
SUBSTITUTE SENATE BILL 6006

State of Washington

68th Legislature

2024 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Wagoner, Braun, Conway, Frame, Hasegawa, Keiser, Kuderer, Lias, McCune, Nguyen, Nobles, Salomon, Stanford, Torres, Valdez, and C. Wilson)

1 AN ACT Relating to supporting victims of human trafficking and
2 sexual abuse; amending RCW 26.44.020, 26.44.030, 74.13.031,
3 7.105.100, 7.105.110, 7.105.225, 7.105.405, 7.105.500, 7.68.060,
4 9A.44.120, 9A.44.150, 9A.82.100, 10.97.130, and 42.56.240; reenacting
5 and amending RCW 13.34.030, 7.105.010, and 9A.04.080; adding a new
6 section to chapter 26.44 RCW; prescribing penalties; and providing an
7 effective date.

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

9 **PART I - VICTIM IDENTIFICATION, REPORTING, AND SCREENING**

10 **Sec. 1.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
11 each reenacted and amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Abandoned" means when the child's parent, guardian, or other
15 custodian has expressed, either by statement or conduct, an intent to
16 forego, for an extended period, parental rights or responsibilities
17 despite an ability to exercise such rights and responsibilities. If
18 the court finds that the petitioner has exercised due diligence in
19 attempting to locate the parent, no contact between the child and the
20 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there
2 is no expressed intent to abandon.

3 (2) "Child," "juvenile," and "youth" mean:

4 (a) Any individual under the age of eighteen years; or

5 (b) Any individual age eighteen to twenty-one years who is
6 eligible to receive and who elects to receive the extended foster
7 care services authorized under RCW 74.13.031. A youth who remains
8 dependent and who receives extended foster care services under RCW
9 74.13.031 shall not be considered a "child" under any other statute
10 or for any other purpose.

11 (3) "Current placement episode" means the period of time that
12 begins with the most recent date that the child was removed from the
13 home of the parent, guardian, or legal custodian for purposes of
14 placement in out-of-home care and continues until: (a) The child
15 returns home; (b) an adoption decree, a permanent custody order, or
16 guardianship order is entered; or (c) the dependency is dismissed,
17 whichever occurs first.

18 (4) "Department" means the department of children, youth, and
19 families.

20 (5) "Dependency guardian" means the person, nonprofit
21 corporation, or Indian tribe appointed by the court pursuant to this
22 chapter for the limited purpose of assisting the court in the
23 supervision of the dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in (~~chapter 26.44~~) RCW
27 26.44.020 by a person legally responsible for the care of the child;

28 (c) Is a victim of sex trafficking or severe forms of trafficking
29 in persons under the trafficking victims protection act of 2000, 22
30 U.S.C. Sec. 7101 et seq., when the parent is involved in the
31 trafficking, facilitating the trafficking, or should have known that
32 the child is being trafficked;

33 (d) Has no parent, guardian, or custodian capable of adequately
34 caring for the child, such that the child is in circumstances which
35 constitute a danger of substantial damage to the child's
36 psychological or physical development; or

37 (~~(d)~~) (e) Is receiving extended foster care services, as
38 authorized by RCW 74.13.031.

39 (7) "Developmental disability" means a disability attributable to
40 intellectual disability, cerebral palsy, epilepsy, autism, or another

1 neurological or other condition of an individual found by the
2 secretary of the department of social and health services to be
3 closely related to an intellectual disability or to require treatment
4 similar to that required for individuals with intellectual
5 disabilities, which disability originates before the individual
6 attains age eighteen, which has continued or can be expected to
7 continue indefinitely, and which constitutes a substantial limitation
8 to the individual.

9 (8) "Educational liaison" means a person who has been appointed
10 by the court to fulfill responsibilities outlined in RCW 13.34.046.

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

17 (10) "Extended foster care services" means residential and other
18 support services the department is authorized to provide under RCW
19 74.13.031. These services may include placement in licensed,
20 relative, or otherwise approved care, or supervised independent
21 living settings; assistance in meeting basic needs; independent
22 living services; medical assistance; and counseling or treatment.

23 (11) "Guardian" means the person or agency that: (a) Has been
24 appointed as the guardian of a child in a legal proceeding, including
25 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
26 legal right to custody of the child pursuant to such appointment. The
27 term "guardian" does not include a "dependency guardian" appointed
28 pursuant to a proceeding under this chapter.

29 (12) "Guardian ad litem" means a person, appointed by the court
30 to represent the best interests of a child in a proceeding under this
31 chapter, or in any matter which may be consolidated with a proceeding
32 under this chapter. A "court-appointed special advocate" appointed by
33 the court to be the guardian ad litem for the child, or to perform
34 substantially the same duties and functions as a guardian ad litem,
35 shall be deemed to be guardian ad litem for all purposes and uses of
36 this chapter.

37 (13) "Guardian ad litem program" means a court-authorized
38 volunteer program, which is or may be established by the superior
39 court of the county in which such proceeding is filed, to manage all
40 aspects of volunteer guardian ad litem representation for children

1 alleged or found to be dependent. Such management shall include but
2 is not limited to: Recruitment, screening, training, supervision,
3 assignment, and discharge of volunteers.

4 (14) "Guardianship" means a guardianship pursuant to chapter
5 13.36 RCW or a limited guardianship of a minor pursuant to RCW
6 11.130.215 or equivalent laws of another state or a federally
7 recognized Indian tribe.

8 (15) "Housing assistance" means appropriate referrals by the
9 department or other agencies to federal, state, local, or private
10 agencies or organizations, assistance with forms, applications, or
11 financial subsidies or other monetary assistance for housing. For
12 purposes of this chapter, "housing assistance" is not a remedial
13 service or family reunification service as described in RCW
14 13.34.025(2).

15 (16) "Indigent" means a person who, at any stage of a court
16 proceeding, is:

17 (a) Receiving one of the following types of public assistance:
18 Temporary assistance for needy families, aged, blind, or disabled
19 assistance benefits, medical care services under RCW 74.09.035,
20 pregnant women assistance benefits, poverty-related veterans'
21 benefits, food stamps or food stamp benefits transferred
22 electronically, refugee resettlement benefits, medicaid, or
23 supplemental security income; or

24 (b) Involuntarily committed to a public mental health facility;
25 or

26 (c) Receiving an annual income, after taxes, of one hundred
27 twenty-five percent or less of the federally established poverty
28 level; or

29 (d) Unable to pay the anticipated cost of counsel for the matter
30 before the court because his or her available funds are insufficient
31 to pay any amount for the retention of counsel.

32 (17) "Nonminor dependent" means any individual age eighteen to
33 twenty-one years who is participating in extended foster care
34 services authorized under RCW 74.13.031.

35 (18) "Out-of-home care" means placement in a foster family home
36 or group care facility licensed pursuant to chapter 74.15 RCW or
37 placement in a home, other than that of the child's parent, guardian,
38 or legal custodian, not required to be licensed pursuant to chapter
39 74.15 RCW.

1 (19) "Parent" means the biological or adoptive parents of a
2 child, or an individual who has established a parent-child
3 relationship under RCW 26.26A.100, unless the legal rights of that
4 person have been terminated by a judicial proceeding pursuant to this
5 chapter, chapter 26.33 RCW, or the equivalent laws of another state
6 or a federally recognized Indian tribe.

7 (20) "Prevention and family services and programs" means specific
8 mental health prevention and treatment services, substance abuse
9 prevention and treatment services, and in-home parent skill-based
10 programs that qualify for federal funding under the federal family
11 first prevention services act, P.L. 115-123. For purposes of this
12 chapter, prevention and family services and programs are not remedial
13 services or family reunification services as described in RCW
14 13.34.025(2).

15 (21) "Prevention services" means preservation services, as
16 defined in chapter 74.14C RCW, and other reasonably available
17 services, including housing assistance, capable of preventing the
18 need for out-of-home placement while protecting the child. Prevention
19 services include, but are not limited to, prevention and family
20 services and programs as defined in this section.

21 (22) "Qualified residential treatment program" means a program
22 that meets the requirements provided in RCW 13.34.420, qualifies for
23 funding under the family first prevention services act under 42
24 U.S.C. Sec. 672(k), and, if located within Washington state, is
25 licensed as a group care facility under chapter 74.15 RCW.

26 (23) "Relative" includes persons related to a child in the
27 following ways:

28 (a) Any blood relative, including those of half-blood, and
29 including first cousins, second cousins, nephews or nieces, and
30 persons of preceding generations as denoted by prefixes of grand,
31 great, or great-great;

32 (b) Stepfather, stepmother, stepbrother, and stepsister;

33 (c) A person who legally adopts a child or the child's parent as
34 well as the natural and other legally adopted children of such
35 persons, and other relatives of the adoptive parents in accordance
36 with state law;

37 (d) Spouses of any persons named in (a), (b), or (c) of this
38 subsection, even after the marriage is terminated;

39 (e) Relatives, as named in (a), (b), (c), or (d) of this
40 subsection, of any half sibling of the child; or

1 (f) Extended family members, as defined by the law or custom of
2 the Indian child's tribe or, in the absence of such law or custom, a
3 person who has reached the age of eighteen and who is the Indian
4 child's grandparent, aunt or uncle, brother or sister, brother-in-law
5 or sister-in-law, niece or nephew, first or second cousin, or
6 stepparent who provides care in the family abode on a twenty-four
7 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

8 (24) "Shelter care" means temporary physical care in a facility
9 licensed pursuant to RCW 74.15.030 or in a home not required to be
10 licensed pursuant to RCW 74.15.030.

11 (25) "Sibling" means a child's birth brother, birth sister,
12 adoptive brother, adoptive sister, half-brother, or half-sister, or
13 as defined by the law or custom of the Indian child's tribe for an
14 Indian child as defined in RCW 13.38.040.

15 (26) "Social study" means a written evaluation of matters
16 relevant to the disposition of the case that contains the information
17 required by RCW 13.34.430.

18 (27) "Supervised independent living" includes, but is not limited
19 to, apartment living, room and board arrangements, college or
20 university dormitories, and shared roommate settings. Supervised
21 independent living settings must be approved by the department or the
22 court.

23 (28) "Voluntary placement agreement" means, for the purposes of
24 extended foster care services, a written voluntary agreement between
25 a nonminor dependent who agrees to submit to the care and authority
26 of the department for the purposes of participating in the extended
27 foster care program.

28 **Sec. 2.** RCW 26.44.020 and 2023 c 122 s 5 are each amended to
29 read as follows:

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

32 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
33 female genital mutilation as defined in RCW 18.130.460, trafficking
34 as described in RCW 9A.40.100, sex trafficking or severe forms of
35 trafficking in persons under the trafficking victims protection act
36 of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any
37 person under circumstances which cause harm to the child's health,
38 welfare, or safety, excluding conduct permitted under RCW 9A.16.100;
39 or the negligent treatment or maltreatment of a child by a person

1 responsible for or providing care to the child. An abused child is a
2 child who has been subjected to child abuse or neglect as defined in
3 this section.

4 (2) "Child" or "children" means any person under the age of
5 eighteen years of age.

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

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

27 (5) "Child protective services section" means the child
28 protective services section of the department.

