
SUBSTITUTE SENATE BILL 6206

State of Washington

60th Legislature

2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Zarelli, Pflug, Hargrove, and Stevens)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to agency reviews and reports regarding child
2 abuse, neglect, and near fatalities; amending RCW 74.13.640, 74.13.505,
3 43.06A.100, and 26.44.030; reenacting and amending RCW 26.44.030;
4 adding new sections to chapter 74.13 RCW; adding new sections to
5 chapter 43.06A RCW; providing an effective date; and providing an
6 expiration date.

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

8 **Sec. 1.** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read
9 as follows:

10 (1) The department (~~(of social and health services)~~) shall conduct
11 a child fatality or near fatality review in the event of an unexpected
12 death or near fatality of a minor in the state who is in the care of or
13 receiving services described in chapter 74.13 RCW from the department
14 or who has been in the care of or received services described in
15 chapter 74.13 RCW from the department within one year preceding the
16 minor's death.

17 (2) (~~Upon conclusion of a child fatality review required pursuant~~
18 ~~to subsection (1) of this section, the department shall issue a report~~

1 ~~on the results of the review to the appropriate committees of the~~
2 ~~legislature and shall make copies of the report available to the public~~
3 ~~upon request.~~

4 ~~(3) The department shall develop and implement procedures to carry~~
5 ~~out the requirements of subsections (1) and (2) of this section.)~~ In
6 the event of a child identified under subsection (1) of this section
7 whose fatality or near fatality is the result of apparent abuse by his
8 or her parent or caregiver, the review team shall be comprised of
9 individuals who had no involvement in the case but whose professional
10 expertise is pertinent to the dynamics of the case.

11 **Sec. 2.** RCW 74.13.505 and 1997 c 305 s 3 are each amended to read
12 as follows:

13 For purposes of RCW 74.13.500, the following information shall be
14 disclosable:

- 15 (1) The name of the abused or neglected child;
16 (2) The determination made by the department of the referrals, if
17 any, for abuse or neglect;
18 (3) Identification of child protective or other services provided
19 or actions, if any, taken regarding the child named in the report and
20 his or her family as a result of any such report or reports. These
21 records include but are not limited to administrative reports of
22 fatality, fatality review reports, case files, inspection reports, and
23 reports relating to social work practice issues; ~~((and))~~
24 (4) Near fatality reports, to the extent permitted by federal law;
25 and
26 (5) Any actions taken by the department in response to reports of
27 abuse or neglect of the child.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW
29 to read as follows:

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

- 32 (1) "Minor" means a person less than eighteen years of age.
33 (2) "Near fatality" has the same meaning as defined in RCW
34 74.13.500(4).

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
2 to read as follows:

3 (1) Upon conclusion of a child fatality or near fatality review
4 required under RCW 74.13.640, the department shall issue a report on
5 the results of the review within one hundred eighty days following the
6 unexpected death or near fatality of the child, unless an extension has
7 been granted by the governor.

8 (2) Reports issued pursuant to this section shall be distributed to
9 the appropriate committees of the legislature, and the department shall
10 create a public web site where all child fatality and near fatality
11 review reports required by this section shall be posted and maintained.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.06A RCW
13 to read as follows:

14 The office of the family and children's ombudsman shall issue an
15 annual report to the legislature on the status of the implementation of
16 child fatality and near fatality review recommendations.

17 **Sec. 6.** RCW 43.06A.100 and 1999 c 390 s 5 are each amended to read
18 as follows:

19 The department of social and health services shall:

20 (1) Allow the ombudsman or the ombudsman's designee to communicate
21 privately with any child in the custody of the department for the
22 purposes of carrying out its duties under this chapter;

23 (2) Permit the ombudsman or the ombudsman's designee physical
24 access to state institutions serving children, and state licensed
25 facilities or residences for the purpose of carrying out its duties
26 under this chapter;

27 (3) Upon the ombudsman's request, grant the ombudsman or the
28 ombudsman's designee the right to access, inspect, and copy all
29 relevant information, records, or documents in the possession or
30 control of the department that the ombudsman considers necessary in an
31 investigation; and

32 (4) Grant the office of the family and children's ombudsman
33 unrestricted on-line access to the case and management information
34 system (CAMIS) or any successor information system for the purpose of
35 carrying out its duties under this chapter.

