule. In
36 no case shall the investigation extend longer than ninety days from the
37 date the report is received, unless the investigation is being
38 conducted under a written protocol pursuant to RCW 26.44.180 and a law

1 enforcement agency or prosecuting attorney has determined that a longer
2 investigation period is necessary. At the completion of the
3 investigation, the department shall make a finding that the report of
4 child abuse or neglect is founded or unfounded.

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

11 ~~((+12+))~~ (13) For reports of alleged abuse or neglect that are
12 responded to through family assessment response, the department shall:

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

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

19 (c) Complete the family assessment response within forty-five days
20 of receiving the report; however, upon parental agreement, the family
21 assessment response period may be extended up to ninety days;

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

24 (e) Implement the family assessment response in a consistent and
25 cooperative manner;

26 (f) Have the parent or guardian sign an agreement to participate in
27 services before services are initiated that informs the parents of
28 their rights under family assessment response, all of their options,
29 and the options the department has if the parents do not sign the
30 consent form.

31 (14) In conducting an investigation or family assessment of alleged
32 abuse or neglect, the department or law enforcement agency:

33 (a) May interview children. If the department determines that the
34 response to the allegation will be family assessment response, the
35 preferred practice is to request a parent's, guardian's, or custodian's
36 permission to interview the child before conducting the child interview
37 unless doing so would compromise the safety of the child or the
38 integrity of the assessment. The interviews may be conducted on school

1 premises, at day-care facilities, at the child's home, or at other
2 suitable locations outside of the presence of parents. If the
3 allegation is investigated, parental notification of the interview must
4 occur at the earliest possible point in the investigation that will not
5 jeopardize the safety or protection of the child or the course of the
6 investigation. Prior to commencing the interview the department or law
7 enforcement agency shall determine whether the child wishes a third
8 party to be present for the interview and, if so, shall make reasonable
9 efforts to accommodate the child's wishes. Unless the child objects,
10 the department or law enforcement agency shall make reasonable efforts
11 to include a third party in any interview so long as the presence of
12 the third party will not jeopardize the course of the investigation;
13 and

14 (b) Shall have access to all relevant records of the child in the
15 possession of mandated reporters and their employees.

16 ~~((+13))~~ (15) If a report of alleged abuse or neglect is founded
17 and constitutes the third founded report received by the department
18 within the last twelve months involving the same child or family, the
19 department shall promptly notify the office of the family and
20 children's ombudsman of the contents of the report. The department
21 shall also notify the ombudsman of the disposition of the report.

22 ~~((+14))~~ (16) In investigating and responding to allegations of
23 child abuse and neglect, the department may conduct background checks
24 as authorized by state and federal law.

25 ~~((+15))~~ (17)(a) The department shall maintain investigation
26 records and conduct timely and periodic reviews of all founded cases of
27 abuse and neglect. The department shall maintain a log of screened-out
28 nonabusive cases.

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

33 ~~((+16))~~ (18) The department shall use a risk assessment process
34 when investigating alleged child abuse and neglect referrals. The
35 department shall present the risk factors at all hearings in which the
36 placement of a dependent child is an issue. Substance abuse must be a
37 risk factor. ~~((The department shall, within funds appropriated for~~

1 ~~this purpose, offer enhanced community based services to persons who~~
2 ~~are determined not to require further state intervention.~~

3 ~~(17))~~ (19) Upon receipt of a report of alleged abuse or neglect
4 the law enforcement agency may arrange to interview the person making
5 the report and any collateral sources to determine if any malice is
6 involved in the reporting.

7 ~~((18))~~ (20) Upon receiving a report of alleged abuse or neglect
8 involving a child under the court's jurisdiction under chapter 13.34
9 RCW, the department shall promptly notify the child's guardian ad litem
10 of the report's contents. The department shall also notify the
11 guardian ad litem of the disposition of the report. For purposes of
12 this subsection, "guardian ad litem" has the meaning provided in RCW
13 13.34.030.