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

1 (a) The child has been abandoned by the parent as defined in RCW
2 13.34.030 and the child's health, safety, and welfare is seriously
3 endangered as a result;

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

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

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

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

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

24 (9) "Court" means the superior court of the state of Washington,
25 juvenile department.

26 (10) "Department" means the department of children, youth, and
27 families.

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

34 (12) "Family assessment" means a comprehensive assessment of
35 child safety, risk of subsequent child abuse or neglect, and family
36 strengths and needs that is applied to a child abuse or neglect
37 report. Family assessment does not include a determination as to
38 whether child abuse or neglect occurred, but does determine the need
39 for services to address the safety of the child and the risk of
40 subsequent maltreatment.

1 (13) "Family assessment response" means a way of responding to
2 certain reports of child abuse or neglect made under this chapter
3 using a differential response approach to child protective services.
4 The family assessment response shall focus on the safety of the
5 child, the integrity and preservation of the family, and shall assess
6 the status of the child and the family in terms of risk of abuse and
7 neglect including the parent's or guardian's or other caretaker's
8 capacity and willingness to protect the child and, if necessary, plan
9 and arrange the provision of services to reduce the risk and
10 otherwise support the family. No one is named as a perpetrator, and
11 no investigative finding is entered in the record as a result of a
12 family assessment.

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

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

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

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

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

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
36 danger to a child's health, welfare, or safety, including but not
37 limited to conduct prohibited under RCW 9A.42.100. When considering
38 whether a clear and present danger exists, evidence of a parent's
39 substance abuse as a contributing factor to negligent treatment or
40 maltreatment shall be given great weight. The fact that siblings

1 share a bedroom is not, in and of itself, negligent treatment or
2 maltreatment. Poverty, experiencing homelessness, or exposure to
3 domestic violence as defined in RCW 7.105.010 that is perpetrated
4 against someone other than the child does not constitute negligent
5 treatment or maltreatment in and of itself.

6 (20) "Pharmacist" means any registered pharmacist under chapter
7 18.64 RCW, whether acting in an individual capacity or as an employee
8 or agent of any public or private organization or institution.

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

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

26 (23) "Professional school personnel" include, but are not limited
27 to, teachers, counselors, administrators, child care facility
28 personnel, and school nurses.

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

33 (25) "Screened-out report" means a report of alleged child abuse
34 or neglect that the department has determined does not rise to the
35 level of a credible report of abuse or neglect and is not referred
36 for investigation.

37 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or
38 encouraging a child to engage in prostitution by any person; or (b)
39 allowing, permitting, encouraging, or engaging in the obscene or

1 pornographic photographing, filming, or depicting of a child by any
2 person.

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

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

13 (29) "Unfounded" means the determination following an
14 investigation by the department that available information indicates
15 that, more likely than not, child abuse or neglect did not occur, or
16 that there is insufficient evidence for the department to determine
17 whether the alleged child abuse did or did not occur.

18 **Sec. 3.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to
19 read as follows:

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

33 (b) When any person, in his or her official supervisory capacity
34 with a nonprofit or for-profit organization, has reasonable cause to
35 believe that a child has suffered abuse or neglect caused by a person
36 over whom he or she regularly exercises supervisory authority, he or
37 she shall report such incident, or cause a report to be made, to the
38 proper law enforcement agency, provided that the person alleged to
39 have caused the abuse or neglect is employed by, contracted by, or

1 volunteers with the organization and coaches, trains, educates, or
2 counsels a child or children or regularly has unsupervised access to
3 a child or children as part of the employment, contract, or voluntary
4 service. No one shall be required to report under this section when
5 he or she obtains the information solely as a result of a privileged
6 communication as provided in RCW 5.60.060.

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

9 For the purposes of this subsection, the following definitions
10 apply:

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

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

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

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

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

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

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

12 (e) The reporting requirement also applies to guardians ad litem,
13 including court-appointed special advocates, appointed under Titles
14 11 and 13 RCW and this title, who in the course of their
15 representation of children in these actions have reasonable cause to
16 believe a child has been abused or neglected.

17 (f) The reporting requirement in (a) of this subsection also
18 applies to administrative and academic or athletic department
19 employees, including student employees, of institutions of higher
20 education, as defined in RCW 28B.10.016, and of private institutions
21 of higher education.

22 (g) 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.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.44
37 RCW to read as follows:

38 (1) The department must use a validated assessment tool to screen
39 a child for commercial sexual abuse of a minor if a report of abuse

1 and neglect under RCW 26.44.030 alleges commercial sexual abuse of a
2 minor.

3 (2) Whenever there is reasonable cause to believe that a child
4 under the jurisdiction of a juvenile justice agency has suffered
5 commercial sexual abuse of a minor, the juvenile justice agency must
6 use a validated assessment tool to screen the child for commercial
7 sexual abuse of a minor and report such abuse and neglect pursuant to
8 RCW 26.44.030.

9 (3) For purposes of this section, "juvenile justice agency" means
10 any of the following: Law enforcement; diversion units; juvenile
11 courts; detention centers; and persons or public or private agencies
12 having children committed to their custody.

13 **Sec. 5.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to
14 read as follows:

15 (1) The department shall develop, administer, supervise, and
16 monitor a coordinated and comprehensive plan that establishes, aids,
17 and strengthens services for the protection and care of runaway,
18 dependent, or neglected children.

19 (2) Within available resources, the department shall recruit an
20 adequate number of prospective adoptive and foster homes, both
21 regular and specialized, i.e. homes for children of ethnic minority,
22 including Indian homes for Indian children, sibling groups, children
23 with disabilities or behavioral health conditions, teens, pregnant
24 and parenting teens, and the department shall annually provide data
25 and information to the governor and the legislature concerning the
26 department's success in: (a) Placing children with relatives; (b)
27 providing supports to kinship caregivers including guardianship
28 assistance payments; (c) supporting relatives to pass home studies
29 and become licensed caregivers; and (d) meeting the need for
30 nonrelative family foster homes when children cannot be placed with
31 relatives.

32 (3) The department shall investigate complaints of any recent act
33 or failure to act on the part of a parent or caretaker that results
34 in death, serious physical or emotional harm, or sexual abuse or
35 exploitation, or that presents an imminent risk of serious harm, and
36 on the basis of the findings of such investigation, offer child
37 welfare services in relation to the problem to such parents, legal
38 custodians, or persons serving in loco parentis, and/or bring the
39 situation to the attention of an appropriate court, or another

1 community agency. An investigation is not required of nonaccidental
2 injuries which are clearly not the result of a lack of care or
3 supervision by the child's parents, legal custodians, or persons
4 serving in loco parentis. If the investigation reveals that a crime
5 against a child may have been committed, the department shall notify
6 the appropriate law enforcement agency.

7 (4) The department shall make recommendations to the legislature
8 about the types of services that need to be offered to children who
9 have been identified by a state or local agency as being a victim of
10 either sex trafficking or severe forms of trafficking in persons
11 described under the trafficking victims protection act of 2000, 22
12 U.S.C. Sec. 7101 et seq.

13 (5) As provided in RCW 26.44.030, the department may respond to a
14 report of child abuse or neglect by using the family assessment
15 response.

16 ~~((5))~~ (6) The department shall offer, on a voluntary basis,
17 family reconciliation services to families who are in conflict.

18 ~~((6))~~ (7) The department shall monitor placements of children
19 in out-of-home care and in-home dependencies to assure the safety,
20 well-being, and quality of care being provided is within the scope of
21 the intent of the legislature as defined in RCW 74.13.010 and
22 74.15.010. Under this section children in out-of-home care and in-
23 home dependencies and their caregivers shall receive a private and
24 individual face-to-face visit each month. The department shall
25 randomly select no less than ten percent of the caregivers currently
26 providing care to receive one unannounced face-to-face visit in the
27 caregiver's home per year. No caregiver will receive an unannounced
28 visit through the random selection process for two consecutive years.
29 If the caseworker makes a good faith effort to conduct the
30 unannounced visit to a caregiver and is unable to do so, that month's
31 visit to that caregiver need not be unannounced. The department is
32 encouraged to group monthly visits to caregivers by geographic area
33 so that in the event an unannounced visit cannot be completed, the
34 caseworker may complete other required monthly visits. The department
35 shall use a method of random selection that does not cause a fiscal
36 impact to the department.

37 The department shall conduct the monthly visits with children and
38 caregivers to whom it is providing child welfare services.

39 ~~((7))~~ (8) The department shall have authority to accept custody
40 of children from parents and to accept custody of children from

1 juvenile courts, where authorized to do so under law, to provide
2 child welfare services including placement for adoption, to provide
3 for the routine and necessary medical, dental, and mental health
4 care, or necessary emergency care of the children, and to provide for
5 the physical care of such children and make payment of maintenance
6 costs if needed. Except where required by Public Law 95-608 (25
7 U.S.C. Sec. 1915), no private adoption agency which receives children
8 for adoption from the department shall discriminate on the basis of
9 race, creed, or color when considering applications in their
10 placement for adoption.

11 ~~((8))~~ (9) The department may accept custody of children from
12 parents through a voluntary placement agreement to provide child
13 welfare services. The department may place children with a relative,
14 a suitable person, or a licensed foster home under a voluntary
15 placement agreement. In seeking a placement for a voluntary placement
16 agreement, the department should consider the preferences of the
17 parents and attempt to place with relatives or suitable persons over
18 licensed foster care.

19 ~~((9))~~ (10) The department shall have authority to provide
20 temporary shelter to children who have run away from home and who are
21 admitted to crisis residential centers.

22 ~~((10))~~ (11) The department shall have authority to purchase
23 care for children.

24 ~~((11))~~ (12) The department shall establish a children's
25 services advisory committee which shall assist the secretary in the
26 development of a partnership plan for utilizing resources of the
27 public and private sectors, and advise on all matters pertaining to
28 child welfare, licensing of child care agencies, adoption, and
29 services related thereto. At least one member shall represent the
30 adoption community.

31 ~~((12))~~ (13) (a) The department shall provide continued extended
32 foster care services to nonminor dependents who are:

33 (i) Enrolled in a secondary education program or a secondary
34 education equivalency program;

35 (ii) Enrolled and participating in a postsecondary academic or
36 postsecondary vocational education program;

37 (iii) Participating in a program or activity designed to promote
38 employment or remove barriers to employment;

39 (iv) Engaged in employment for eighty hours or more per month; or

1 (v) Not able to engage in any of the activities described in
2 (a)(i) through (iv) of this subsection due to a documented medical
3 condition.

4 (b) To be eligible for extended foster care services, the
5 nonminor dependent must have been dependent at the time that he or
6 she reached age eighteen years. If the dependency case of the
7 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
8 may receive extended foster care services pursuant to a voluntary
9 placement agreement under RCW 74.13.336 or pursuant to an order of
10 dependency issued by the court under RCW 13.34.268. A nonminor
11 dependent whose dependency case was dismissed by the court may
12 request extended foster care services before reaching age twenty-one
13 years. Eligible nonminor dependents may unenroll and reenroll in
14 extended foster care through a voluntary placement agreement an
15 unlimited number of times between ages eighteen and twenty-one.

16 (c) The department shall develop and implement rules regarding
17 youth eligibility requirements.