1 **Sec. 7.** RCW 26.44.030 and 2007 c 387 s 3 are each amended to read
2 as follows:

3 (1)(a) When any practitioner, county coroner or medical examiner,
4 law enforcement officer, professional school personnel, registered or
5 licensed nurse, social service counselor, psychologist, pharmacist,
6 employee of the department of early learning, licensed or certified
7 child care providers or their employees, employee of the department,
8 juvenile probation officer, placement and liaison specialist,
9 responsible living skills program staff, HOPE center staff, or state
10 family and children's ombudsman or any volunteer in the ombudsman's
11 office has reasonable cause to believe that a child has suffered abuse
12 or neglect, he or she shall report such incident, or cause a report to
13 be made, to the proper law enforcement agency or to the department as
14 provided in RCW 26.44.040.

15 (b) When any person, in his or her official supervisory capacity
16 with a nonprofit or for-profit organization, has reasonable cause to
17 believe that a child has suffered abuse or neglect caused by a person
18 over whom he or she regularly exercises supervisory authority, he or
19 she shall report such incident, or cause a report to be made, to the
20 proper law enforcement agency, provided that the person alleged to have
21 caused the abuse or neglect is employed by, contracted by, or
22 volunteers with the organization and coaches, trains, educates, or
23 counsels a child or children or regularly has unsupervised access to a
24 child or children as part of the employment, contract, or voluntary
25 service. No one shall be required to report under this section when he
26 or she obtains the information solely as a result of a privileged
27 communication as provided in RCW 5.60.060.

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

30 For the purposes of this subsection, the following definitions
31 apply:

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

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

4 (c) The reporting requirement also applies to department of
5 corrections personnel who, in the course of their employment, observe
6 offenders or the children with whom the offenders are in contact. If,
7 as a result of observations or information received in the course of
8 his or her employment, any department of corrections personnel has
9 reasonable cause to believe that a child has suffered abuse or neglect,
10 he or she shall report the incident, or cause a report to be made, to
11 the proper law enforcement agency or to the department as provided in
12 RCW 26.44.040.

13 (d) The reporting requirement shall also apply to any adult who has
14 reasonable cause to believe that a child who resides with them, has
15 suffered severe abuse, and is able or capable of making a report. For
16 the purposes of this subsection, "severe abuse" means any of the
17 following: Any single act of abuse that causes physical trauma of
18 sufficient severity that, if left untreated, could cause death; any
19 single act of sexual abuse that causes significant bleeding, deep
20 bruising, or significant external or internal swelling; or more than
21 one act of physical abuse, each of which causes bleeding, deep
22 bruising, significant external or internal swelling, bone fracture, or
23 unconsciousness.

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

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

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

1 (4) The department, upon receiving a report of an incident of
2 alleged abuse or neglect pursuant to this chapter, involving a child
3 who has died or has had physical injury or injuries inflicted upon him
4 or her other than by accidental means or who has been subjected to
5 alleged sexual abuse, shall report such incident to the proper law
6 enforcement agency. In emergency cases, where the child's welfare is
7 endangered, the department shall notify the proper law enforcement
8 agency within twenty-four hours after a report is received by the
9 department. In all other cases, the department shall notify the law
10 enforcement agency within seventy-two hours after a report is received
11 by the department. If the department makes an oral report, a written
12 report must also be made to the proper law enforcement agency within
13 five days thereafter.