14 **Sec. 4.** RCW 26.44.031 and 2007 c 220 s 3 are each amended to read
15 as follows:

16 (1) To protect the privacy in reporting and the maintenance of
17 reports of nonaccidental injury, neglect, death, sexual abuse, and
18 cruelty to children by their parents, and to safeguard against
19 arbitrary, malicious, or erroneous information or actions, the
20 department shall not disclose or maintain information related to
21 reports of child abuse or neglect except as provided in this section or
22 as otherwise required by state and federal law.

23 (2) The department shall destroy all of its records concerning:

24 (a) A screened-out report, within three years from the receipt of
25 the report; and

26 (b) An unfounded or inconclusive report, within six years of
27 completion of the investigation, unless a prior or subsequent founded
28 report has been received regarding the child who is the subject of the
29 report, a sibling or half-sibling of the child, or a parent, guardian,
30 or legal custodian of the child, before the records are destroyed.

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

33 (4) ~~(An)~~ No unfounded, screened-out, or inconclusive report or
34 information about a family's participation or nonparticipation in the
35 family assessment response ~~may~~ ~~((not))~~ be disclosed to a child-placing
36 agency, private adoption agency, or any other provider licensed under

1 chapter 74.15 RCW without the consent of the individual who is the
2 subject of the report or family assessment, unless:

3 (a) The individual seeks to become a licensed foster parent or
4 adoptive parent; or

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

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

14 (b) If the department fails to comply with subsection (4) of this
15 section and an individual who is the subject of the report or family
16 assessment response information is harmed by the disclosure of
17 information, in addition to the relief provided in (a) of this
18 subsection, the court may award a penalty of up to one thousand dollars
19 and reasonable attorneys' fees and court costs to the petitioner.

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

22 (6) Nothing in this section shall prevent the department from
23 retaining general, nonidentifying information which is required for
24 state and federal reporting and management purposes.

25 **Sec. 5.** RCW 26.44.050 and 1999 c 176 s 33 are each amended to read
26 as follows:

27 Except as provided in RCW 26.44.030(11), upon the receipt of a
28 report concerning the possible occurrence of abuse or neglect, the law
29 enforcement agency or the department of social and health services must
30 investigate and provide the protective services section with a report
31 in accordance with chapter 74.13 RCW, and where necessary to refer such
32 report to the court.

33 A law enforcement officer may take, or cause to be taken, a child
34 into custody without a court order if there is probable cause to
35 believe that the child is abused or neglected and that the child would
36 be injured or could not be taken into custody if it were necessary to
37 first obtain a court order pursuant to RCW 13.34.050. The law

1 enforcement agency or the department of social and health services
2 investigating such a report is hereby authorized to photograph such a
3 child for the purpose of providing documentary evidence of the physical
4 condition of the child.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 26.44 RCW
6 to read as follows:

7 (1) Within ten days of the conclusion of the family assessment, the
8 department must meet with the child's parent or guardian to discuss the
9 recommendation for services to address child safety concerns or
10 significant risk of subsequent child maltreatment.

11 (2) If the parent or guardian disagrees with the department's
12 recommendation regarding the provision of services, the department
13 shall convene a family team decision-making meeting to discuss the
14 recommendations and objections. The caseworker's supervisor and area
15 administrator shall attend the meeting.

16 (3) If the department determines, based on the results of the
17 family assessment, that services are not recommended then the
18 department shall close the family assessment response case.

