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**SENATE BILL 5375**

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**State of Washington****69th Legislature****2025 Regular Session****By** Senators Frame, C. Wilson, Bateman, Dhingra, Nobles, and Valdez

Read first time 01/20/25. Referred to Committee on Human Services.

1       AN ACT Relating to the duty of clergy to report child abuse and  
2 neglect; and amending RCW 26.44.020 and 26.44.030.

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

4       **Sec. 1.**    RCW 26.44.020 and 2024 c 298 s 5 are each amended to  
5 read as follows:

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

8       (1) "Abuse or neglect" means sexual abuse, sexual exploitation,  
9 female genital mutilation as defined in RCW 18.130.460, trafficking  
10 as described in RCW 9A.40.100, sex trafficking or severe forms of  
11 trafficking in persons under the trafficking victims protection act  
12 of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any  
13 person under circumstances which cause harm to the child's health,  
14 welfare, or safety, excluding conduct permitted under RCW 9A.16.100;  
15 or the negligent treatment or maltreatment of a child by a person  
16 responsible for or providing care to the child. An abused child is a  
17 child who has been subjected to child abuse or neglect as defined in  
18 this section.

19       (2) "Child" or "children" means any person under the age of  
20 ((eighteen)) 18 years of age.

1       (3) "Child forensic interview" means a developmentally sensitive  
2 and legally sound method of gathering factual information regarding  
3 allegations of child abuse, child neglect, or exposure to violence.  
4 This interview is conducted by a competently trained, neutral  
5 professional utilizing techniques informed by research and best  
6 practice as part of a larger investigative process.

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

22       (5) "Child protective services section" means the child  
23 protective services section of the department.

24       (6) "Child who is a candidate for foster care" means a child who  
25 the department identifies as being at imminent risk of entering  
26 foster care but who can remain safely in the child's home or in a  
27 kinship placement as long as services or programs that are necessary  
28 to prevent entry of the child into foster care are provided, and  
29 includes but is not limited to a child whose adoption or guardianship  
30 arrangement is at risk of a disruption or dissolution that would  
31 result in a foster care placement. The term includes a child for whom  
32 there is reasonable cause to believe that any of the following  
33 circumstances exist:

34           (a) The child has been abandoned by the parent as defined in RCW  
35 13.34.030 and the child's health, safety, and welfare is seriously  
36 endangered as a result;

37           (b) The child has been abused or neglected as defined in this  
38 chapter and the child's health, safety, and welfare is seriously  
39 endangered as a result;

1       (c) There is no parent capable of meeting the child's needs such  
2 that the child is in circumstances that constitute a serious danger  
3 to the child's development;

4       (d) The child is otherwise at imminent risk of harm.

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

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

15       (+9+)) "Court" means the superior court of the state of  
16 Washington, juvenile department.

17       ((+10+)) (9) "Department" means the department of children,  
18 youth, and families.

19       ((+11+)) (10) "Experiencing homelessness" means lacking a fixed,  
20 regular, and adequate nighttime residence, including circumstances  
21 such as sharing the housing of other persons due to loss of housing,  
22 economic hardship, fleeing domestic violence, or a similar reason as  
23 described in the federal McKinney-Vento homeless assistance act  
24 (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January  
25 1, 2021.

26       ((+12+)) (11) "Family assessment" means a comprehensive  
27 assessment of child safety, risk of subsequent child abuse or  
28 neglect, and family strengths and needs that is applied to a child  
29 abuse or neglect report. Family assessment does not include a  
30 determination as to whether child abuse or neglect occurred, but does  
31 determine the need for services to address the safety of the child  
32 and the risk of subsequent maltreatment.

33       ((+13+)) (12) "Family assessment response" means a way of  
34 responding to certain reports of child abuse or neglect made under  
35 this chapter using a differential response approach to child  
36 protective services. The family assessment response shall focus on  
37 the safety of the child, the integrity and preservation of the

1 family, and shall assess the status of the child and the family in  
2 terms of risk of abuse and neglect including the parent's or  
3 guardian's or other caretaker's capacity and willingness to protect  
4 the child and, if necessary, plan and arrange the provision of  
5 services to reduce the risk and otherwise support the family. No one  
6 is named as a perpetrator, and no investigative finding is entered in  
7 the record as a result of a family assessment.