18 (d) The department shall make efforts to ensure that extended
19 foster care services maximize medicaid reimbursements. This must
20 include the department ensuring that health and mental health
21 extended foster care providers participate in medicaid, unless the
22 condition of the extended foster care youth requires specialty care
23 that is not available among participating medicaid providers or there
24 are no participating medicaid providers in the area. The department
25 shall coordinate other services to maximize federal resources and the
26 most cost-efficient delivery of services to extended foster care
27 youth.

28 (e) The department shall allow a youth who has received extended
29 foster care services, but lost his or her eligibility, to reenter the
30 extended foster care program an unlimited number of times through a
31 voluntary placement agreement when he or she meets the eligibility
32 criteria again.

33 (~~((13))~~) (14) The department shall have authority to provide
34 adoption support benefits on behalf of youth ages 18 to 21 years who
35 achieved permanency through adoption at age 16 or older and who meet
36 the criteria described in subsection (~~((12))~~) (13) of this section.

37 (~~((14))~~) (15) The department shall have the authority to provide
38 guardianship subsidies on behalf of youth ages 18 to 21 who achieved
39 permanency through guardianship and who meet the criteria described
40 in subsection (~~((12))~~) (13) of this section.

1 (~~(15)~~) (16) The department shall refer cases to the division of
2 child support whenever state or federal funds are expended for the
3 care and maintenance of a child, including a child with a
4 developmental disability who is placed as a result of an action under
5 chapter 13.34 RCW, unless the department finds that there is good
6 cause not to pursue collection of child support against the parent or
7 parents of the child. Cases involving individuals age eighteen
8 through twenty shall not be referred to the division of child support
9 unless required by federal law.

10 (~~(16)~~) (17) The department shall have authority within funds
11 appropriated for foster care services to purchase care for Indian
12 children who are in the custody of a federally recognized Indian
13 tribe or tribally licensed child-placing agency pursuant to parental
14 consent, tribal court order, or state juvenile court order. The
15 purchase of such care is exempt from the requirements of chapter
16 74.13B RCW and may be purchased from the federally recognized Indian
17 tribe or tribally licensed child-placing agency, and shall be subject
18 to the same eligibility standards and rates of support applicable to
19 other children for whom the department purchases care.

20 Notwithstanding any other provision of RCW 13.32A.170 through
21 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
22 all services to be provided by the department under subsections
23 (~~(4), (7), and (9)~~) (5), (8), and (10) of this section, subject to
24 the limitations of these subsections, may be provided by any program
25 offering such services funded pursuant to Titles II and III of the
26 federal juvenile justice and delinquency prevention act of 1974.

27 (~~(17)~~) (18) The department may, within funds appropriated for
28 guardianship subsidies, provide subsidies for eligible guardians who
29 are appointed as guardian of an Indian child by the tribal court of a
30 federally recognized tribe located in Washington state, as defined in
31 RCW 13.38.040. The provision of subsidies shall be subject to the
32 same eligibility standards and rates of support applicable to other
33 children for whom the department provides subsidies. To be eligible,
34 the guardian must either be certified by a department-licensed child-
35 placing agency or licensed by a federally recognized tribe located in
36 Washington state that is a Title IV-E agency, as defined in 45 C.F.R.
37 1355.20.

38 (~~(18)~~) (19) Within amounts appropriated for this specific
39 purpose, the department shall provide preventive services to families

1 with children that prevent or shorten the duration of an out-of-home
2 placement.

3 ~~((19))~~ (20) The department shall have authority to provide
4 independent living services to youths, including individuals who have
5 attained eighteen years of age, and have not attained twenty-three
6 years of age, who are or have been in the department's care and
7 custody, or who are or were nonminor dependents.

8 ~~((20))~~ (21) The department shall consult at least quarterly
9 with foster parents, including members of the foster parent
10 association of Washington state, for the purpose of receiving
11 information and comment regarding how the department is performing
12 the duties and meeting the obligations specified in this section and
13 RCW 74.13.250 regarding the recruitment of foster homes, reducing
14 foster parent turnover rates, providing effective training for foster
15 parents, and administering a coordinated and comprehensive plan that
16 strengthens services for the protection of children. Consultation
17 shall occur at the regional and statewide levels.

18 ~~((21))~~ (22)(a) The department shall, within current funding
19 levels, place on its public website a document listing the duties and
20 responsibilities the department has to a child subject to a
21 dependency petition including, but not limited to, the following:

22 (i) Reasonable efforts, including the provision of services,
23 toward reunification of the child with his or her family;

24 (ii) Sibling visits subject to the restrictions in RCW
25 13.34.136(2)(b)(ii);

26 (iii) Parent-child visits;

27 (iv) Statutory preference for placement with a relative or other
28 suitable person, if appropriate; and

29 (v) Statutory preference for an out-of-home placement that allows
30 the child to remain in the same school or school district, if
31 practical and in the child's best interests.

32 (b) The document must be prepared in conjunction with a
33 community-based organization and must be updated as needed.

34 ~~((22))~~ (23)(a) The department shall have the authority to
35 purchase legal representation for parents or kinship caregivers, or
36 both, of children who are at risk of being dependent, or who are
37 dependent, to establish or modify a parenting plan under RCW
38 13.34.155 or chapter 26.09, 26.26A, or 26.26B RCW or secure orders
39 establishing other relevant civil legal relationships authorized by
40 law, when it is necessary for the child's safety, permanence, or

1 well-being. The department's purchase of legal representation for
2 kinship caregivers must be within the department's appropriations.
3 This subsection does not create an entitlement to legal
4 representation purchased by the department and does not create
5 judicial authority to order the department to purchase legal
6 representation for a parent or kinship caregiver. Such determinations
7 are solely within the department's discretion. The term "kinship
8 caregiver" as used in this section means a caregiver who meets the
9 definition of "kin" in RCW 74.13.600(1), unless the child is an
10 Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903. For
11 an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903,
12 the term "kinship caregiver" as used in this section means a
13 caregiver who is an "extended family member" as defined in RCW
14 13.38.040(8).

15 (b) The department is encouraged to work with the office of
16 public defense parent representation program and the office of civil
17 legal aid to develop a cost-effective system for providing effective
18 civil legal representation for parents and kinship caregivers if it
19 exercises its authority under this subsection.

20 **PART II - CIVIL PROTECTION ORDERS**

21 **Sec. 6.** RCW 7.105.010 and 2022 c 268 s 1 and 2022 c 231 s 8 are
22 each reenacted and amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Abandonment" means action or inaction by a person or entity
26 with a duty of care for a vulnerable adult that leaves the vulnerable
27 adult without the means or ability to obtain necessary food,
28 clothing, shelter, or health care.

29 (2) "Abuse," for the purposes of a vulnerable adult protection
30 order, means intentional, willful, or reckless action or inaction
31 that inflicts injury, unreasonable confinement, intimidation, or
32 punishment on a vulnerable adult. In instances of abuse of a
33 vulnerable adult who is unable to express or demonstrate physical
34 harm, pain, or mental anguish, the abuse is presumed to cause
35 physical harm, pain, or mental anguish. "Abuse" includes sexual
36 abuse, mental abuse, physical abuse, personal exploitation, and
37 improper use of restraint against a vulnerable adult, which have the
38 following meanings:

1 (a) "Improper use of restraint" means the inappropriate use of
2 chemical, physical, or mechanical restraints for convenience or
3 discipline, or in a manner that: (i) Is inconsistent with federal or
4 state licensing or certification requirements for facilities,
5 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
6 not medically authorized; or (iii) otherwise constitutes abuse under
7 this section.

8 (b) "Mental abuse" means an intentional, willful, or reckless
9 verbal or nonverbal action that threatens, humiliates, harasses,
10 coerces, intimidates, isolates, unreasonably confines, or punishes a
11 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
12 swearing, or withholding or tampering with prescribed medications or
13 their dosage.

14 (c) "Personal exploitation" means an act of forcing, compelling,
15 or exerting undue influence over a vulnerable adult causing the
16 vulnerable adult to act in a way that is inconsistent with relevant
17 past behavior, or causing the vulnerable adult to perform services
18 for the benefit of another.

19 (d) "Physical abuse" means the intentional, willful, or reckless
20 action of inflicting bodily injury or physical mistreatment.
21 "Physical abuse" includes, but is not limited to, striking with or
22 without an object, slapping, pinching, strangulation, suffocation,
23 kicking, shoving, or prodding.

24 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
25 including, but not limited to, unwanted or inappropriate touching,
26 rape, molestation, indecent liberties, sexual coercion, sexually
27 explicit photographing or recording, voyeurism, indecent exposure,
28 and sexual harassment. "Sexual abuse" also includes any sexual
29 conduct between a staff person, who is not also a resident or client,
30 of a facility or a staff person of a program authorized under chapter
31 71A.12 RCW, and a vulnerable adult living in that facility or
32 receiving service from a program authorized under chapter 71A.12 RCW,
33 whether or not the sexual conduct is consensual.

34 (3) "Chemical restraint" means the administration of any drug to
35 manage a vulnerable adult's behavior in a way that reduces the safety
36 risk to the vulnerable adult or others, has the temporary effect of
37 restricting the vulnerable adult's freedom of movement, and is not
38 standard treatment for the vulnerable adult's medical or psychiatric
39 condition.

1 (4) (a) "Coercive control" means a pattern of behavior that is
2 used to cause another to suffer physical, emotional, or psychological
3 harm, and in purpose or effect unreasonably interferes with a
4 person's free will and personal liberty. In determining whether the
5 interference is unreasonable, the court shall consider the context
6 and impact of the pattern of behavior from the perspective of a
7 similarly situated person. Examples of coercive control include, but
8 are not limited to, engaging in any of the following:

9 (i) Intimidation or controlling or compelling conduct by:

10 (A) Damaging, destroying, or threatening to damage or destroy, or
11 forcing the other party to relinquish, goods, property, or items of
12 special value;

13 (B) Using technology to threaten, humiliate, harass, stalk,
14 intimidate, exert undue influence over, or abuse the other party,
15 including by engaging in cyberstalking, monitoring, surveillance,
16 impersonation, manipulation of electronic media, or distribution of
17 or threats to distribute actual or fabricated intimate images;

18 (C) Carrying, exhibiting, displaying, drawing, or threatening to
19 use, any firearm or any other weapon apparently capable of producing
20 bodily harm, in a manner, under circumstances, and at a time and
21 place that either manifests an intent to intimidate the other party
22 or that warrants alarm by the other party for their safety or the
23 safety of other persons;

24 (D) Driving recklessly with the other party or minor children in
25 the vehicle;

26 (E) Communicating, directly or indirectly, the intent to:

27 (I) Harm the other party's children, family members, friends, or
28 pets, including by use of physical forms of violence;

29 (II) Harm the other party's career;

30 (III) Attempt suicide or other acts of self-harm; or

31 (IV) Contact local or federal agencies based on actual or
32 suspected immigration status;

33 (F) Exerting control over the other party's identity documents;

34 (G) Making, or threatening to make, private information public,
35 including the other party's sexual orientation or gender identity,
36 medical or behavioral health information, or other confidential
37 information that jeopardizes safety; or

38 (H) Engaging in sexual or reproductive coercion;

39 (ii) Causing dependence, confinement, or isolation of the other
40 party from friends, relatives, or other sources of support, including

1 schooling and employment, or subjecting the other party to physical
2 confinement or restraint;

3 (iii) Depriving the other party of basic necessities or
4 committing other forms of financial exploitation;

5 (iv) Controlling, exerting undue influence over, interfering
6 with, regulating, or monitoring the other party's movements,
7 communications, daily behavior, finances, economic resources, or
8 employment, including but not limited to interference with or
9 attempting to limit access to services for children of the other
10 party, such as health care, medication, child care, or school-based
11 extracurricular activities;

12 (v) Engaging in vexatious litigation or abusive litigation as
13 defined in RCW 26.51.020 against the other party to harass, coerce,
14 or control the other party, to diminish or exhaust the other party's
15 financial resources, or to compromise the other party's employment or
16 housing; or

17 (vi) Engaging in psychological aggression, including inflicting
18 fear, humiliating, degrading, or punishing the other party.