14 (5) Any law enforcement agency receiving a report of an incident of
15 alleged abuse or neglect pursuant to this chapter, involving a child
16 who has died or has had physical injury or injuries inflicted upon him
17 or her other than by accidental means, or who has been subjected to
18 alleged sexual abuse, shall report such incident in writing as provided
19 in RCW 26.44.040 to the proper county prosecutor or city attorney for
20 appropriate action whenever the law enforcement agency's investigation
21 reveals that a crime may have been committed. The law enforcement
22 agency shall also notify the department of all reports received and the
23 law enforcement agency's disposition of them. In emergency cases,
24 where the child's welfare is endangered, the law enforcement agency
25 shall notify the department within twenty-four hours. In all other
26 cases, the law enforcement agency shall notify the department within
27 seventy-two hours after a report is received by the law enforcement
28 agency.

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

34 (7) The department may conduct ongoing case planning and
35 consultation with those persons or agencies required to report under
36 this section, with consultants designated by the department, and with
37 designated representatives of Washington Indian tribes if the client
38 information exchanged is pertinent to cases currently receiving child

1 protective services. Upon request, the department shall conduct such
2 planning and consultation with those persons required to report under
3 this section if the department determines it is in the best interests
4 of the child. Information considered privileged by statute and not
5 directly related to reports required by this section must not be
6 divulged without a valid written waiver of the privilege.

7 (8) Any case referred to the department by a physician licensed
8 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
9 opinion that child abuse, neglect, or sexual assault has occurred and
10 that the child's safety will be seriously endangered if returned home,
11 the department shall file a dependency petition unless a second
12 licensed physician of the parents' choice believes that such expert
13 medical opinion is incorrect. If the parents fail to designate a
14 second physician, the department may make the selection. If a
15 physician finds that a child has suffered abuse or neglect but that
16 such abuse or neglect does not constitute imminent danger to the
17 child's health or safety, and the department agrees with the
18 physician's assessment, the child may be left in the parents' home
19 while the department proceeds with reasonable efforts to remedy
20 parenting deficiencies.

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

25 (10) Upon receiving reports of alleged abuse or neglect, the
26 department or law enforcement agency may interview children. The
27 interviews may be conducted on school premises, at day-care facilities,
28 at the child's home, or at other suitable locations outside of the
29 presence of parents. Parental notification of the interview must occur
30 at the earliest possible point in the investigation that will not
31 jeopardize the safety or protection of the child or the course of the
32 investigation. Prior to commencing the interview the department or law
33 enforcement agency shall determine whether the child wishes a third
34 party to be present for the interview and, if so, shall make reasonable
35 efforts to accommodate the child's wishes. Unless the child objects,
36 the department or law enforcement agency shall make reasonable efforts
37 to include a third party in any interview so long as the presence of
38 the third party will not jeopardize the course of the investigation.

1 (11) Upon receiving a report of alleged child abuse and neglect,
2 the department or investigating law enforcement agency shall have
3 access to all relevant records of the child in the possession of
4 mandated reporters and their employees.

5 (12) In investigating and responding to allegations of child abuse
6 and neglect, the department may conduct background checks as authorized
7 by state and federal law.

8 (13) If a report of alleged abuse or neglect is founded and
9 constitutes the third founded report received by the department within
10 the last twelve months involving the same child or family, the
11 department shall promptly notify the office of the family and
12 children's ombudsman of the contents of the report. The department
13 shall also notify the ombudsman of the disposition of the report.

14 (14) The department shall maintain investigation records and
15 conduct timely and periodic reviews of all cases constituting abuse and
16 neglect. The department shall maintain a log of screened-out
17 nonabusive cases.

18 ~~((14))~~ (15) The department shall use a risk assessment process
19 when investigating alleged child abuse and neglect referrals. The
20 department shall present the risk factors at all hearings in which the
21 placement of a dependent child is an issue. Substance abuse must be a
22 risk factor. The department shall, within funds appropriated for this
23 purpose, offer enhanced community-based services to persons who are
24 determined not to require further state intervention.

