

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Passed the Senate April 9, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 217

[Engrossed Senate Bill No. 2623]
CHILD ABUSE AND NEGLECT

AN ACT Relating to child abuse and neglect; amending section 1, chapter 13, Laws of 1965 as amended by section 1, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 as amended by section 2, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050; amending section 6, chapter 13, Laws of 1965 and RCW 26.44.060; amending section 6, chapter 35, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1972 ex. sess. and RCW 26.44.070; and adding new sections to chapter 26.44 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 13, Laws of 1965 as amended by section 1, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.010 are each amended to read as follows:

~~((In order to protect children and the mentally retarded whose health and welfare may be adversely affected through the infliction, by other than accidental means, of death, physical injury and/or physical neglect, or sexual abuse,))~~ The Washington state legislature finds and declares: The bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention into the life of the parent, custodian, or guardian; however, instances of nonaccidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child or mentally retarded person is deprived of his or her right to conditions of minimal nurture, health, and safety, the state is justified in emergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard ((and enhance)) the general welfare of such children: PROVIDED, That such reports shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions: PROVIDED FURTHER, That this chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental

discipline, which are not proved to be injurious to the child's health, welfare and safety.

Sec. 2. Section 2, chapter 13, Laws of 1965 as amended by section 2, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ~~((chiroprody))~~ podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a ~~((physically))~~ neglected child for the purposes of this chapter.

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

(5) "Department" means the state department of ~~((public assistance [social and health services]))~~ social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age and shall also include any mentally retarded person regardless of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social worker" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health ~~((or)),~~ welfare ((or)), support or education of children ~~((under the age of eighteen years)),~~ or providing social services to adults or families, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergyman" shall mean any regularly licensed or ordained minister or any priest 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.

(12) "Child abuse or neglect" shall mean the injury, sexual abuse, or negligent treatment or maltreatment of a child by a person who is legally responsible for the child's welfare under circumstances which indicate that the child's health, welfare and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein. "Negligent treatment or maltreatment" shall mean an act or omission which evinces a serious disregard of consequences

of such magnitude as to constitute a clear and present danger to the child's health, welfare and safety: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

(13) "Child protective services section" shall mean the child protective services section of the department.

Sec. 3. Section 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, ~~((clergyman,))~~ or employee of the department of social and health services has reasonable cause to believe that a child has ~~((died or has had physical injury or injuries inflicted upon him, other than by accidental means, or is found to be suffering from physical neglect, or sexual abuse))~~ suffered child abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

~~(2) ((When a practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman, or employee of the department of social and health services is attending a child as part of his regular duties and has cause to believe that such child has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who is found to be suffering from physical neglect, or sexual abuse, he shall notify the person in charge of the institution, organization, school, or the department or his designated representative, who shall report the incident or cause such reporting to be made as provided in RCW 26.44.040))~~ Any other person who has reasonable cause to believe that a child has suffered child abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 as now or hereafter amended.

(3) The department or any law enforcement agency receiving a report of an incident of child abuse or neglect pursuant to this act, involving a child who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse shall report such incident to the proper county prosecutor for appropriate action.

Sec. 4. Section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child;
- (3) The nature and extent of the child's injury or injuries;
- (4) The nature and extent of the ~~((child's physical))~~ neglect of the child;

- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the perpetrator or perpetrators.

Sec. 5. Section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible (~~(nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse)~~) occurrence of child abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide (~~(child welfare services)~~) the child protective services section with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody.

Sec. 6. Section 6, chapter 13, Laws of 1965 and RCW 26.44.060 are each amended to read as follows:

~~((Any person participating in the making of a report pursuant to this chapter or participating in a judicial proceeding resulting therefrom shall in so doing be immune from any civil liability that might otherwise be incurred or imposed. That the provisions of this chapter heretofore provided shall not be deemed violation of the patient-physician relationship or confidence.))~~ (1) Any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to section 9 of this amendatory act shall not be subject to criminal or civil liability for such taking into custody.

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

Sec. 7. Section 6, chapter 35, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1972 ex. sess. and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter

~~((and, to those professionals, defined by rules and regulations, who might be treating the child and/or family; provided, that such law enforcement agencies and professionals))~~ in the course of an investigation of alleged child abuse or neglect; (2) to child protective services workers or juvenile court personnel who are investigating reported incidences of child abuse or neglect; (3) physicians who are treating the child or family; (4) any child named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (5) a parent, guardian, or other person legally responsible for the welfare and safety of the child named in the registry; (6) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (7) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

NEW SECTION. Sec. 8. There is added to chapter 26.44 RCW a new section to read as follows:

(1) In any judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect the court shall appoint a guardian ad litem for the child: **PROVIDED**, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, when the court finds upon clear, cogent and convincing evidence that an incident of child abuse or neglect has occurred, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist or psychiatrist conducting such an examination may be required to testify in the dispositional hearing concerning the results of such examination and may be asked to give his opinion as to whether the protection of the child requires that he not be returned to the custody of his parents or other persons having custody of him at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No testimony given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be a child subjected to abuse or neglect shall be a party to any proceeding that may as a practical matter impair or impede such person's interest in custody or control of his or her child.

NEW SECTION. Sec. 9. There is added to chapter 26.44 RCW a new section to read as follows:

An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if the circumstances or conditions of the child are such that the detaining individual has reasonable cause to believe that permitting the child to continue in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person legally responsible for the child's care would present an imminent danger to that child's safety: PROVIDED, That such administrator or physician shall immediately notify or cause to be notified the appropriate law enforcement agency or juvenile court officer pursuant to section 4 of this amendatory act and request immediate transfer of custody. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest and shall continue only until supervisory custody is assumed by the appropriate law enforcement agency or juvenile court.

NEW SECTION. Sec. 10. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 7, 1975.

Passed the House June 3, 1975.

Approved by the Governor June 19, 1975.

Filed in Office of Secretary of State June 23, 1975.

CHAPTER 218

[Engrossed Substitute Senate Bill No. 2808]

MUNICIPAL RESEARCH COUNCIL—COMPOSITION

AN ACT Relating to the municipal research council; and amending section 2, chapter 108, Laws of 1969 and RCW 43.110.010.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 108, Laws of 1969 and RCW 43.110.010 are each amended to read as follows:

There shall be a state agency which shall be known as the municipal research council. The council shall be composed of ~~((twelve))~~ eighteen members. ~~((Two))~~ Four members shall be appointed by the president of the senate, ~~((one))~~ with equal representation from each of the two major political parties; ~~((two))~~ four members shall be appointed by the speaker of the house of representatives, ~~((one))~~ with equal representation from each of the two major political parties; one member shall be appointed by the governor, and the other ~~((seven))~~ nine members, who shall be city officials, shall be appointed by the board of directors of the Association of Washington Cities. Of the members appointed by the association, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.