8 ((14)) (13) "Founded" means the determination following an  
9 investigation by the department that, based on available information,  
10 it is more likely than not that child abuse or neglect did occur.

11 ((15)) (14) "Inconclusive" means the determination following an  
12 investigation by the department of social and health services, prior  
13 to October 1, 2008, that based on available information a decision  
14 cannot be made that more likely than not, child abuse or neglect did  
15 or did not occur.

16 ((16)) (15) "Institution" means a private or public hospital or  
17 any other facility providing medical diagnosis, treatment, or care.

18 ((17)) (16) "Law enforcement agency" means the police  
19 department, the prosecuting attorney, the state patrol, the director  
20 of public safety, or the office of the sheriff.

21 ((18)) (17) "Malice" or "maliciously" means an intent, wish, or  
22 design to intimidate, annoy, or injure another person. Such malice  
23 may be inferred from an act done in willful disregard of the rights  
24 of another, or an act wrongfully done without just cause or excuse,  
25 or an act or omission of duty betraying a willful disregard of social  
26 duty.

27 (18) "Member of the clergy" means any regularly licensed, accredited, or ordained minister, priest, rabbi, imam, elder, or  
28 similarly situated religious or spiritual leader of any church, religious denomination, religious body, spiritual community, or sect, or person performing official duties that are recognized as the  
29 duties of a member of the clergy under the discipline, tenets, doctrine, or custom of the person's church, religious denomination, religious body, spiritual community, or sect, whether acting in an  
30 individual capacity or as an employee, agent, or official of any  
31 public or private organization or institution.

32 ((19) "Negligent treatment or maltreatment" means an act or a  
33 failure to act, or the cumulative effects of a pattern of conduct,  
34 behavior, or inaction, that evidences a serious disregard of  
35 consequences of such magnitude as to constitute a clear and present

1 danger to a child's health, welfare, or safety, including but not  
2 limited to conduct prohibited under RCW 9A.42.100. When considering  
3 whether a clear and present danger exists, evidence of a parent's  
4 substance abuse as a contributing factor to negligent treatment or  
5 maltreatment shall be given great weight. The fact that siblings  
6 share a bedroom is not, in and of itself, negligent treatment or  
7 maltreatment. Poverty, experiencing homelessness, or exposure to  
8 domestic violence as defined in RCW 7.105.010 that is perpetrated  
9 against someone other than the child does not constitute negligent  
10 treatment or maltreatment in and of itself.

11 (20) "Pharmacist" means any registered pharmacist under chapter  
12 18.64 RCW, whether acting in an individual capacity or as an employee  
13 or agent of any public or private organization or institution.

14 (21) "Practitioner of the healing arts" or "practitioner" means a  
15 person licensed by this state to practice podiatric medicine and  
16 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
17 medicine and surgery, or medicine and surgery or to provide other  
18 health services. The term "practitioner" includes a duly accredited  
19 Christian Science practitioner. A person who is being furnished  
20 Christian Science treatment by a duly accredited Christian Science  
21 practitioner will not be considered, for that reason alone, a  
22 neglected person for the purposes of this chapter.

23 (22) "Prevention and family services and programs" means specific  
24 mental health prevention and treatment services, substance abuse  
25 prevention and treatment services, and in-home parent skill-based  
26 programs that qualify for federal funding under the federal family  
27 first prevention services act, P.L. 115-123. For purposes of this  
28 chapter, prevention and family services and programs are not remedial  
29 services or family reunification services as described in RCW  
30 13.34.025(2).

31 (23) "Professional school personnel" include, but are not limited  
32 to, teachers, counselors, administrators, child care facility  
33 personnel, and school nurses.