19 (b) "Coercive control" does not include protective actions taken
20 by a party in good faith for the legitimate and lawful purpose of
21 protecting themselves or children from the risk of harm posed by the
22 other party.

23 (5) "Commercial sexual exploitation" means commercial sexual
24 abuse of a minor and sex trafficking.

25 (6) "Consent" in the context of sexual acts means that at the
26 time of sexual contact, there are actual words or conduct indicating
27 freely given agreement to that sexual contact. Consent must be
28 ongoing and may be revoked at any time. Conduct short of voluntary
29 agreement does not constitute consent as a matter of law. Consent
30 cannot be freely given when a person does not have capacity due to
31 disability, intoxication, or age. Consent cannot be freely given when
32 the other party has authority or control over the care or custody of
33 a person incarcerated or detained.

34 ((+6)) (7)(a) "Course of conduct" means a pattern of conduct
35 composed of a series of acts over a period of time, however short,
36 evidencing a continuity of purpose. "Course of conduct" includes any
37 form of communication, contact, or conduct, including the sending of
38 an electronic communication, but does not include constitutionally
39 protected free speech. Constitutionally protected activity is not
40 included within the meaning of "course of conduct."

1 (b) In determining whether the course of conduct serves any
2 legitimate or lawful purpose, a court should consider whether:

3 (i) Any current contact between the parties was initiated by the
4 respondent only or was initiated by both parties;

5 (ii) The respondent has been given clear notice that all further
6 contact with the petitioner is unwanted;

7 (iii) The respondent's course of conduct appears designed to
8 alarm, annoy, or harass the petitioner;

9 (iv) The respondent is acting pursuant to any statutory authority
10 including, but not limited to, acts which are reasonably necessary
11 to:

12 (A) Protect property or liberty interests;

13 (B) Enforce the law; or

14 (C) Meet specific statutory duties or requirements;

15 (v) The respondent's course of conduct has the purpose or effect
16 of unreasonably interfering with the petitioner's privacy or the
17 purpose or effect of creating an intimidating, hostile, or offensive
18 living environment for the petitioner; or

19 (vi) Contact by the respondent with the petitioner or the
20 petitioner's family has been limited in any manner by any previous
21 court order.

22 (~~(7)~~) (8) "Court clerk" means court administrators in courts of
23 limited jurisdiction and elected court clerks.

24 (~~(8)~~) (9) "Dating relationship" means a social relationship of
25 a romantic nature. Factors that the court may consider in making this
26 determination include: (a) The length of time the relationship has
27 existed; (b) the nature of the relationship; and (c) the frequency of
28 interaction between the parties.

29 (~~(9)~~) (10) "Domestic violence" means:

30 (a) Physical harm, bodily injury, assault, or the infliction of
31 fear of physical harm, bodily injury, or assault; nonconsensual
32 sexual conduct or nonconsensual sexual penetration; coercive control;
33 unlawful harassment; or stalking of one intimate partner by another
34 intimate partner; or

35 (b) Physical harm, bodily injury, assault, or the infliction of
36 fear of physical harm, bodily injury, or assault; nonconsensual
37 sexual conduct or nonconsensual sexual penetration; coercive control;
38 unlawful harassment; or stalking of one family or household member by
39 another family or household member.

1 (~~(10)~~) (11) "Electronic monitoring" has the same meaning as in
2 RCW 9.94A.030.

3 (~~(11)~~) (12) "Essential personal effects" means those items
4 necessary for a person's immediate health, welfare, and livelihood.
5 "Essential personal effects" includes, but is not limited to,
6 clothing, cribs, bedding, medications, personal hygiene items,
7 cellular phones and other electronic devices, and documents,
8 including immigration, health care, financial, travel, and identity
9 documents.

10 (~~(12)~~) (13) "Facility" means a residence licensed or required
11 to be licensed under chapter 18.20 RCW, assisted living facilities;
12 chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family
13 homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW,
14 residential habilitation centers; or any other facility licensed or
15 certified by the department of social and health services.

16 (~~(13)~~) (14) "Family or household members" means: (a) Persons
17 related by blood, marriage, domestic partnership, or adoption; (b)
18 persons who currently or formerly resided together; (c) persons who
19 have a biological or legal parent-child relationship, including
20 stepparents and stepchildren and grandparents and grandchildren, or a
21 parent's intimate partner and children; and (d) a person who is
22 acting or has acted as a legal guardian.

23 (~~(14)~~) (15) "Financial exploitation" means the illegal or
24 improper use of, control over, or withholding of, the property,
25 income, resources, or trust funds of the vulnerable adult by any
26 person or entity for any person's or entity's profit or advantage
27 other than for the vulnerable adult's profit or advantage. "Financial
28 exploitation" includes, but is not limited to:

29 (a) The use of deception, intimidation, or undue influence by a
30 person or entity in a position of trust and confidence with a
31 vulnerable adult to obtain or use the property, income, resources,
32 government benefits, health insurance benefits, or trust funds of the
33 vulnerable adult for the benefit of a person or entity other than the
34 vulnerable adult;

35 (b) The breach of a fiduciary duty, including, but not limited
36 to, the misuse of a power of attorney, trust, or a guardianship or
37 conservatorship appointment, that results in the unauthorized
38 appropriation, sale, or transfer of the property, income, resources,
39 or trust funds of the vulnerable adult for the benefit of a person or
40 entity other than the vulnerable adult; or

1 (c) Obtaining or using a vulnerable adult's property, income,
2 resources, or trust funds without lawful authority, by a person or
3 entity who knows or clearly should know that the vulnerable adult
4 lacks the capacity to consent to the release or use of the vulnerable
5 adult's property, income, resources, or trust funds.

6 (~~(15)~~) (16) "Firearm" means a weapon or device from which a
7 projectile or projectiles may be fired by an explosive such as
8 gunpowder. "Firearm" does not include a flare gun or other
9 pyrotechnic visual distress signaling device, or a powder-actuated
10 tool or other device designed solely to be used for construction
11 purposes. "Firearm" also includes parts that can be assembled to make
12 a firearm.

13 (~~(16)~~) (17) "Full hearing" means a hearing where the court
14 determines whether to issue a full protection order.

15 (~~(17)~~) (18) "Full protection order" means a protection order
16 that is issued by the court after notice to the respondent and where
17 the parties had the opportunity for a full hearing by the court.
18 "Full protection order" includes a protection order entered by the
19 court by agreement of the parties to resolve the petition for a
20 protection order without a full hearing.

21 (~~(18)~~) (19) "Hospital" means a facility licensed under chapter
22 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW
23 and any employee, agent, officer, director, or independent contractor
24 thereof.

25 (~~(19)~~) (20) "Interested person" means a person who demonstrates
26 to the court's satisfaction that the person is interested in the
27 welfare of a vulnerable adult, that the person has a good faith
28 belief that the court's intervention is necessary, and that the
29 vulnerable adult is unable, due to incapacity, undue influence, or
30 duress at the time the petition is filed, to protect his or her own
31 interests.

32 (~~(20)~~) (21) "Intimate partner" means: (a) Spouses or domestic
33 partners; (b) former spouses or former domestic partners; (c) persons
34 who have a child in common regardless of whether they have been
35 married or have lived together at any time, unless the child is
36 conceived through sexual assault; or (d) persons who have or have had
37 a dating relationship where both persons are at least 13 years of age
38 or older.

39 (~~(21)~~) (22)(a) "Isolate" or "isolation" means to restrict a
40 person's ability to communicate, visit, interact, or otherwise

1 associate with persons of his or her choosing. Isolation may be
2 evidenced by acts including, but not limited to:

3 (i) Acts that prevent a person from sending, making, or receiving
4 his or her personal mail, electronic communications, or telephone
5 calls; or

6 (ii) Acts that prevent or obstruct a person from meeting with
7 others, such as telling a prospective visitor or caller that the
8 person is not present or does not wish contact, where the statement
9 is contrary to the express wishes of the person.

10 (b) The term "isolate" or "isolation" may not be construed in a
11 manner that prevents a guardian or limited guardian from performing
12 his or her fiduciary obligations under chapter 11.92 RCW or prevents
13 a hospital or facility from providing treatment consistent with the
14 standard of care for delivery of health services.

15 ~~((22))~~ (23) "Judicial day" means days of the week other than
16 Saturdays, Sundays, or legal holidays.

17 ~~((23))~~ (24) "Mechanical restraint" means any device attached or
18 adjacent to a vulnerable adult's body that the vulnerable adult
19 cannot easily remove that restricts freedom of movement or normal
20 access to the vulnerable adult's body. "Mechanical restraint" does
21 not include the use of devices, materials, or equipment that are (a)
22 medically authorized, as required, and (b) used in a manner that is
23 consistent with federal or state licensing or certification
24 requirements for facilities, hospitals, or programs authorized under
25 chapter 71A.12 RCW.

26 ~~((24))~~ (25) "Minor" means a person who is under 18 years of
27 age.

28 ~~((25))~~ (26) "Neglect" means: (a) A pattern of conduct or
29 inaction by a person or entity with a duty of care that fails to
30 provide the goods and services that maintain the physical or mental
31 health of a vulnerable adult, or that fails to avoid or prevent
32 physical or mental harm or pain to a vulnerable adult; or (b) an act
33 or omission by a person or entity with a duty of care that
34 demonstrates a serious disregard of consequences of such a magnitude
35 as to constitute a clear and present danger to the vulnerable adult's
36 health, welfare, or safety including, but not limited to, conduct
37 prohibited under RCW 9A.42.100.

38 ~~((26))~~ (27) "Nonconsensual" means a lack of freely given
39 consent.

1 (~~(27)~~) (28) "Nonphysical contact" includes, but is not limited
2 to, written notes, mail, telephone calls, email, text messages,
3 contact through social media applications, contact through other
4 technologies, or contact through third parties.

5 (~~(28)~~) (29) "Petitioner" means any named petitioner or any
6 other person identified in the petition on whose behalf the petition
7 is brought.

8 (~~(29)~~) (30) "Physical restraint" means the application of
9 physical force without the use of any device, for the purpose of
10 restraining the free movement of a vulnerable adult's body. "Physical
11 restraint" does not include (a) briefly holding, without undue force,
12 a vulnerable adult in order to calm or comfort him or her, or (b)
13 holding a vulnerable adult's hand to safely escort him or her from
14 one area to another.

15 (~~(30)~~) (31) "Possession" means having an item in one's custody
16 or control. Possession may be either actual or constructive. Actual
17 possession occurs when the item is in the actual physical custody of
18 the person charged with possession. Constructive possession occurs
19 when there is no actual physical possession, but there is dominion
20 and control over the item.