19 **Sec. 7.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and
20 amended to read as follows:

21 For purposes of this chapter:

22 (1) "~~Case management~~" means (~~the management of services delivered~~
23 ~~to children and families in the child welfare system, including~~
24 ~~permanency services, caseworker-child visits, family visits, the~~
25 ~~convening of family group conferences, the development and revision of~~
26 ~~the case plan, the coordination and monitoring of services needed by~~
27 ~~the child and family, and the assumption of court-related duties,~~
28 ~~excluding legal representation, including preparing court reports,~~
29 ~~attending judicial hearings and permanency hearings, and ensuring that~~
30 ~~the child is progressing toward permanency within state and federal~~
31 ~~mandates, including the Indian child welfare act)) convening family
32 meetings, developing, revising, and monitoring implementation of any
33 case plan or individual service and safety plan, coordinating and
34 monitoring services needed by the child and family, caseworker-child
35 visits, family visits, and the assumption of court-related duties,
36 excluding legal representation, including preparing court reports,~~

1 attending judicial hearings and permanency hearings, and ensuring that
2 the child is progressing toward permanency within state and federal
3 mandates, including the Indian child welfare act.

4 (2) "Child" means:

5 (a) A person less than eighteen years of age; or

6 (b) A person age eighteen to twenty-one years who is eligible to
7 receive the extended foster care services authorized under RCW
8 74.13.031.

9 (3) "Child protective services" has the same meaning as in RCW
10 26.44.020.

11 (4) "Child welfare services" means social services including
12 voluntary and in-home services, out-of-home care, case management, and
13 adoption services which strengthen, supplement, or substitute for,
14 parental care and supervision for the purpose of:

15 (a) Preventing or remedying, or assisting in the solution of
16 problems which may result in families in conflict, or the neglect,
17 abuse, exploitation, or criminal behavior of children;

18 (b) Protecting and caring for dependent, abused, or neglected
19 children;

20 (c) Assisting children who are in conflict with their parents, and
21 assisting parents who are in conflict with their children, with
22 services designed to resolve such conflicts;

23 (d) Protecting and promoting the welfare of children, including the
24 strengthening of their own homes where possible, or, where needed;

25 (e) Providing adequate care of children away from their homes in
26 foster family homes or day care or other child care agencies or
27 facilities.

28 "Child welfare services" does not include child protection
29 services.

30 (5) "Committee" means the child welfare transformation design
31 committee.

32 (6) "Department" means the department of social and health
33 services.

34 (7) "Extended foster care services" means residential and other
35 support services the department is authorized to provide to foster
36 children. These services include, but are not limited to, placement in
37 licensed, relative, or otherwise approved care, or supervised

1 independent living settings; assistance in meeting basic needs;
2 independent living services; medical assistance; and counseling or
3 treatment.

4 (8) "Family assessment" means a comprehensive assessment of child
5 safety, risk of subsequent child abuse or neglect, and family strengths
6 and needs that is applied to a child abuse or neglect report. Family
7 assessment does not include a determination as to whether child abuse
8 or neglect occurred, but does determine the need for services to
9 address the safety of the child and the risk of subsequent
10 maltreatment.

11 (9) "Measurable effects" means a statistically significant change
12 which occurs as a result of the service or services a supervising
13 agency is assigned in a performance-based contract, in time periods
14 established in the contract.

15 ((+9)) (10) "Out-of-home care services" means services provided
16 after the shelter care hearing to or for children in out-of-home care,
17 as that term is defined in RCW 13.34.030, and their families, including
18 the recruitment, training, and management of foster parents, the
19 recruitment of adoptive families, and the facilitation of the adoption
20 process, family reunification, independent living, emergency shelter,
21 residential group care, and foster care, including relative placement.

22 ((+10)) (11) "Performance-based contracting" means the structuring
23 of all aspects of the procurement of services around the purpose of the
24 work to be performed and the desired results with the contract
25 requirements set forth in clear, specific, and objective terms with
26 measurable outcomes. Contracts shall also include provisions that link
27 the performance of the contractor to the level and timing of
28 reimbursement.

29 ((+11)) (12) "Permanency services" means long-term services
30 provided to secure a child's safety, permanency, and well-being,
31 including foster care services, family reunification services, adoption
32 services, and preparation for independent living services.