25 ~~((15))~~ (16) Upon receipt of a report of alleged abuse or neglect
26 the law enforcement agency may arrange to interview the person making
27 the report and any collateral sources to determine if any malice is
28 involved in the reporting.

29 ~~((16))~~ (17) The department shall make reasonable efforts to learn
30 the name, address, and telephone number of each person making a report
31 of abuse or neglect under this section. The department shall provide
32 assurances of appropriate confidentiality of the identification of
33 persons reporting under this section. If the department is unable to
34 learn the information required under this subsection, the department
35 shall only investigate cases in which: (a) The department believes
36 there is a serious threat of substantial harm to the child; (b) the
37 report indicates conduct involving a criminal offense that has, or is
38 about to occur, in which the child is the victim; or (c) the department

1 has, after investigation, a report of abuse or neglect that has been
2 founded with regard to a member of the household within three years of
3 receipt of the referral.

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

11 **Sec. 8.** RCW 26.44.030 and 2007 c 387 s 3 and 2007 c 220 s 2 are
12 each reenacted and amended to read as follows:

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

25 (b) When any person, in his or her official supervisory capacity
26 with a nonprofit or for-profit organization, has reasonable cause to
27 believe that a child has suffered abuse or neglect caused by a person
28 over whom he or she regularly exercises supervisory authority, he or
29 she shall report such incident, or cause a report to be made, to the
30 proper law enforcement agency, provided that the person alleged to have
31 caused the abuse or neglect is employed by, contracted by, or
32 volunteers with the organization and coaches, trains, educates, or
33 counsels a child or children or regularly has unsupervised access to a
34 child or children as part of the employment, contract, or voluntary
35 service. No one shall be required to report under this section when he
36 or she obtains the information solely as a result of a privileged
37 communication as provided in RCW 5.60.060.

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

3 For the purposes of this subsection, the following definitions
4 apply:

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

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

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

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

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

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

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

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

24 (5) Any law enforcement agency receiving a report of an incident of
25 alleged abuse or neglect pursuant to this chapter, involving a child
26 who has died or has had physical injury or injuries inflicted upon him
27 or her other than by accidental means, or who has been subjected to
28 alleged sexual abuse, shall report such incident in writing as provided
29 in RCW 26.44.040 to the proper county prosecutor or city attorney for
30 appropriate action whenever the law enforcement agency's investigation
31 reveals that a crime may have been committed. The law enforcement
32 agency shall also notify the department of all reports received and the
33 law enforcement agency's disposition of them. In emergency cases,
34 where the child's welfare is endangered, the law enforcement agency
35 shall notify the department within twenty-four hours. In all other
36 cases, the law enforcement agency shall notify the department within
37 seventy-two hours after a report is received by the law enforcement
38 agency.

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

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

17 (8) Any case referred to the department by a physician licensed
18 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
19 opinion that child abuse, neglect, or sexual assault has occurred and
20 that the child's safety will be seriously endangered if returned home,
21 the department shall file a dependency petition unless a second
22 licensed physician of the parents' choice believes that such expert
23 medical opinion is incorrect. If the parents fail to designate a
24 second physician, the department may make the selection. If a
25 physician finds that a child has suffered abuse or neglect but that
26 such abuse or neglect does not constitute imminent danger to the
27 child's health or safety, and the department agrees with the
28 physician's assessment, the child may be left in the parents' home
29 while the department proceeds with reasonable efforts to remedy
30 parenting deficiencies.

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

35 (10) Upon receiving a report of alleged abuse or neglect, the
36 department shall make reasonable efforts to learn the name, address,
37 and telephone number of each person making a report of abuse or neglect
38 under this section. The department shall provide assurances of

1 appropriate confidentiality of the identification of persons reporting
2 under this section. If the department is unable to learn the
3 information required under this subsection, the department shall only
4 investigate cases in which:

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

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

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

12 (11)(a) For reports of alleged abuse or neglect that are accepted
13 for investigation by the department, the investigation shall be
14 conducted within time frames established by the department in rule. In
15 no case shall the investigation extend longer than ninety days from the
16 date the report is received, unless the investigation is being
17 conducted under a written protocol pursuant to RCW 26.44.180 and a law
18 enforcement agency or prosecuting attorney has determined that a longer
19 investigation period is necessary. At the completion of the
20 investigation, the department shall make a finding that the report of
21 child abuse or neglect is founded or unfounded.

