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**SENATE BILL 6423**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Cleveland, Darneille, and Wilson, C.; by request of Department of Children, Youth, and Families

Read first time 01/16/20. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to reports alleging child abuse and neglect; and  
2 amending RCW 26.44.050 and 26.44.060.

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

4 **Sec. 1.** RCW 26.44.050 and 2017 3rd sp.s. c 6 s 324 are each  
5 amended to read as follows:

6 Except as provided in RCW 26.44.030(11), upon the receipt of a  
7 report (~~(concerning the possible occurrence of)~~) alleging that abuse  
8 or neglect has occurred, the law enforcement agency or the department  
9 must investigate and provide the protective services section with a  
10 report in accordance with chapter 74.13 RCW, and where necessary to  
11 refer such report to the court.

12 A law enforcement officer may take, or cause to be taken, a child  
13 into custody without a court order if there is probable cause to  
14 believe that the child is abused or neglected and that the child  
15 would be injured or could not be taken into custody if it were  
16 necessary to first obtain a court order pursuant to RCW 13.34.050.  
17 The law enforcement agency or the department investigating such a  
18 report is hereby authorized to photograph such a child for the  
19 purpose of providing documentary evidence of the physical condition  
20 of the child.

1           **Sec. 2.** RCW 26.44.060 and 2007 c 118 s 1 are each amended to  
2 read as follows:

3           (1)(a) Except as provided in (b) of this subsection, any person  
4 participating in good faith in the making of a report pursuant to  
5 this chapter (~~(e)~~), testifying as to alleged child abuse or neglect  
6 in a judicial proceeding, or otherwise providing information or  
7 assistance, including medical evaluations or consultations, in  
8 connection with a report, investigation, or legal intervention  
9 pursuant to a good faith report of child abuse or neglect shall in so  
10 doing be immune from any civil or criminal liability arising out of  
11 such reporting or testifying under any law of this state or its  
12 political subdivisions.

13           (b) A person convicted of a violation of subsection (4) of this  
14 section shall not be immune from liability under (a) of this  
15 subsection.

16           (2) An administrator of a hospital or similar institution or any  
17 physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a  
18 child into custody pursuant to RCW 26.44.056 shall not be subject to  
19 criminal or civil liability for such taking into custody.

20           (3) Conduct conforming with the reporting requirements of this  
21 chapter shall not be deemed a violation of the confidential  
22 communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and  
23 18.83.110. Nothing in this chapter shall be construed as to supersede  
24 or abridge remedies provided in chapter 4.92 RCW.

25           (4) A person who, intentionally and in bad faith, knowingly makes  
26 a false report of alleged abuse or neglect shall be guilty of a  
27 misdemeanor punishable in accordance with RCW 9A.20.021.

28           (5) A person who, in good faith and without gross negligence,  
29 cooperates in an investigation arising as a result of a report made  
30 pursuant to this chapter, shall not be subject to civil liability  
31 arising out of his or her cooperation. This subsection does not apply  
32 to a person who caused or allowed the child abuse or neglect to  
33 occur.

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