

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1171

69th Legislature
2025 Regular Session

Passed by the House April 17, 2025
Yeas 95 Nays 1

**Speaker of the House of
Representatives**

Passed by the Senate April 14, 2025
Yeas 39 Nays 10

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1171** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1171

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Pollet and Goodman)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to exempting attorney higher education employees
2 from mandated reporting of child abuse and neglect as it relates to
3 information gained in the course of providing legal representation to
4 a client; amending RCW 26.44.030; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that reporting of
7 abuse and neglect of children by employees, including student
8 employees, of academic, administrative, and athletic departments of
9 public and private institutions of higher education is vitally
10 important to prevent such abuse and neglect, and that such employees
11 in higher education may be in positions to observe and report abuse
12 that may not be readily observed by others.

13 The legislature also finds that the values underlying the duty of
14 lawyers to preserve the confidentiality of client information may be
15 inadvertently undermined and violated if attorney employees who
16 supervise law students in clinical practices where such students are
17 inadvertently required to disclose information related to the
18 representation of a client. If such information is not clearly
19 exempted from mandated reporting, clients will be denied adequate
20 representation by students and the attorney faculty or academic
21 employees supervising them in clinical programs.

1 Therefore, the legislature finds it is necessary to clarify that
2 the mandated reporting requirement for child abuse and neglect should
3 not override the obligation of attorneys to maintain confidentiality
4 of information relating to the representation of a client.

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

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

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

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

35 For the purposes of this subsection, the following definitions
36 apply:

37 (i) "Official supervisory capacity" means a position, status, or
38 role created, recognized, or designated by any nonprofit or for-
39 profit organization, either for financial gain or without financial

gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

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

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

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

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

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

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

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their

1 representation of children in these actions have reasonable cause to
2 believe a child has been abused or neglected.

3 (f) The reporting requirement in (a) of this subsection also
4 applies to administrative and academic or athletic department
5 employees, including student employees, of institutions of higher
6 education, as defined in RCW 28B.10.016, and of private institutions
7 of higher education. Under this subsection, the reporting requirement
8 applies to:

9 (i) An attorney who is employed by an institution of higher
10 education, as defined in RCW 28B.10.016, or private institution of
11 higher education, unless it relates to information related to the
12 representation of a client; and

13 (ii) An employee working under the supervision or direction of an
14 attorney described in (f)(i) of this subsection, unless it relates to
15 information related to the representation of a client.

16 (g) Nothing in this subsection shall be interpreted to suspend or
17 supersede otherwise applicable disclosure standards as provided for
18 in the Washington rules of professional conduct regarding
19 confidentiality of information including but not limited to
20 disclosure to prevent reasonably certain death or substantial bodily
21 harm.

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

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

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

37 (4) The department, upon receiving a report of an incident of
38 alleged abuse or neglect pursuant to this chapter, involving a child
39 who has died or has had physical injury or injuries inflicted upon
40 him or her other than by accidental means or who has been subjected

1 to alleged sexual abuse, shall report such incident to the proper law
2 enforcement agency, including military law enforcement, if
3 appropriate. In emergency cases, where the child's welfare is
4 endangered, the department shall notify the proper law enforcement
5 agency within twenty-four hours after a report is received by the
6 department. In all other cases, the department shall notify the law
7 enforcement agency within seventy-two hours after a report is
8 received by the department. If the department makes an oral report, a
9 written report must also be made to the proper law enforcement agency
10 within five days thereafter.

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

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

31 (7) The department may conduct ongoing case planning and
32 consultation with those persons or agencies required to report under
33 this section, with consultants designated by the department, and with
34 designated representatives of Washington Indian tribes if the client
35 information exchanged is pertinent to cases currently receiving child
36 protective services. Upon request, the department shall conduct such
37 planning and consultation with those persons required to report under
38 this section if the department determines it is in the best interests
39 of the child. Information considered privileged by statute and not

1 directly related to reports required by this section must not be
2 divulged without a valid written waiver of the privilege.