22 (b) If a court in a civil or criminal proceeding, considering the
23 same facts or circumstances as are contained in the report being
24 investigated by the department, makes a judicial finding by a
25 preponderance of the evidence or higher that the subject of the pending
26 investigation has abused or neglected the child, the department shall
27 adopt the finding in its investigation.

28 (12) In conducting an investigation of alleged abuse or neglect,
29 the department or law enforcement agency:

30 (a) May interview children. The interviews may be conducted on
31 school premises, at day-care facilities, at the child's home, or at
32 other suitable locations outside of the presence of parents. Parental
33 notification of the interview must occur at the earliest possible point
34 in the investigation that will not jeopardize the safety or protection
35 of the child or the course of the investigation. Prior to commencing
36 the interview the department or law enforcement agency shall determine
37 whether the child wishes a third party to be present for the interview
38 and, if so, shall make reasonable efforts to accommodate the child's

1 wishes. Unless the child objects, the department or law enforcement
2 agency shall make reasonable efforts to include a third party in any
3 interview so long as the presence of the third party will not
4 jeopardize the course of the investigation; and

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

7 (13) If a report of alleged abuse or neglect is founded and
8 constitutes the third founded report received by the department within
9 the last twelve months involving the same child or family, the
10 department shall promptly notify the office of the family and
11 children's ombudsman of the contents of the report. The department
12 shall also notify the ombudsman of the disposition of the report.

13 (14) In investigating and responding to allegations of child abuse
14 and neglect, the department may conduct background checks as authorized
15 by state and federal law.

16 ~~((+14))~~ (15) The department shall maintain investigation records
17 and conduct timely and periodic reviews of all founded cases of abuse
18 and neglect. The department shall maintain a log of screened-out
19 nonabusive cases.

20 ~~((+15))~~ (16) The department shall use a risk assessment process
21 when investigating alleged child abuse and neglect referrals. The
22 department shall present the risk factors at all hearings in which the
23 placement of a dependent child is an issue. Substance abuse must be a
24 risk factor. The department shall, within funds appropriated for this
25 purpose, offer enhanced community-based services to persons who are
26 determined not to require further state intervention.

27 ~~((+16))~~ (17) Upon receipt of a report of alleged abuse or neglect
28 the law enforcement agency may arrange to interview the person making
29 the report and any collateral sources to determine if any malice is
30 involved in the reporting.

31 (18) Upon receiving a report of alleged abuse or neglect involving
32 a child under the court's jurisdiction under chapter 13.34 RCW, the
33 department shall promptly notify the child's guardian ad litem of the
34 report's contents. The department shall also notify the guardian ad
35 litem of the disposition of the report. For purposes of this
36 subsection, "guardian ad litem" has the meaning provided in RCW
37 13.34.030.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.06A RCW
2 to read as follows:

3 The ombudsman shall review all referrals made by mandated reporters
4 during 2006 and 2007 and report to the appropriate committees of the
5 legislature on the following: The number and types of referrals from
6 mandated reporters; the disposition of the referrals by category of
7 mandated reporters; how many referrals resulted in the filing of
8 dependency actions; any patterns established by the department in how
9 it dealt with such referrals; whether the history of fatalities in 2006
10 and 2007 showed referrals by mandated reporters; and any other
11 information the ombudsman deems relevant. The report is due no later
12 than December 31, 2008.

13 NEW SECTION. **Sec. 10.** Section 7 of this act expires October 1,
14 2008.

15 NEW SECTION. **Sec. 11.** Section 8 of this act takes effect October
16 1, 2008.

--- END ---