21 (~~(31)~~) (32) "Respondent" means the person who is identified as
22 the respondent in a petition filed under this chapter.

23 (~~(32)~~) (33) "Sexual conduct" means any of the following:

24 (a) Any intentional or knowing touching or fondling of the
25 genitals, anus, or breasts, directly or indirectly, including through
26 clothing;

27 (b) Any intentional or knowing display of the genitals, anus, or
28 breasts for the purposes of arousal or sexual gratification of the
29 respondent;

30 (c) Any intentional or knowing touching or fondling of the
31 genitals, anus, or breasts, directly or indirectly, including through
32 clothing, that the petitioner is forced to perform by another person
33 or the respondent;

34 (d) Any forced display of the petitioner's genitals, anus, or
35 breasts for the purposes of arousal or sexual gratification of the
36 respondent or others;

37 (e) Any intentional or knowing touching of the clothed or
38 unclothed body of a child under the age of 16, if done for the
39 purpose of sexual gratification or arousal of the respondent or
40 others; or

1 (f) Any coerced or forced touching or fondling by a child under
2 the age of 16, directly or indirectly, including through clothing, of
3 the genitals, anus, or breasts of the respondent or others.

4 (~~(33)~~) (34) "Sexual penetration" means any contact, however
5 slight, between the sex organ or anus of one person by an object, the
6 sex organ, mouth, or anus of another person, or any intrusion,
7 however slight, of any part of the body of one person or of any
8 animal or object into the sex organ or anus of another person
9 including, but not limited to, cunnilingus, fellatio, or anal
10 penetration. Evidence of emission of semen is not required to prove
11 sexual penetration.

12 (~~(34)~~) (35) "Stalking" means any of the following:

13 (a) Any act of stalking as defined under RCW 9A.46.110;

14 (b) Any act of cyber harassment as defined under RCW 9A.90.120;

15 or

16 (c) Any course of conduct involving repeated or continuing
17 contacts, attempts to contact, monitoring, tracking, surveillance,
18 keeping under observation, disrupting activities in a harassing
19 manner, or following of another person that:

20 (i) Would cause a reasonable person to feel intimidated,
21 frightened, under duress, significantly disrupted, or threatened and
22 that actually causes such a feeling;

23 (ii) Serves no lawful purpose; and

24 (iii) The respondent knows, or reasonably should know, threatens,
25 frightens, or intimidates the person, even if the respondent did not
26 intend to intimidate, frighten, or threaten the person.

27 (~~(35)~~) (36) "Temporary protection order" means a protection
28 order that is issued before the court has decided whether to issue a
29 full protection order. "Temporary protection order" includes ex parte
30 temporary protection orders, as well as temporary protection orders
31 that are reissued by the court pending the completion of a full
32 hearing to decide whether to issue a full protection order. An "ex
33 parte temporary protection order" means a temporary protection order
34 that is issued without prior notice to the respondent.

35 (~~(36)~~) (37) "Unlawful harassment" means:

36 (a) A knowing and willful course of conduct directed at a
37 specific person that seriously alarms, annoys, harasses, or is
38 detrimental to such person, and that serves no legitimate or lawful
39 purpose. The course of conduct must be such as would cause a

1 reasonable person to suffer substantial emotional distress, and must
2 actually cause substantial emotional distress to the petitioner; or

3 (b) A single act of violence or threat of violence directed at a
4 specific person that seriously alarms, annoys, harasses, or is
5 detrimental to such person, and that serves no legitimate or lawful
6 purpose, which would cause a reasonable person to suffer substantial
7 emotional distress, and must actually cause substantial emotional
8 distress to the petitioner. A single threat of violence must include:

9 (i) A malicious and intentional threat as described in RCW
10 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

11 (~~(37)~~) (38) "Vulnerable adult" includes a person:

12 (a) Sixty years of age or older who has the functional, mental,
13 or physical inability to care for himself or herself; or

14 (b) Subject to a guardianship under RCW 11.130.265 or adult
15 subject to conservatorship under RCW 11.130.360; or

16 (c) Who has a developmental disability as defined under RCW
17 71A.10.020; or

18 (d) Admitted to any facility; or

19 (e) Receiving services from home health, hospice, or home care
20 agencies licensed or required to be licensed under chapter 70.127
21 RCW; or

22 (f) Receiving services from a person under contract with the
23 department of social and health services to provide services in the
24 home under chapter 74.09 or 74.39A RCW; or

25 (g) Who self-directs his or her own care and receives services
26 from a personal aide under chapter 74.39 RCW.

27 **Sec. 7.** RCW 7.105.100 and 2022 c 268 s 5 are each amended to
28 read as follows:

29 (1) There exists an action known as a petition for a protection
30 order. The following types of petitions for a protection order may be
31 filed:

32 (a) A petition for a domestic violence protection order, which
33 must allege the existence of domestic violence committed against the
34 petitioner or petitioners by an intimate partner or a family or
35 household member. The petitioner may petition for relief on behalf of
36 himself or herself and on behalf of family or household members who
37 are minors or vulnerable adults. A petition for a domestic violence
38 protection order must specify whether the petitioner and the
39 respondent are intimate partners or family or household members. A

1 petitioner who has been sexually assaulted or stalked by an intimate
2 partner or a family or household member should, but is not required
3 to, seek a domestic violence protection order, rather than a sexual
4 assault protection order or a stalking protection order.

5 (b) A petition for a sexual assault protection order, which must
6 allege the existence of nonconsensual sexual conduct ~~((θ))~~,
7 nonconsensual sexual penetration, or commercial sexual exploitation
8 that was committed against the petitioner by the respondent. A
9 petitioner who has been sexually assaulted by an intimate partner or
10 a family or household member should, but is not required to, seek a
11 domestic violence protection order, rather than a sexual assault
12 protection order. A single incident of nonconsensual sexual conduct
13 or nonconsensual sexual penetration is sufficient grounds for a
14 petition for a sexual assault protection order. The petitioner may
15 petition for a sexual assault protection order on behalf of:

16 (i) Himself or herself;

17 (ii) A minor child, where the petitioner is the parent, legal
18 guardian, or custodian;

19 (iii) A vulnerable adult, where the petitioner is an interested
20 person; or

21 (iv) Any other adult for whom the petitioner demonstrates to the
22 court's satisfaction that the petitioner is interested in the adult's
23 well-being, the court's intervention is necessary, and the adult
24 cannot file the petition because of age, disability, health, or
25 inaccessibility.

26 (c) A petition for a stalking protection order, which must allege
27 the existence of stalking committed against the petitioner or
28 petitioners by the respondent. A petitioner who has been stalked by
29 an intimate partner or a family or household member should, but is
30 not required to, seek a domestic violence protection order, rather
31 than a stalking protection order. The petitioner may petition for a
32 stalking protection order on behalf of:

33 (i) Himself or herself;

34 (ii) A minor child, where the petitioner is the parent, legal
35 guardian, or custodian;

36 (iii) A vulnerable adult, where the petitioner is an interested
37 person; or

38 (iv) Any other adult for whom the petitioner demonstrates to the
39 court's satisfaction that the petitioner is interested in the adult's
40 well-being, the court's intervention is necessary, and the adult

1 cannot file the petition because of age, disability, health, or
2 inaccessibility.

3 (d) A petition for a vulnerable adult protection order, which
4 must allege that the petitioner, or person on whose behalf the
5 petition is brought, is a vulnerable adult and that the petitioner,
6 or person on whose behalf the petition is brought, has been
7 abandoned, abused, financially exploited, or neglected, or is
8 threatened with abandonment, abuse, financial exploitation, or
9 neglect, by the respondent.

10 (e) A petition for an extreme risk protection order, which must
11 allege that the respondent poses a significant danger of causing
12 personal injury to self or others by having in the respondent's
13 custody or control, purchasing, possessing, accessing, receiving, or
14 attempting to purchase or receive, a firearm. The petition must also
15 identify information the petitioner is able to provide about the
16 firearms, such as the number, types, and locations of any firearms
17 the petitioner believes to be in the respondent's current ownership,
18 possession, custody, access, or control. A petition for an extreme
19 risk protection order may be filed by (i) an intimate partner or a
20 family or household member of the respondent; or (ii) a law
21 enforcement agency.

22 (f) A petition for an antiharassment protection order, which must
23 allege the existence of unlawful harassment committed against the
24 petitioner or petitioners by the respondent. If a petitioner is
25 seeking relief based on domestic violence, nonconsensual sexual
26 conduct, nonconsensual sexual penetration, or stalking, the
27 petitioner may, but is not required to, seek a domestic violence,
28 sexual assault, or stalking protection order, rather than an
29 antiharassment order. The petitioner may petition for an
30 antiharassment protection order on behalf of:

31 (i) Himself or herself;

32 (ii) A minor child, where the petitioner is the parent, legal
33 guardian, or custodian;

34 (iii) A vulnerable adult, where the petitioner is an interested
35 person; or

36 (iv) Any other adult for whom the petitioner demonstrates to the
37 court's satisfaction that the petitioner is interested in the adult's
38 well-being, the court's intervention is necessary, and the adult
39 cannot file the petition because of age, disability, health, or
40 inaccessibility.

1 (2) With the exception of vulnerable adult protection orders, a
2 person under 18 years of age who is 15 years of age or older may seek
3 relief under this chapter as a petitioner and is not required to seek
4 relief through a petition filed on his or her behalf. He or she may
5 also petition on behalf of a family or household member who is a
6 minor if chosen by the minor and capable of pursuing the minor's
7 stated interest in the action.

8 (3) A person under 15 years of age who is seeking relief under
9 this chapter is required to seek relief by a person authorized as a
10 petitioner under this section.

11 (4) If a petition for a protection order is filed by an
12 interested person, the affidavit or declaration must also include a
13 statement of why the petitioner qualifies as an interested person.

14 (5) A petition for any type of protection order must not be
15 dismissed or denied on the basis that the conduct alleged by the
16 petitioner would meet the criteria for the issuance of another type
17 of protection order. If a petition meets the criteria for a different
18 type of protection order other than the one sought by the petitioner,
19 the court shall consider the petitioner's preference, and enter a
20 temporary protection order or set the matter for a hearing as
21 appropriate under the law. The court's decision on the appropriate
22 type of order shall not be premised on alleviating any potential
23 stigma on the respondent.

24 (6) The protection order petition must contain a section where
25 the petitioner, regardless of petition type, may request specific
26 relief provided for in RCW 7.105.310 that the petitioner seeks for
27 himself or herself or for family or household members who are minors.
28 The totality of selected relief, and any other relief the court deems
29 appropriate for the petitioner, or family or household members who
30 are minors, must be considered at the time of entry of temporary
31 protection orders and at the time of entry of full protection orders.

32 (7) If a court reviewing the petition for a protection order or a
33 request for a temporary protection order determines that the petition
34 was not filed in the correct court, the court shall enter findings
35 establishing the correct court, and direct the clerk to transfer the
36 petition to the correct court and to provide notice of the transfer
37 to all parties who have appeared.