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

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

21 (10) Upon receiving a report that a child is a candidate for
22 foster care as defined in RCW 26.44.020, the department may provide
23 prevention and family services and programs to the child's parents,
24 guardian, or caregiver. The department may not be held civilly liable
25 for the decision regarding whether to provide prevention and family
26 services and programs, or for the provision of those services and
27 programs, for a child determined to be a candidate for foster care.

28 (11) Upon receiving a report of alleged abuse or neglect, the
29 department shall make reasonable efforts to learn the name, address,
30 and telephone number of each person making a report of abuse or
31 neglect under this section. The department shall provide assurances
32 of appropriate confidentiality of the identification of persons
33 reporting under this section. If the department is unable to learn
34 the information required under this subsection, the department shall
35 only investigate cases in which:

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

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

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

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

8 (i) Investigation; or

9 (ii) Family assessment.

10 (b) In making the response in (a) of this subsection the
11 department shall:

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

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

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

23 (iv) Provide a full investigation if a family refuses the initial
24 family assessment;

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

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

38 (A) Indicates a child's health, safety, and welfare will be
39 seriously endangered if not taken into custody for reasons including,

1 but not limited to, sexual abuse and sexual exploitation of the child
2 as defined in this chapter;

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

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

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

7 (E) The child is an adjudicated dependent child as defined in RCW
8 13.34.030, or the child is in a facility that is licensed, operated,
9 or certified for care of children by the department under chapter
10 74.15 RCW.

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

16 (i) A child who is a candidate for foster care, as defined in RCW
17 26.44.020; and

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

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

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

35 (b) If a court in a civil or criminal proceeding, considering the
36 same facts or circumstances as are contained in the report being
37 investigated by the department, makes a judicial finding by a
38 preponderance of the evidence or higher that the subject of the
39 pending investigation has abused or neglected the child, the
40 department shall adopt the finding in its investigation.

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

3 (a) Provide the family with a written explanation of the
4 procedure for assessment of the child and the family and its
5 purposes;

6 (b) Collaborate with the family to identify family strengths,
7 resources, and service needs, and develop a service plan with the
8 goal of reducing risk of harm to the child and improving or restoring
9 family well-being;

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

12 (i) Upon parental agreement, the family assessment response
13 period may be extended up to one hundred twenty days. The
14 department's extension of the family assessment response period must
15 be operated within the department's appropriations;

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

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

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

27 (f) Have the parent or guardian agree to participate in services
28 before services are initiated. The department shall inform the
29 parents of their rights under family assessment response, all of
30 their options, and the options the department has if the parents do
31 not agree to participate in services.

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

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

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

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

15 (b) The Washington state school directors' association shall
16 adopt a model policy addressing protocols when an interview, as
17 authorized by this subsection, is conducted on school premises. In
18 formulating its policy, the association shall consult with the
19 department and the Washington association of sheriffs and police
20 chiefs.

21 (16) If a report of alleged abuse or neglect is founded and
22 constitutes the third founded report received by the department
23 within the last twelve months involving the same child or family, the
24 department shall promptly notify the office of the family and
25 children's ombuds of the contents of the report. The department shall
26 also notify the ombuds of the disposition of the report.

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

30 (18)(a) The department shall maintain investigation records and
31 conduct timely and periodic reviews of all founded cases of abuse and
32 neglect. The department shall maintain a log of screened-out
33 nonabusive cases.

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

38 (19) The department shall use a risk assessment process when
39 investigating alleged child abuse and neglect referrals. The
40 department shall present the risk factors at all hearings in which

1 the placement of a dependent child is an issue. Substance abuse must
2 be a risk factor.

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

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

14 (22) The department shall make efforts as soon as practicable to
15 determine the military status of parents whose children are subject
16 to abuse or neglect allegations. If the department determines that a
17 parent or guardian is in the military, the department shall notify a
18 department of defense family advocacy program that there is an
19 allegation of abuse and neglect that is screened in and open for
20 investigation that relates to that military parent or guardian.

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

- 30 (a) Who is required to report child abuse and neglect;
- 31 (b) The standard of knowledge to justify a report;
- 32 (c) The definition of reportable crimes;
- 33 (d) Where to report suspected child abuse and neglect; and
- 34 (e) What should be included in a report and the appropriate
35 timing.

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