33 ((+12)) (13) "Primary prevention services" means services which
34 are designed and delivered for the primary purpose of enhancing child
35 and family well-being and are shown, by analysis of outcomes, to reduce
36 the risk to the likelihood of the initial need for child welfare
37 services.

1 (~~(13)~~) (14) "Supervising agency" means an agency licensed by the
2 state under RCW 74.15.090, or licensed by a federally recognized Indian
3 tribe located in this state under RCW 74.15.190, that has entered into
4 a performance-based contract with the department to provide case
5 management for the delivery and documentation of child welfare
6 services, as defined in this section.

7 **Sec. 8.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are
8 each reenacted and amended to read as follows:

9 (1) The department and supervising agencies shall develop,
10 administer, supervise, and monitor a coordinated and comprehensive plan
11 that establishes, aids, and strengthens services for the protection and
12 care of runaway, dependent, or neglected children.

13 (2) Within available resources, the department and supervising
14 agencies shall recruit an adequate number of prospective adoptive and
15 foster homes, both regular and specialized, i.e. homes for children of
16 ethnic minority, including Indian homes for Indian children, sibling
17 groups, handicapped and emotionally disturbed, teens, pregnant and
18 parenting teens, and the department shall annually report to the
19 governor and the legislature concerning the department's and
20 supervising agency's success in: (a) Meeting the need for adoptive and
21 foster home placements; (b) reducing the foster parent turnover rate;
22 (c) completing home studies for legally free children; and (d)
23 implementing and operating the passport program required by RCW
24 74.13.285. The report shall include a section entitled "Foster Home
25 Turn-Over, Causes and Recommendations."

26 (3) The department shall investigate complaints of any recent act
27 or failure to act on the part of a parent or caretaker that results in
28 death, serious physical or emotional harm, or sexual abuse or
29 exploitation, or that presents an imminent risk of serious harm, and on
30 the basis of the findings of such investigation, offer child welfare
31 services in relation to the problem to such parents, legal custodians,
32 or persons serving in loco parentis, and/or bring the situation to the
33 attention of an appropriate court, or another community agency. An
34 investigation is not required of nonaccidental injuries which are
35 clearly not the result of a lack of care or supervision by the child's
36 parents, legal custodians, or persons serving in loco parentis. If the

1 investigation reveals that a crime against a child may have been
2 committed, the department shall notify the appropriate law enforcement
3 agency.

4 (4) As provided in RCW 26.44.030(11), the department may respond to
5 a report of child abuse or neglect by using the family assessment
6 response.

7 (5) The department or supervising agencies shall offer, on a
8 voluntary basis, family reconciliation services to families who are in
9 conflict.

10 ((+5+)) (6) The department or supervising agencies shall monitor
11 placements of children in out-of-home care and in-home dependencies to
12 assure the safety, well-being, and quality of care being provided is
13 within the scope of the intent of the legislature as defined in RCW
14 74.13.010 and 74.15.010. Under this section children in out-of-home
15 care and in-home dependencies and their caregivers shall receive a
16 private and individual face-to-face visit each month. The department
17 and the supervising agencies shall randomly select no less than ten
18 percent of the caregivers currently providing care to receive one
19 unannounced face-to-face visit in the caregiver's home per year. No
20 caregiver will receive an unannounced visit through the random
21 selection process for two consecutive years. If the caseworker makes
22 a good faith effort to conduct the unannounced visit to a caregiver and
23 is unable to do so, that month's visit to that caregiver need not be
24 unannounced. The department and supervising agencies are encouraged to
25 group monthly visits to caregivers by geographic area so that in the
26 event an unannounced visit cannot be completed, the caseworker may
27 complete other required monthly visits. The department shall use a
28 method of random selection that does not cause a fiscal impact to the
29 department.

30 The department or supervising agencies shall conduct the monthly
31 visits with children and caregivers to whom it is providing child
32 welfare services.