38 (8) Upon filing a petition for a protection order, the petitioner
39 may request that the court enter an ex parte temporary protection
40 order and an order to surrender and prohibit weapons without notice

1 until a hearing on a full protection order may be held. When
2 requested, there shall be a rebuttable presumption to include the
3 petitioner's minor children as protected parties in the ex parte
4 temporary domestic violence protection order until the full hearing
5 to reduce the risk of harm to children during periods of heightened
6 risk, unless there is good cause not to include the minor children.
7 If the court denies the petitioner's request to include the minor
8 children, the court shall make written findings why the children
9 should not be included, pending the full hearing. An ex parte
10 temporary protection order shall be effective for a fixed period of
11 time and shall be issued initially for a period not to exceed 14
12 days, which may be extended for good cause.

13 **Sec. 8.** RCW 7.105.110 and 2021 c 215 s 15 are each amended to
14 read as follows:

15 The following apply only to the specific type of protection
16 orders referenced in each subsection.

17 (1) The department of social and health services, in its
18 discretion, may file a petition for a vulnerable adult protection
19 order or a domestic violence protection order on behalf of, and with
20 the consent of, any vulnerable adult. When the department has reason
21 to believe a vulnerable adult lacks the ability or capacity to
22 consent, the department, in its discretion, may seek relief on behalf
23 of the vulnerable adult. Neither the department nor the state of
24 Washington is liable for seeking or failing to seek relief on behalf
25 of any persons under this section. The vulnerable adult shall not be
26 held responsible for any violations of the order by the respondent.

27 (2) (a) If the petitioner for an extreme risk protection order is
28 a law enforcement agency, the petitioner shall make a good faith
29 effort to provide notice to an intimate partner or family or
30 household member of the respondent and to any known third party who
31 may be at risk of violence. The notice must state that the petitioner
32 intends to petition the court for an extreme risk protection order or
33 has already done so, and include referrals to appropriate resources,
34 including behavioral health, domestic violence, and counseling
35 resources. The petitioner must attest in the petition to having
36 provided such notice, or attest to the steps that will be taken to
37 provide such notice.

38 (b) Recognizing that an extreme risk protection order may need to
39 be issued outside of normal business hours, courts shall allow law

1 enforcement petitioners to petition after hours for a temporary
2 extreme risk protection order using an on-call, after-hours judge, as
3 is done for approval of after-hours search warrants.

4 (3) The department of children, youth, and families, when it has
5 reason to believe that a minor lacks the ability or capacity to
6 consent may file a petition for an ex parte temporary sexual assault
7 protection order on behalf of the minor. Neither the department nor
8 the state of Washington is liable for seeking or failing to seek
9 relief on behalf of any persons under this section. The minor shall
10 not be held responsible for any violations of the order by the
11 respondent.

12 (4) A law enforcement agency, when it has reason to believe that
13 a minor lacks the ability or capacity to consent may file a petition
14 for an ex parte temporary sexual assault protection order on behalf
15 of the minor. Neither the law enforcement agency nor the state of
16 Washington is liable for seeking or failing to seek relief on behalf
17 of any persons under this section. The minor shall not be held
18 responsible for any violations of the order by the respondent.

19 **Sec. 9.** RCW 7.105.225 and 2021 c 215 s 29 are each amended to
20 read as follows:

21 (1) The court shall issue a protection order if it finds by a
22 preponderance of the evidence that the petitioner has proved the
23 required criteria specified in (a) through (f) of this subsection for
24 obtaining a protection order under this chapter.

25 (a) For a domestic violence protection order, that the petitioner
26 has been subjected to domestic violence by the respondent.

27 (b) For a sexual assault protection order, that the petitioner
28 has been subjected to nonconsensual sexual conduct ~~((~~or~~))~~,
29 nonconsensual sexual penetration, or commercial sexual exploitation
30 by the respondent.

31 (c) For a stalking protection order, that the petitioner has been
32 subjected to stalking by the respondent.

33 (d) For a vulnerable adult protection order, that the petitioner
34 has been abandoned, abused, financially exploited, or neglected, or
35 is threatened with abandonment, abuse, financial exploitation, or
36 neglect by the respondent.

37 (e) For an extreme risk protection order, that the respondent
38 poses a significant danger of causing personal injury to self or
39 others by having in the respondent's custody or control, purchasing,

1 possessing, accessing, receiving, or attempting to purchase or
2 receive, a firearm.

3 (f) For an antiharassment protection order, that the petitioner
4 has been subjected to unlawful harassment by the respondent.

5 (2) The court may not deny or dismiss a petition for a protection
6 order on the grounds that:

7 (a) The petitioner or the respondent is a minor, unless
8 provisions in this chapter specifically limit relief or remedies
9 based upon a party's age;

10 (b) The petitioner did not report the conduct giving rise to the
11 petition to law enforcement;

12 (c) A no-contact order or a restraining order that restrains the
13 respondent's contact with the petitioner has been issued in a
14 criminal proceeding or in a domestic relations proceeding;

15 (d) The relief sought by the petitioner may be available in a
16 different action or proceeding, or criminal charges are pending
17 against the respondent;

18 (e) The conduct at issue did not occur recently or because of the
19 passage of time since the last incident of conduct giving rise to the
20 petition; or

21 (f) The respondent no longer lives near the petitioner.

22 (3) In proceedings where the petitioner alleges that the
23 respondent engaged in nonconsensual sexual conduct ~~((\oplus))~~,
24 nonconsensual sexual penetration, or commercial sexual exploitation,
25 the court shall not require proof of physical injury on the person of
26 the petitioner or any other forensic evidence. Denial of a remedy to
27 the petitioner may not be based, in whole or in part, on evidence
28 that:

29 (a) The respondent was voluntarily intoxicated;

30 (b) The petitioner was voluntarily intoxicated; or

31 (c) The petitioner engaged in limited consensual sexual touching.

32 (4) In proceedings where the petitioner alleges that the
33 respondent engaged in stalking, the court may not require proof of
34 the respondent's intentions regarding the acts alleged by the
35 petitioner.

36 (5) In proceedings where the petitioner alleges that the
37 respondent engaged in commercial sexual exploitation, denial of a
38 remedy to the petitioner may not be based, in whole or in part, on
39 evidence that the petitioner consented to sexual conduct or sexual
40 penetration.

1 (6) If the court declines to issue a protection order, the court
2 shall state in writing the particular reasons for the court's denial.
3 If the court declines a request to include one or more of the
4 petitioner's family or household member who is a minor or a
5 vulnerable adult in the order, the court shall state the reasons for
6 that denial in writing. The court shall also explain from the bench:

7 (a) That the petitioner may refile a petition for a protection
8 order at any time if the petitioner has new evidence to present that
9 would support the issuance of a protection order;

10 (b) The parties' rights to seek revision, reconsideration, or
11 appeal of the order; and

12 (c) The parties' rights to have access to the court transcript or
13 recording of the hearing.

14 (~~(6)~~) (7) A court's ruling on a protection order must be filed
15 by the court in writing and must be made by the court on the
16 mandatory form developed by the administrative office of the courts.

17 **Sec. 10.** RCW 7.105.405 and 2021 c 215 s 54 are each amended to
18 read as follows:

19 The following provisions apply to the renewal of all full
20 protection orders issued under this chapter, with the exception of
21 the renewal of extreme risk protection orders.

22 (1) If the court grants a protection order for a fixed time
23 period, the petitioner may file a motion to renew the order at any
24 time within the 90 days before the order expires. The motion for
25 renewal must state the reasons the petitioner seeks to renew the
26 protection order. Upon receipt of a motion for renewal, the court
27 shall order a hearing, which must be not later than 14 days from the
28 date of the order. Service must be made on the respondent not less
29 than five judicial days before the hearing, as provided in RCW
30 7.105.150.

31 (2) If the motion for renewal is uncontested and the petitioner
32 seeks no modification of the order, the order may be renewed on the
33 basis of the petitioner's motion and statement of the reason for the
34 requested renewal.

35 (3) The petitioner bears no burden of proving that he or she has
36 a current reasonable fear of harm by the respondent.

37 (4) The court shall grant the motion for renewal unless the
38 respondent proves by a preponderance of the evidence that there has
39 been a substantial change in circumstances and the following:

1 (a) For a domestic violence protection order, that the respondent
2 proves that the respondent will not resume acts of domestic violence
3 against the petitioner or the petitioner's family or household
4 members who are minors or vulnerable adults when the order expires;

5 (b) For a sexual assault protection order, that the respondent
6 proves that the respondent will not engage in, or attempt to engage
7 in, physical or nonphysical contact, or acts of commercial sexual
8 exploitation, with the petitioner when the order expires;

9 (c) For a stalking protection order, that the respondent proves
10 that the respondent will not resume acts of stalking against the
11 petitioner or the petitioner's family or household members when the
12 order expires;

13 (d) For a vulnerable adult protection order, that the respondent
14 proves that the respondent will not resume acts of abandonment,
15 abuse, financial exploitation, or neglect against the vulnerable
16 adult when the order expires; or

17 (e) For an antiharassment protection order, that the respondent
18 proves that the respondent will not resume harassment of the
19 petitioner when the order expires.

20 (5) In determining whether there has been a substantial change in
21 circumstances, the court may consider the following unweighted
22 factors, and no inference is to be drawn from the order in which the
23 factors are listed:

24 (a) Whether the respondent has committed or threatened sexual
25 assault; commercial sexual exploitation; domestic violence; stalking;
26 abandonment, abuse, financial exploitation, or neglect of a
27 vulnerable adult; or other harmful acts against the petitioner or any
28 other person since the protection order was entered;

29 (b) Whether the respondent has violated the terms of the
30 protection order and the time that has passed since the entry of the
31 order;

32 (c) Whether the respondent has exhibited suicidal ideation or
33 attempts since the protection order was entered;

34 (d) Whether the respondent has been convicted of criminal
35 activity since the protection order was entered;

36 (e) Whether the respondent has either: Acknowledged
37 responsibility for acts of sexual assault, commercial sexual
38 exploitation, domestic violence, or stalking, or acts of abandonment,
39 abuse, financial exploitation, or neglect of a vulnerable adult, or
40 behavior that resulted in the entry of the protection order; or

1 successfully completed state-certified perpetrator treatment or
2 counseling since the protection order was entered;

3 (f) Whether the respondent has a continuing involvement with drug
4 or alcohol abuse, if such abuse was a factor in the protection order;
5 and

6 (g) Other factors relating to a substantial change in
7 circumstances.

8 (6) The court shall not deny a motion to renew a protection order
9 for any of the following reasons:

10 (a) The respondent has not violated the protection order
11 previously issued by the court;

12 (b) The petitioner or the respondent is a minor;

13 (c) The petitioner did not report the conduct giving rise to the
14 protection order, or subsequent violations of the protection order,
15 to law enforcement;

16 (d) A no-contact order or a restraining order that restrains the
17 respondent's contact with the petitioner has been issued in a
18 criminal proceeding or in a domestic relations proceeding;

19 (e) The relief sought by the petitioner may be available in a
20 different action or proceeding;

21 (f) The passage of time since the last incident of conduct giving
22 rise to the issuance of the protection order; or

23 (g) The respondent no longer lives near the petitioner.

24 (7) The terms of the original protection order must not be
25 changed on a motion for renewal unless the petitioner has requested
26 the change.

27 (8) The court may renew the protection order for another fixed
28 time period of no less than one year, or may enter a permanent order
29 as provided in this section.