34 (24) "Psychologist" means any person licensed to practice  
35 psychology under chapter 18.83 RCW, whether acting in an individual  
36 capacity or as an employee or agent of any public or private  
37 organization or institution.

38 (25) "Screened-out report" means a report of alleged child abuse  
39 or neglect that the department has determined does not rise to the

1 level of a credible report of abuse or neglect and is not referred  
2 for investigation.

3 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or  
4 encouraging a child to engage in prostitution by any person; or (b)  
5 allowing, permitting, encouraging, or engaging in the obscene or  
6 pornographic photographing, filming, or depicting of a child by any  
7 person.

8 (27) "Sexually aggressive youth" means a child who is defined in  
9 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

10 (28) "Social service counselor" means anyone engaged in a  
11 professional capacity during the regular course of employment in  
12 encouraging or promoting the health, welfare, support, or education  
13 of children, or providing social services to adults or families,  
14 including mental health, drug and alcohol treatment, and domestic  
15 violence programs, whether in an individual capacity, or as an  
16 employee or agent of any public or private organization or  
17 institution.

18 (29) "Unfounded" means the determination following an  
19 investigation by the department that available information indicates  
20 that, more likely than not, child abuse or neglect did not occur, or  
21 that there is insufficient evidence for the department to determine  
22 whether the alleged child abuse did or did not occur.

23 **Sec. 2.** RCW 26.44.030 and 2024 c 298 s 6 are each amended to  
24 read as follows:

25 (1) (a) When any member of the clergy, practitioner, county  
26 coroner or medical examiner, law enforcement officer, professional  
27 school personnel, registered or licensed nurse, social service  
28 counselor, psychologist, pharmacist, employee of the department of  
29 children, youth, and families, licensed or certified child care  
30 providers or their employees, employee of the department of social  
31 and health services, juvenile probation officer, diversion unit  
32 staff, placement and liaison specialist, responsible living skills  
33 program staff, HOPE center staff, state family and children's ombuds  
34 or any volunteer in the ombuds' office, or host home program has  
35 reasonable cause to believe that a child has suffered abuse or  
36 neglect, he or she shall report such incident, or cause a report to  
37 be made, to the proper law enforcement agency or to the department as  
38 provided in RCW 26.44.040.

1       (b) When any person, in his or her official supervisory capacity  
2 with a nonprofit or for-profit organization, has reasonable cause to  
3 believe that a child has suffered abuse or neglect caused by a person  
4 over whom he or she regularly exercises supervisory authority, he or  
5 she shall report such incident, or cause a report to be made, to the  
6 proper law enforcement agency, provided that the person alleged to  
7 have caused the abuse or neglect is employed by, contracted by, or  
8 volunteers with the organization and coaches, trains, educates, or  
9 counsels a child or children or regularly has unsupervised access to  
10 a child or children as part of the employment, contract, or voluntary  
11 service. ((Nº)) Except for members of the clergy, no one shall be  
12 required to report under this section when he or she obtains the  
13 information solely as a result of a privileged communication as  
14 provided in RCW 5.60.060.

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

17       For the purposes of this subsection, the following definitions  
18 apply:

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

25       (ii) "Organization" includes a sole proprietor, partnership,  
26 corporation, limited liability company, trust, association, financial  
27 institution, governmental entity, other than the federal government,  
28 and any other individual or group engaged in a trade, occupation,  
29 enterprise, governmental function, charitable function, or similar  
30 activity in this state whether or not the entity is operated as a  
31 nonprofit or for-profit entity.

32       (iii) "Reasonable cause" means a person witnesses or receives a  
33 credible written or oral report alleging abuse, including sexual  
34 contact, or neglect of a child.

35       (iv) "Regularly exercises supervisory authority" means to act in  
36 his or her official supervisory capacity on an ongoing or continuing  
37 basis with regards to a particular person.