33 ((+6+)) (7) The department and supervising agencies shall have
34 authority to accept custody of children from parents and to accept
35 custody of children from juvenile courts, where authorized to do so
36 under law, to provide child welfare services including placement for
37 adoption, to provide for the routine and necessary medical, dental, and
38 mental health care, or necessary emergency care of the children, and to

1 provide for the physical care of such children and make payment of
2 maintenance costs if needed. Except where required by Public Law 95-
3 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
4 children for adoption from the department shall discriminate on the
5 basis of race, creed, or color when considering applications in their
6 placement for adoption.

7 ~~((+7))~~ (8) The department and supervising agency shall have
8 authority to provide temporary shelter to children who have run away
9 from home and who are admitted to crisis residential centers.

10 ~~((+8))~~ (9) The department and supervising agency shall have
11 authority to purchase care for children.

12 ~~((+9))~~ (10) The department shall establish a children's services
13 advisory committee with sufficient members representing supervising
14 agencies which shall assist the secretary in the development of a
15 partnership plan for utilizing resources of the public and private
16 sectors, and advise on all matters pertaining to child welfare,
17 licensing of child care agencies, adoption, and services related
18 thereto. At least one member shall represent the adoption community.

19 ~~((+10))~~ (11) The department and supervising agencies shall have
20 authority to provide continued extended foster care services to youth
21 ages eighteen to twenty-one years to participate in or complete a
22 secondary education program or a secondary education equivalency
23 program.

24 ~~((+11))~~ (12) The department ~~((, has))~~ shall have authority to
25 provide adoption support benefits, or relative guardianship subsidies
26 on behalf of youth ages eighteen to twenty-one years who achieved
27 permanency through adoption or a relative guardianship at age sixteen
28 or older and who meet the criteria described in subsection ~~((+10))~~
29 (11) of this section.

30 ~~((+12))~~ (13) The department shall refer cases to the division of
31 child support whenever state or federal funds are expended for the care
32 and maintenance of a child, including a child with a developmental
33 disability who is placed as a result of an action under chapter 13.34
34 RCW, unless the department finds that there is good cause not to pursue
35 collection of child support against the parent or parents of the child.
36 Cases involving individuals age eighteen through twenty shall not be
37 referred to the division of child support unless required by federal
38 law.

1 ~~((+13+))~~ (14) The department and supervising agencies shall have
2 authority within funds appropriated for foster care services to
3 purchase care for Indian children who are in the custody of a federally
4 recognized Indian tribe or tribally licensed child-placing agency
5 pursuant to parental consent, tribal court order, or state juvenile
6 court order; and the purchase of such care shall be subject to the same
7 eligibility standards and rates of support applicable to other children
8 for whom the department purchases care.

9 Notwithstanding any other provision of RCW 13.32A.170 through
10 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
11 services to be provided by the department under subsections (4), ~~((+6+),~~
12 ~~and~~) (7), and (8) of this section, subject to the limitations of these
13 subsections, may be provided by any program offering such services
14 funded pursuant to Titles II and III of the federal juvenile justice
15 and delinquency prevention act of 1974.

16 ~~((+14+))~~ (15) Within amounts appropriated for this specific
17 purpose, the supervising agency or department shall provide preventive
18 services to families with children that prevent or shorten the duration
19 of an out-of-home placement.

20 ~~((+15+))~~ (16) The department and supervising agencies shall have
21 authority to provide independent living services to youths, including
22 individuals who have attained eighteen years of age, and have not
23 attained twenty-one years of age who are or have been in foster care.

24 ~~((+16+))~~ (17) The department and supervising agencies shall consult
25 at least quarterly with foster parents, including members of the foster
26 parent association of Washington state, for the purpose of receiving
27 information and comment regarding how the department and supervising
28 agencies are performing the duties and meeting the obligations
29 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
30 recruitment of foster homes, reducing foster parent turnover rates,
31 providing effective training for foster parents, and administering a
32 coordinated and comprehensive plan that strengthens services for the
33 protection of children. Consultation shall occur at the regional and
34 statewide levels.