30 (9) If the protection order includes the parties' children, a
31 renewed protection order may be issued for more than one year,
32 subject to subsequent orders entered in a proceeding under chapter
33 26.09, 26.26A, or 26.26B RCW.

34 (10) The court may award court costs, service fees, and
35 reasonable attorneys' fees to the petitioner as provided in RCW
36 7.105.310.

37 (11) If the court declines to renew the protection order, the
38 court shall state, in writing in the order, the particular reasons
39 for the court's denial. If the court declines to renew a protection
40 order that had restrained the respondent from having contact with

1 children protected by the order, the court shall determine on the
2 record whether the respondent and the children should undergo
3 reunification therapy. Any reunification therapy provider should be
4 made aware of the respondent's history of domestic violence and
5 should have training and experience in the dynamics of intimate
6 partner violence.

7 (12) In determining whether there has been a substantial change
8 in circumstances for respondents under the age of 18, or in
9 determining the appropriate duration for an order, the court shall
10 consider the circumstances surrounding the respondent's youth at the
11 time of the initial behavior alleged in the petition for a protection
12 order. The court shall consider developmental factors, including the
13 impact of time of a youth's development, and any information the
14 minor respondent presents about his or her personal progress or
15 change in circumstances.

16 **Sec. 11.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to
17 read as follows:

18 This section applies to modification or termination of domestic
19 violence protection orders, sexual assault protection orders,
20 stalking protection orders, and antiharassment protection orders.

21 (1) Upon a motion with notice to all parties and after a hearing,
22 the court may modify the terms of an existing protection order or
23 terminate an existing order.

24 (2) A respondent's motion to modify or terminate an existing
25 protection order must include a declaration setting forth facts
26 supporting the requested order for modification or termination. The
27 nonmoving parties to the proceeding may file opposing declarations.
28 All motions to modify or terminate shall be based on the written
29 materials and evidence submitted to the court. The court shall set a
30 hearing only if the court finds that adequate cause is established.
31 If the court finds that the respondent established adequate cause,
32 the court shall set a date for hearing the respondent's motion, which
33 must be at least 14 days from the date the court finds adequate
34 cause.

35 (3) Upon the motion of a respondent, the court may not modify or
36 terminate an existing protection order unless the respondent proves
37 by a preponderance of the evidence that there has been a substantial
38 change in circumstances such that the respondent will not resume,
39 engage in, or attempt to engage in, the following acts against the

1 petitioner or those persons protected by the protection order if the
2 order is terminated or modified:

3 (a) Acts of domestic violence, in cases involving domestic
4 violence protection orders;

5 (b) Physical or nonphysical contact, or acts of commercial sexual
6 exploitation, in cases involving sexual assault protection orders;

7 (c) Acts of stalking, in cases involving stalking protection
8 orders; or

9 (d) Acts of unlawful harassment, in cases involving
10 antiharassment protection orders.

11 The petitioner bears no burden of proving that he or she has a
12 current reasonable fear of harm by the respondent.

13 (4) In determining whether there has been a substantial change in
14 circumstances, the court may consider the following unweighted
15 factors, and no inference is to be drawn from the order in which the
16 factors are listed:

17 (a) Whether the respondent has committed or threatened sexual
18 assault, commercial sexual exploitation, domestic violence, stalking,
19 or other harmful acts against the petitioner or any other person
20 since the protection order was entered;

21 (b) Whether the respondent has violated the terms of the
22 protection order and the time that has passed since the entry of the
23 order;

24 (c) Whether the respondent has exhibited suicidal ideation or
25 attempts since the protection order was entered;

26 (d) Whether the respondent has been convicted of criminal
27 activity since the protection order was entered;

28 (e) Whether the respondent has either acknowledged responsibility
29 for acts of sexual assault, commercial sexual exploitation, domestic
30 violence, stalking, or behavior that resulted in the entry of the
31 protection order, or successfully completed state-certified
32 perpetrator treatment or counseling since the protection order was
33 entered;

34 (f) Whether the respondent has a continuing involvement with drug
35 or alcohol abuse, if such abuse was a factor in the protection order;

36 (g) Whether the petitioner consents to terminating the protection
37 order, provided that consent is given voluntarily and knowingly; or

38 (h) Other factors relating to a substantial change in
39 circumstances.

1 (5) In determining whether there has been a substantial change in
2 circumstances, the court may not base its determination on the fact
3 that time has passed without a violation of the order.

4 (6) Regardless of whether there is a substantial change in
5 circumstances, the court may decline to terminate a protection order
6 if it finds that the acts of domestic violence, sexual assault,
7 commercial sexual exploitation, stalking, unlawful harassment, and
8 other harmful acts that resulted in the issuance of the protection
9 order were of such severity that the order should not be terminated.

10 (7) A respondent may file a motion to modify or terminate an
11 order no more than once in every 12-month period that the order is in
12 effect, starting from the date of the order and continuing through
13 any renewal period.

14 (8) If a person who is protected by a protection order has a
15 child or adopts a child after a protection order has been issued, but
16 before the protection order has expired, the petitioner may seek to
17 include the new child in the order of protection on an ex parte basis
18 if the child is already in the physical custody of the petitioner. If
19 the restrained person is the legal or biological parent of the child,
20 a hearing must be set and notice given to the restrained person prior
21 to final modification of the full protection order.

22 (9) A court may require the respondent to pay the petitioner for
23 costs incurred in responding to a motion to modify or terminate a
24 protection order, including reasonable attorneys' fees.

25 PART III - CRIME VICTIMS COMPENSATION

26 **Sec. 12.** RCW 7.68.060 and 2020 c 308 s 1 are each amended to
27 read as follows:

28 (1) Except for applications received pursuant to subsection (6)
29 of this section, no compensation of any kind shall be available under
30 this chapter if:

31 (a) An application for benefits is not received by the department
32 within three years after the date the criminal act was reported to a
33 local police department or sheriff's office or the date the rights of
34 beneficiaries accrued, unless the director has determined that "good
35 cause" exists to expand the time permitted to receive the
36 application. "Good cause" shall be determined by the department on a
37 case-by-case basis and may extend the period of time in which an
38 application can be received for up to five years after the date the

1 criminal act was reported to a local police department or sheriff's
2 office or the date the rights of beneficiaries accrued; or

3 (b) The criminal act is not reported by the victim or someone on
4 his or her behalf to a local police department or sheriff's office
5 within twelve months of its occurrence or, if it could not reasonably
6 have been reported within that period, within twelve months of the
7 time when a report could reasonably have been made. In making
8 determinations as to reasonable time limits, the department shall
9 give greatest weight to the needs of the victims.

10 (2) No person or spouse, child, or dependent of such person is
11 eligible for benefits under this chapter when the injury for which
12 benefits are sought was:

13 (a) The result of consent, provocation, or incitement by the
14 victim, unless an injury resulting from a criminal act caused the
15 death of the victim;

16 (b) Sustained while the crime victim was engaged in the attempt
17 to commit, or the commission of, a felony; or

18 (c) Sustained while the victim was confined in any county or city
19 jail, federal jail or prison or in any other federal institution, or
20 any state correctional institution maintained and operated by the
21 department of social and health services or the department of
22 corrections, prior to release from lawful custody; or confined or
23 living in any other institution maintained and operated by the
24 department of social and health services or the department of
25 corrections.

26 (3) No person or spouse, child, or dependent of such person is
27 eligible for benefits under this chapter where the person making a
28 claim for such benefits has refused to give reasonable cooperation to
29 state or local law enforcement agencies in their efforts to apprehend
30 and convict the perpetrator of the criminal act which gave rise to
31 the claim.

32 (4) A victim is not eligible for benefits under this chapter if
33 the victim:

34 (a) Has been convicted of a felony offense within five years
35 preceding the criminal act for which the victim is applying where the
36 felony offense is a violent offense under RCW 9.94A.030 or a crime
37 against persons under RCW 9.94A.411, or is convicted of such a felony
38 offense after the criminal act for which the victim is applying; and

39 (b) Has not completely satisfied all legal financial obligations
40 owed.

1 (5) Because victims of childhood criminal acts may repress
2 conscious memory of such criminal acts far beyond the age of
3 eighteen, the rights of adult victims of childhood criminal acts
4 shall accrue at the time the victim discovers or reasonably should
5 have discovered the elements of the crime. In making determinations
6 as to reasonable time limits, the department shall give greatest
7 weight to the needs of the victim.

8 (6) (a) Benefits under this chapter are available to any victim of
9 a person against whom the state initiates proceedings under chapter
10 71.09 RCW. The right created under this subsection shall accrue when
11 the victim is notified of proceedings under chapter 71.09 RCW or the
12 victim is interviewed, deposed, or testifies as a witness in
13 connection with the proceedings. An application for benefits under
14 this subsection must be received by the department within two years
15 after the date the victim's right accrued unless the director
16 determines that good cause exists to expand the time to receive the
17 application. The director shall determine "good cause" on a case-by-
18 case basis and may extend the period of time in which an application
19 can be received for up to five years after the date the right of the
20 victim accrued. Benefits under this subsection shall be limited to
21 compensation for costs or losses incurred on or after the date the
22 victim's right accrues for a claim allowed under this subsection.

23 (b) A person identified as a minor victim of sex trafficking or
24 as the "minor" in the charge of commercial sexual abuse of a minor
25 under RCW 9.68A.100, promoting commercial sexual abuse of a minor
26 under RCW 9.68A.101, or promoting travel for commercial sexual abuse
27 of a minor under RCW 9.68A.102 is considered a victim of a criminal
28 act for the purpose of the right to benefits under this chapter even
29 if the person is also charged with prostitution under RCW 9A.88.030.
30 A person identified under this subsection (6) (b) may file an
31 application for benefits at any time, and the ineligibility factors
32 of subsections (1) and (2) of this section do not apply to such a
33 person.

34 **PART IV - STATUTE OF LIMITATIONS AND EVIDENTIARY PROCEDURES**

35 **Sec. 13.** RCW 9A.04.080 and 2023 c 197 s 8 and 2023 c 122 s 8 are
36 each reenacted and amended to read as follows:

37 (1) Prosecutions for criminal offenses shall not be commenced
38 after the periods prescribed in this section.

1 (a) The following offenses may be prosecuted at any time after
2 their commission:

3 (i) Murder;

4 (ii) Homicide by abuse;

5 (iii) Arson if a death results;

6 (iv) Vehicular homicide;

7 (v) Vehicular assault if a death results;

8 (vi) Hit-and-run injury-accident if a death results (RCW
9 46.52.020(4));

10 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
11 under the age of sixteen;

12 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
13 under the age of sixteen;

14 (ix) Rape of a child in the first degree (RCW 9A.44.073);

15 (x) Rape of a child in the second degree (RCW 9A.44.076);

16 (xi) Rape of a child in the third degree (RCW 9A.44.079);

17 (xii) Sexual misconduct with a minor in the first degree (RCW
18 9A.44.093);

19 (xiii) Custodial sexual misconduct in the first degree (RCW
20 9A.44.160);

21 (xiv) Child molestation in the first degree (RCW 9A.44.083);

22 (xv) Child molestation in the second degree (RCW 9A.44.086);

23 (xvi) Child molestation in the third degree (RCW 9A.44.089);

24 ((and))

25 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);

26 (xviii) Trafficking (RCW 9A.40.100) if the victim is under the
27 age of 18;

28 (xix) Commercial sexual abuse of a minor (RCW 9.68A.100);

29 (xx) Promoting commercial sexual abuse of a minor (RCW
30 9.68A.101);

31 (xxi) Promoting travel for commercial sexual abuse of a minor
32 (RCW 9.68A.102); and

33 (xxii) Permitting commercial sexual abuse of a minor (RCW
34 9.68A.103).