38       (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

39       (c) The reporting requirement also applies to department of  
40 corrections personnel who, in the course of their employment, observe

1 offenders or the children with whom the offenders are in contact. If,  
2 as a result of observations or information received in the course of  
3 his or her employment, any department of corrections personnel has  
4 reasonable cause to believe that a child has suffered abuse or  
5 neglect, he or she shall report the incident, or cause a report to be  
6 made, to the proper law enforcement agency or to the department as  
7 provided in RCW 26.44.040.

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

19 (e) The reporting requirement also applies to guardians ad litem,  
20 including court-appointed special advocates, appointed under Titles  
21 11 and 13 RCW and this title, who in the course of their  
22 representation of children in these actions have reasonable cause to  
23 believe a child has been abused or neglected.

24 (f) The reporting requirement in (a) of this subsection also  
25 applies to administrative and academic or athletic department  
26 employees, including student employees, of institutions of higher  
27 education, as defined in RCW 28B.10.016, and of private institutions  
28 of higher education.

29 (g) The report must be made at the first opportunity, but in no  
30 case longer than ((forty-eight)) 48 hours after there is reasonable  
31 cause to believe that the child has suffered abuse or neglect. The  
32 report must include the identity of the accused if known.

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

1       (3) Any other person who has reasonable cause to believe that a  
2 child has suffered abuse or neglect may report such incident to the  
3 proper law enforcement agency or to the department as provided in RCW  
4 26.44.040.

5       (4) The department, upon receiving a report of an incident of  
6 alleged abuse or neglect pursuant to this chapter, involving a child  
7 who has died or has had physical injury or injuries inflicted upon  
8 him or her other than by accidental means or who has been subjected  
9 to alleged sexual abuse, shall report such incident to the proper law  
10 enforcement agency, including military law enforcement, if  
11 appropriate. In emergency cases, where the child's welfare is  
12 endangered, the department shall notify the proper law enforcement  
13 agency within ~~((twenty-four))~~ 24 hours after a report is received by  
14 the department. In all other cases, the department shall notify the  
15 law enforcement agency within ~~((seventy-two))~~ 72 hours after a report  
16 is received by the department. If the department makes an oral  
17 report, a written report must also be made to the proper law  
18 enforcement agency within five days thereafter.

19       (5) Any law enforcement agency receiving a report of an incident  
20 of alleged abuse or neglect pursuant to this chapter, involving a  
21 child who has died or has had physical injury or injuries inflicted  
22 upon him or her other than by accidental means, or who has been  
23 subjected to alleged sexual abuse, shall report such incident in  
24 writing as provided in RCW 26.44.040 to the proper county prosecutor  
25 or city attorney for appropriate action whenever the law enforcement  
26 agency's investigation reveals that a crime may have been committed.  
27 The law enforcement agency shall also notify the department of all  
28 reports received and the law enforcement agency's disposition of  
29 them. In emergency cases, where the child's welfare is endangered,  
30 the law enforcement agency shall notify the department within  
31 ~~((twenty-four))~~ 24 hours. In all other cases, the law enforcement  
32 agency shall notify the department within ~~((seventy-two))~~ 72 hours  
33 after a report is received by the law enforcement agency.

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

39       (7) The department may conduct ongoing case planning and  
40 consultation with those persons or agencies required to report under

1 this section, with consultants designated by the department, and with  
2 designated representatives of Washington Indian tribes if the client  
3 information exchanged is pertinent to cases currently receiving child  
4 protective services. Upon request, the department shall conduct such  
5 planning and consultation with those persons required to report under  
6 this section if the department determines it is in the best interests  
7 of the child. Information considered privileged by statute and not  
8 directly related to reports required by this section must not be  
9 divulged without a valid written waiver of the privilege.

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

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

28 (10) Upon receiving a report that a child is a candidate for  
29 foster care as defined in RCW 26.44.020, the department may provide  
30 prevention and family services and programs to the child's parents,  
31 guardian, or caregiver. The department may not be held civilly liable  
32 for the decision regarding whether to provide prevention and family  
33 services and programs, or for the provision of those services and  
34 programs, for a child determined to be a candidate for foster care.