35 (18)(a) The department shall, within current funding levels, place
36 on its public web site a document listing the duties and
37 responsibilities the department has to a child subject to a dependency
38 petition including, but not limited to, the following:

1 (i) Reasonable efforts, including the provision of services, toward
2 reunification of the child with his or her family;

3 (ii) Sibling visits subject to the restrictions in RCW
4 13.34.136(2)(b)(ii);

5 (iii) Parent-child visits;

6 (iv) Statutory preference for placement with a relative or other
7 suitable person, if appropriate; and

8 (v) Statutory preference for an out-of-home placement that allows
9 the child to remain in the same school or school district, if practical
10 and in the child's best interests.

11 (b) The document must be prepared in conjunction with a community-
12 based organization and must be updated as needed.

13 NEW SECTION. **Sec. 9.** The Washington state institute for public
14 policy shall conduct an evaluation of the implementation of the family
15 assessment response. The institute shall define the data to be
16 gathered and maintained. At a minimum, the evaluations must address
17 child safety measures, out-of-home placement rates, re-referral rates,
18 and caseload sizes and demographics. The institute shall deliver its
19 first report no later than December 1, 2014, and its final report by
20 December 1, 2016.

21 NEW SECTION. **Sec. 10.** The department of social and health
22 services shall conduct two client satisfaction surveys of families that
23 have been placed in the family assessment response. The first survey
24 results shall be reported no later than December 1, 2014. The second
25 survey results shall be reported no later than December 1, 2016.

26 **Sec. 11.** RCW 26.44.125 and 1998 c 314 s 9 are each amended to read
27 as follows:

28 (1) A person who is named as an alleged perpetrator after October
29 1, 1998, in a founded report of child abuse or neglect has the right to
30 seek review and amendment of the finding as provided in this section.

31 (2) Within ~~((twenty))~~ thirty calendar days after ~~((receiving~~
32 ~~written notice from the department))~~ the department has notified the
33 alleged perpetrator under RCW 26.44.100 that ~~((a))~~ the person is named
34 as an alleged perpetrator in a founded report of child abuse or
35 neglect, he or she may request that the department review the finding.

1 The request must be made in writing. The written notice provided by
2 the department must contain at least the following information in plain
3 language:

4 (a) Information about the department's investigative finding as it
5 relates to the alleged perpetrator;

6 (b) Sufficient factual information to apprise the alleged
7 perpetrator of the date and nature of the founded reports;

8 (c) That the alleged perpetrator has the right to submit to child
9 protective services a written response regarding the child protective
10 services finding which, if received, shall be filed in the department's
11 records;

12 (d) That information in the department's records, including
13 information about this founded report, may be considered in a later
14 investigation or proceeding related to a different allegation of child
15 abuse or neglect or child custody;

16 (e) That founded allegations of child abuse or neglect may be used
17 by the department in determining:

18 (i) If a perpetrator is qualified to be licensed or approved to
19 care for children or vulnerable adults; or

20 (ii) If a perpetrator is qualified to be employed by the department
21 in a position having unsupervised access to children or vulnerable
22 adults;

23 (f) That the alleged perpetrator has a right to challenge a founded
24 allegation of child abuse or neglect.

25 (3) If a request for review is not made as provided in this
26 subsection, the alleged perpetrator may not further challenge the
27 finding and shall have no right to agency review or to an adjudicative
28 hearing or judicial review of the finding, unless he or she can show
29 that the department did not comply with the notice requirements of RCW
30 26.44.100.

31 ~~((+3))~~ (4) Upon receipt of a written request for review, the
32 department shall review and, if appropriate, may amend the finding.
33 Management level staff within the children's administration designated
34 by the secretary shall be responsible for the review. The review must
35 be completed within thirty days after receiving the written request for
36 review. The review must be conducted in accordance with procedures the
37 department establishes by rule. Upon completion of the review, the

1 department shall notify the alleged perpetrator in writing of the
2 agency's determination. The notification must be sent by certified
3 mail, return receipt requested, to the person's last known address.