35 (11) 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  
38 neglect under this section. The department shall provide assurances  
39 of appropriate confidentiality of the identification of persons  
40 reporting under this section. If the department is unable to learn

1 the information required under this subsection, the department shall  
2 only investigate cases in which:

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

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

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

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

14 (i) Investigation; or

15 (ii) Family assessment.

16 (b) In making the response in (a) of this subsection the  
17 department shall:

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

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

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

29 (iv) Provide a full investigation if a family refuses the initial  
30 family assessment;

31 (v) Provide voluntary services to families based on the results  
32 of the initial family assessment. If a family refuses voluntary  
33 services, and the department cannot identify specific facts related  
34 to risk or safety that warrant assignment to investigation under this  
35 chapter, and there is not a history of reports of child abuse or  
36 neglect related to the family, then the department must close the  
37 family assessment response case. However, if at any time the  
38 department identifies risk or safety factors that warrant an  
39 investigation under this chapter, then the family assessment response  
40 case must be reassigned to investigation;

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

4           (A) Indicates a child's health, safety, and welfare will be  
5 seriously endangered if not taken into custody for reasons including,  
6 but not limited to, sexual abuse and sexual exploitation of the child  
7 as defined in this chapter;

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

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

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

12           (E) The child is an adjudicated dependent child as defined in RCW  
13 13.34.030, or the child is in a facility that is licensed, operated,  
14 or certified for care of children by the department under chapter  
15 74.15 RCW.

16           (c) In addition, the department may use a family assessment  
17 response to assess for and provide prevention and family services and  
18 programs, as defined in RCW 26.44.020, for the following children and  
19 their families, consistent with requirements under the federal family  
20 first prevention services act and this section:

21           (i) A child who is a candidate for foster care, as defined in RCW  
22 26.44.020; and

23           (ii) A child who is in foster care and who is pregnant,  
24 parenting, or both.

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

30           (13) (a) For reports of alleged abuse or neglect that are accepted  
31 for investigation by the department, the investigation shall be  
32 conducted within time frames established by the department in rule.  
33 In no case shall the investigation extend longer than ((ninety)) 90  
34 days from the date the report is received, unless the investigation  
35 is being conducted under a written protocol pursuant to RCW 26.44.180  
36 and a law enforcement agency or prosecuting attorney has determined  
37 that a longer investigation period is necessary. At the completion of  
38 the investigation, the department shall make a finding that the  
39 report of child abuse or neglect is founded or unfounded.

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

7       (14) For reports of alleged abuse or neglect that are responded  
8 to through family assessment response, the department shall:

9       (a) Provide the family with a written explanation of the  
10 procedure for assessment of the child and the family and its  
11 purposes;

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

16       (c) Complete the family assessment response within ((forty-five))  
17 45 days of receiving the report except as follows:

18       (i) Upon parental agreement, the family assessment response  
19 period may be extended up to ((one hundred twenty)) 120 days. The  
20 department's extension of the family assessment response period must  
21 be operated within the department's appropriations;

22       (ii) For cases in which the department elects to use a family  
23 assessment response as authorized under subsection (12)(c) of this  
24 section, and upon agreement of the child's parent, legal guardian,  
25 legal custodian, or relative placement, the family assessment  
26 response period may be extended up to one year. The department's  
27 extension of the family assessment response must be operated within  
28 the department's appropriations.

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

31       (e) Implement the family assessment response in a consistent and  
32 cooperative manner;

33       (f) Have the parent or guardian agree to participate in services  
34 before services are initiated. The department shall inform the  
35 parents of their rights under family assessment response, all of  
36 their options, and the options the department has if the parents do  
37 not agree to participate in services.