4 ~~((+4))~~ (5) If, following agency review, the report remains
5 founded, the person named as the alleged perpetrator in the report may
6 request an adjudicative hearing to contest the finding. The
7 adjudicative proceeding is governed by chapter 34.05 RCW and this
8 section. The request for an adjudicative proceeding must be filed
9 within thirty calendar days after receiving notice of the agency review
10 determination. If a request for an adjudicative proceeding is not made
11 as provided in this subsection, the alleged perpetrator may not further
12 challenge the finding and shall have no right to agency review or to an
13 adjudicative hearing or judicial review of the finding.

14 ~~((+5))~~ (6) Reviews and hearings conducted under this section are
15 confidential and shall not be open to the public. Information about
16 reports, reviews, and hearings may be disclosed only in accordance with
17 federal and state laws pertaining to child welfare records and child
18 protective services reports.

19 ~~((+6))~~ (7) The department may adopt rules to implement this
20 section.

21 **Sec. 12.** RCW 26.44.010 and 1999 c 176 s 27 are each amended to
22 read as follows:

23 The Washington state legislature finds and declares: The bond
24 between a child and his or her parent, custodian, or guardian is of
25 paramount importance, and any intervention into the life of a child is
26 also an intervention into the life of the parent, custodian, or
27 guardian; however, instances of nonaccidental injury, neglect, death,
28 sexual abuse and cruelty to children by their parents, custodians or
29 guardians have occurred, and in the instance where a child is deprived
30 of his or her right to conditions of minimal nurture, health, and
31 safety, the state is justified in emergency intervention based upon
32 verified information; and therefore the Washington state legislature
33 hereby provides for the reporting of such cases to the appropriate
34 public authorities. It is the intent of the legislature that, as a
35 result of such reports, protective services shall be made available in
36 an effort to prevent further abuses, and to safeguard the general
37 welfare of such children(~~(+PROVIDED, That such)~~). When the child's

1 physical or mental health is jeopardized, or the safety of the child
2 conflicts with the legal rights of a parent, custodian, or guardian,
3 the health and safety interests of the child should prevail. When
4 determining whether a child and a parent, custodian, or guardian should
5 be separated during or immediately following an investigation of
6 alleged child abuse or neglect, the safety of the child shall be the
7 department's paramount concern. Reports of child abuse and neglect
8 shall be maintained and disseminated with strictest regard for the
9 privacy of the subjects of such reports and so as to safeguard against
10 arbitrary, malicious or erroneous information or actions(~~(+—PROVIDED~~
11 ~~FURTHER, That~~)). This chapter shall not be construed to authorize
12 interference with child- raising practices, including reasonable
13 parental discipline, which are not proved to be injurious to the
14 child's health, welfare and safety.

15 NEW SECTION. Sec. 13. A new section is added to chapter 4.24 RCW
16 to read as follows:

17 (1) Governmental entities, and their officers, agents, employees,
18 and volunteers, are not liable in tort for any of their acts or
19 omissions in emergent placement investigations of child abuse or
20 neglect under chapter 26.44 RCW including, but not limited to, any
21 determination to leave a child with a parent, custodian, or guardian,
22 or to return a child to a parent, custodian, or guardian, unless the
23 act or omission constitutes gross negligence. Emergent placement
24 investigations are those conducted prior to a shelter care hearing
25 under RCW 13.34.065.

26 (2) The department of social and health services and its employees
27 shall comply with the orders of the court, including shelter care and
28 other dependency orders, and are not liable for acts performed to
29 comply with such court orders. In providing reports and
30 recommendations to the court, employees of the department of social and
31 health services are entitled to the same witness immunity as would be
32 provided to any other witness.

33 NEW SECTION. Sec. 14. A new section is added to chapter 26.44 RCW
34 to read as follows:

35 Consistent with the paramount concern of the department to protect
36 the child's interests of basic nurture, physical and mental health, and

1 safety, and the requirement that the child's health and safety
2 interests prevail over conflicting legal interests of a parent,
3 custodian, or guardian, the liability of governmental entities, and
4 their officers, agents, employees, and volunteers, to parents,
5 custodians, or guardians accused of abuse or neglect is limited as
6 provided in section 13 of this act.

7 NEW SECTION. **Sec. 15.** Sections 1 and 3 through 10 of this act
8 take effect December 1, 2013."

9 Correct the title.

EFFECT: Replaces references to "Family Assessment Track" (FAT)
with references to "Family Assessment Response" (FAR);

Allows the DSHS to implement the FAR on a phased-in basis, by
geographical area;

Modifies components in the implementation plan, and subsequent
report to the Legislature to:

Clarify that the DSHS must develop strategies to assist and
connect families with the appropriate private or public housing
supports for those parents whose inability to obtain or maintain safe
housing creates a risk of harm to the child, risk of out-of-home
placement of the child, or a barrier to reunification (safe and stable
housing language is removed);

Add domestic violence victims advocates to the list of
community partners the DSHS may include in the development of
community-based resources;

Include a potential phase-in schedule if proposed;

Add recommendations for legislative action required to
implement the plan;

Add identification of philanthropic funding available to
supplement public resources;

Specify that the family assessment tool must, at minimum,
evaluate the safety of the child and determine services needed by the
family to improve or restore family well-being; and

Require the DSHS to develop mechanisms to involve the
child's Washington state tribe, if any, in any family assessment
response, when the child subject to the family assessment response is
an Indian child, as defined in RCW 13.38.040;

Prohibits age of the alleged victim from being used as the sole
criterion for determining whether a case will be assigned to
investigation or FAR;

Specifies that if a family refuses voluntary services, and the DSHS
cannot identify specific facts related to risk or safety that warrant
referral to investigation, and do not have a history of reports of
child abuse or neglect, then the DSHS must close the FAR case;

Clarifies that if the DSHS determines, based on the results of the family assessment, that services are not recommended, then the FAR case must be closed;

Clarifies that FAR must be completed within 45 days unless a parent agrees to an extension. Upon parental agreement, the FAR may be extended up to 90 days;

Clarifies that the DSHS may not provide the FAR in response to reports that identify an adjudicated dependent child, or a child in a facility that is licensed, operated, or certified for the care of children by the DSHS under chapter 74.15 RCW, or by the Department of Early Learning;

Specifies that children may be interviewed without a parent or guardian's permission if requesting such permission would compromise the integrity of the family assessment;

Clarifies that the DSHS must implement the FAR in a consistent and cooperative manner, rather than in a nonarbitrary, noncoercive manner;

Prohibits FAR-related information from being disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW without consent of the individual who is the subject of the FAR report, unless that individual: (1) Seeks to become a licensed foster or adoptive parent, or (2) is the parent or legal custodian of a child being served by one of the agencies referenced above;

Removes Sec. 7 which prescribed the family assessment tool. However, language in Sec. 7 requiring collaboration with the family to identify strengths, resources, service needs, and to develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being is moved to Sec. 3(13)(b);

Modifies the DSHS's written notification requirements to individuals identified in founded reports of child abuse or neglect; removes the provision stating that founded allegations of child abuse or neglect may be used by others only if the perpetrator consents to the release of information to another individual;

Modifies the definition of case management consistent with E2SHB 2264;

Makes technical corrections; and

Adds provisions of ESHB 2510, which:

Amend the purpose section of the statute governing child abuse and neglect to provide that the child's health and safety interests should prevail over conflicting legal interests of a parent, custodian, or guardian;

Address the liability of governmental entities for acts or omissions in conducting emergent placement investigations of child abuse or neglect;

Provide that the state is not liable for actions taken to comply with court orders and that child abuse investigators are entitled to the same witness immunity as other witnesses.

--- END ---