38       (15)(a) In conducting an investigation or family assessment of  
39 alleged abuse or neglect, the department or law enforcement agency:

1        (i) May interview children. If the department determines that the  
2 response to the allegation will be family assessment response, the  
3 preferred practice is to request a parent's, guardian's, or  
4 custodian's permission to interview the child before conducting the  
5 child interview unless doing so would compromise the safety of the  
6 child or the integrity of the assessment. The interviews may be  
7 conducted on school premises, at day-care facilities, at the child's  
8 home, or at other suitable locations outside of the presence of  
9 parents. If the allegation is investigated, parental notification of  
10 the interview must occur at the earliest possible point in the  
11 investigation that will not jeopardize the safety or protection of  
12 the child or the course of the investigation. Prior to commencing the  
13 interview the department or law enforcement agency shall determine  
14 whether the child wishes a third party to be present for the  
15 interview and, if so, shall make reasonable efforts to accommodate  
16 the child's wishes. Unless the child objects, the department or law  
17 enforcement agency shall make reasonable efforts to include a third  
18 party in any interview so long as the presence of the third party  
19 will not jeopardize the course of the investigation; and

20        (ii) Shall have access to all relevant records of the child in  
21 the possession of mandated reporters and their employees.

22        (b) The Washington state school directors' association shall  
23 adopt a model policy addressing protocols when an interview, as  
24 authorized by this subsection, is conducted on school premises. In  
25 formulating its policy, the association shall consult with the  
26 department and the Washington association of sheriffs and police  
27 chiefs.

28        (16) If a report of alleged abuse or neglect is founded and  
29 constitutes the third founded report received by the department  
30 within the last ((twelve)) 12 months involving the same child or  
31 family, the department shall promptly notify the office of the family  
32 and children's ombuds of the contents of the report. The department  
33 shall also notify the ombuds of the disposition of the report.

34        (17) In investigating and responding to allegations of child  
35 abuse and neglect, the department may conduct background checks as  
36 authorized by state and federal law.

37        (18) (a) The department shall maintain investigation records and  
38 conduct timely and periodic reviews of all founded cases of abuse and  
39 neglect. The department shall maintain a log of screened-out  
40 nonabusive cases.

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

5       (19) The department shall use a risk assessment process when  
6 investigating alleged child abuse and neglect referrals. The  
7 department shall present the risk factors at all hearings in which  
8 the placement of a dependent child is an issue. Substance abuse must  
9 be a risk factor.

10      (20) Upon receipt of a report of alleged abuse or neglect the law  
11 enforcement agency may arrange to interview the person making the  
12 report and any collateral sources to determine if any malice is  
13 involved in the reporting.

14      (21) Upon receiving a report of alleged abuse or neglect  
15 involving a child under the court's jurisdiction under chapter 13.34  
16 RCW, the department shall promptly notify the child's guardian ad  
17 litem of the report's contents. The department shall also notify the  
18 guardian ad litem of the disposition of the report. For purposes of  
19 this subsection, "guardian ad litem" has the meaning provided in RCW  
20 13.34.030.

21      (22) The department shall make efforts as soon as practicable to  
22 determine the military status of parents whose children are subject  
23 to abuse or neglect allegations. If the department determines that a  
24 parent or guardian is in the military, the department shall notify a  
25 department of defense family advocacy program that there is an  
26 allegation of abuse and neglect that is screened in and open for  
27 investigation that relates to that military parent or guardian.

28      (23) The department shall make available on its public website a  
29 downloadable and printable poster that includes the reporting  
30 requirements included in this section. The poster must be no smaller  
31 than ~~((eight and one-half by eleven))~~ 8.5 by 11 inches with all  
32 information on one side. The poster must be made available in both  
33 the English and Spanish languages. Organizations that include  
34 employees or volunteers subject to the reporting requirements of this  
35 section must clearly display this poster in a common area. At a  
36 minimum, this poster must include the following:

- 37       (a) Who is required to report child abuse and neglect;
- 38       (b) The standard of knowledge to justify a report;
- 39       (c) The definition of reportable crimes;
- 40       (d) Where to report suspected child abuse and neglect; and

1                   (e) What should be included in a report and the appropriate  
2                   timing.

---- END ----