35 (b) Except as provided in (a) of this subsection, the following
36 offenses may not be prosecuted more than ((~~twenty~~)) 20 years after
37 its commission:

38 (i) Rape in the first degree (RCW 9A.44.040);

39 (ii) Rape in the second degree (RCW 9A.44.050); or

40 (iii) Indecent liberties (RCW 9A.44.100).

1 (c) The following offenses may not be prosecuted more than ten
2 years after its commission:

3 (i) Any felony committed by a public officer if the commission is
4 in connection with the duties of his or her office or constitutes a
5 breach of his or her public duty or a violation of the oath of
6 office;

7 (ii) Arson if no death results;

8 (iii) Rape in the third degree (RCW 9A.44.060);

9 (iv) Attempted murder; or

10 (v) Trafficking under RCW 9A.40.100.

11 (d) A violation of ~~((any))~~ this offense listed in this subsection
12 (1)(d) may be prosecuted up to ~~((ten))~~ 10 years after its commission
13 or, if committed against a victim under the age of ~~((eighteen))~~ 18,
14 up to the victim's ~~((thirtieth))~~ 30th birthday, whichever is later:

15 ~~((i) RCW 9.68A.100 (commercial sexual abuse of a minor));~~

16 ~~((ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
17 minor));~~

18 ~~((iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
19 of a minor)); or~~

20 ~~((iv))~~ RCW 9A.64.020 (incest).

21 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years
22 after its commission, or if committed against a victim under the age
23 of 18, up to the victim's 28th birthday, whichever is later.

24 (f) The following offenses may not be prosecuted more than six
25 years after its commission or discovery, whichever occurs later:

26 (i) Violations of RCW 9A.82.060 or 9A.82.080;

27 (ii) Any felony violation of chapter 9A.83 RCW;

28 (iii) Any felony violation of chapter 9.35 RCW;

29 (iv) Theft in the first or second degree under chapter 9A.56 RCW
30 when accomplished by color or aid of deception;

31 (v) Theft from a vulnerable adult under RCW 9A.56.400;

32 (vi) Trafficking in stolen property in the first or second degree
33 under chapter 9A.82 RCW in which the stolen property is a motor
34 vehicle or major component part of a motor vehicle as defined in RCW
35 46.80.010; or

36 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

37 (g) The following offenses may not be prosecuted more than five
38 years after its commission: Any class C felony under chapter 74.09,
39 82.36, or 82.38 RCW.

1 (h) Bigamy may not be prosecuted more than three years after the
2 time specified in RCW 9A.64.010.

3 (i) A violation of RCW 9A.56.030 may not be prosecuted more than
4 three years after the discovery of the offense when the victim is a
5 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

6 (j) No other felony may be prosecuted more than three years after
7 its commission; except that in a prosecution under RCW 9A.44.115, if
8 the person who was viewed, photographed, or filmed did not realize at
9 the time that he or she was being viewed, photographed, or filmed,
10 the prosecution must be commenced within two years of the time the
11 person who was viewed or in the photograph or film first learns that
12 he or she was viewed, photographed, or filmed.

13 (k) No gross misdemeanor, except as provided under (e) of this
14 subsection, may be prosecuted more than two years after its
15 commission.

16 (l) No misdemeanor may be prosecuted more than one year after its
17 commission.

18 (2) The periods of limitation prescribed in subsection (1) of
19 this section do not run during any time when the person charged is
20 not usually and publicly resident within this state.

21 (3) In any prosecution for a sex offense as defined in RCW
22 9.94A.030, the periods of limitation prescribed in subsection (1) of
23 this section run from the date of commission or four years from the
24 date on which the identity of the suspect is conclusively established
25 by deoxyribonucleic acid testing or by photograph as defined in RCW
26 9.68A.011, whichever is later.

27 (4) If, before the end of a period of limitation prescribed in
28 subsection (1) of this section, an indictment has been found or a
29 complaint or an information has been filed, and the indictment,
30 complaint, or information is set aside, then the period of limitation
31 is extended by a period equal to the length of time from the finding
32 or filing to the setting aside.

33 **Sec. 14.** RCW 9A.44.120 and 2019 c 90 s 1 are each amended to
34 read as follows:

35 (1) A statement not otherwise admissible by statute or court
36 rule, is admissible in evidence in dependency proceedings under Title
37 13 RCW and criminal proceedings, including juvenile offense
38 adjudications, in the courts of the state of Washington if:

1 (a) (i) It is made by a child when under the age of ten describing
2 any act of sexual contact performed with or on the child by another,
3 describing any attempted act of sexual contact with or on the child
4 by another, or describing any act of physical abuse of the child by
5 another that results in substantial bodily harm as defined by RCW
6 9A.04.110; or

7 (ii) It is made by a child when under the age of (~~sixteen~~) 18
8 describing any of the following acts or attempted acts performed with
9 or on the child: Trafficking under RCW 9A.40.100; commercial sexual
10 abuse of a minor under RCW 9.68A.100; promoting commercial sexual
11 abuse of a minor under RCW 9.68A.101; or promoting travel for
12 commercial sexual abuse of a minor under RCW 9.68A.102;

13 (b) The court finds, in a hearing conducted outside the presence
14 of the jury, that the time, content, and circumstances of the
15 statement provide sufficient indicia of reliability; and

16 (c) The child either:

17 (i) Testifies at the proceedings; or

18 (ii) Is unavailable as a witness, except that when the child is
19 unavailable as a witness, such statement may be admitted only if
20 there is corroborative evidence of the act.

21 (2) A statement may not be admitted under this section unless the
22 proponent of the statement makes known to the adverse party his or
23 her intention to offer the statement and the particulars of the
24 statement sufficiently in advance of the proceedings to provide the
25 adverse party with a fair opportunity to prepare to meet the
26 statement.

27 **Sec. 15.** RCW 9A.44.150 and 2013 c 302 s 9 are each amended to
28 read as follows:

29 (1) On motion of the prosecuting attorney in a criminal
30 proceeding, the court may order that a child under the age of
31 (~~fourteen~~) 18 may testify in a room outside the presence of the
32 defendant and the jury while one-way closed-circuit television
33 equipment simultaneously projects the child's testimony into another
34 room so the defendant and the jury can watch and hear the child
35 testify if:

36 (a) The testimony will:

37 (i) Describe an act or attempted act of sexual contact performed
38 with or on the child witness by another person or with or on a child
39 other than the child witness by another person;

1 (ii) Describe an act or attempted act of physical abuse against
2 the child witness by another person or against a child other than the
3 child witness by another person;

4 (iii) Describe a violation of RCW 9A.40.100 (trafficking) or any
5 offense identified in chapter 9.68A RCW (sexual exploitation of
6 children); or

7 (iv) Describe a violent offense as defined by RCW 9.94A.030
8 committed against a person known by or familiar to the child witness
9 or by a person known by or familiar to the child witness;

10 (b) The testimony is taken during the criminal proceeding;

11 (c) The court finds by substantial evidence, in a hearing
12 conducted outside the presence of the jury, that (~~requiring the~~
13 ~~child witness to testify in the presence of the defendant will cause~~
14 ~~the~~):

15 (i) The particular child involved would be traumatized;

16 (ii) The source of the trauma is not the courtroom generally, but
17 the presence of the defendant; and

18 (iii) The emotional or mental distress suffered by the child (~~to~~
19 suffer serious emotional or mental distress that will prevent)) would
20 be more than de minimis, such that the child (~~from~~) could not
21 reasonably (~~communicating~~) communicate at the trial. If the
22 defendant is excluded from the presence of the child, the jury must
23 also be excluded;

24 (d) As provided in (a) and (b) of this subsection, the court may
25 allow a child witness to testify in the presence of the defendant but
26 outside the presence of the jury, via closed-circuit television, if
27 the court finds, upon motion and hearing outside the presence of the
28 jury, that (~~the child will suffer serious emotional distress that~~
29 ~~will prevent the child from reasonably communicating at the trial in~~
30 ~~front of the jury, or, that although the child may be able to~~
31 ~~reasonably communicate at trial in front of the jury, the child will~~
32 ~~suffer serious emotional or mental distress from testifying)): (i)
33 The particular child involved would be traumatized; (ii) the source
34 of the trauma is not the courtroom generally, but the presence of the
35 jury; and (iii) the emotional or mental distress suffered by the
36 child would be more than de minimis, regardless of whether or not the
37 child could reasonably communicate at the trial in front of the jury.
38 If the child is able to communicate in front of the defendant but not
39 the jury the defendant will remain in the room with the child while
40 the jury is excluded from the room;~~

1 (e) The court finds that the prosecutor has made all reasonable
2 efforts to prepare the child witness for testifying, including
3 informing the child or the child's parent or guardian about community
4 counseling services, giving court tours, and explaining the trial
5 process. If the prosecutor fails to demonstrate that preparations
6 were implemented or the prosecutor in good faith attempted to
7 implement them, the court shall deny the motion;

8 (f) The court balances the strength of the state's case without
9 the testimony of the child witness against the defendant's
10 constitutional rights and the degree of infringement of the closed-
11 circuit television procedure on those rights;

12 (g) The court finds that no less restrictive method of obtaining
13 the testimony exists that can adequately protect the child witness
14 from ~~((the serious))~~ suffering emotional or mental distress that
15 would be more than de minimis;

16 (h) When the court allows the child witness to testify outside
17 the presence of the defendant, the defendant can communicate
18 constantly with the defense attorney by electronic transmission and
19 be granted reasonable court recesses during the child's testimony for
20 person-to-person consultation with the defense attorney;

21 (i) The court can communicate with the attorneys by an audio
22 system so that the court can rule on objections and otherwise control
23 the proceedings;

24 (j) All parties in the room with the child witness are on camera
25 and can be viewed by all other parties. If viewing all participants
26 is not possible, the court shall describe for the viewers the
27 location of the prosecutor, defense attorney, and other participants
28 in relation to the child;

29 (k) The court finds that the television equipment is capable of
30 making an accurate reproduction and the operator of the equipment is
31 competent to operate the equipment; and

32 (l) The court imposes reasonable guidelines upon the parties for
33 conducting the filming to avoid trauma to the child witness or abuse
34 of the procedure for tactical advantage.

35 The prosecutor, defense attorney, and a neutral and trained
36 victim's advocate, if any, shall always be in the room where the
37 child witness is testifying. The court in the court's discretion
38 depending on the circumstances and whether the jury or defendant or
39 both are excluded from the room where the child is testifying, may
40 remain or may not remain in the room with the child.

1 (2) During the hearing conducted under subsection (1) of this
2 section to determine whether the child witness may testify outside
3 the presence of the defendant and/or the jury, the court may conduct
4 the observation and examination of the child outside the presence of
5 the defendant if:

6 (a) The prosecutor alleges and the court concurs that the child
7 witness will be unable to testify in front of the defendant or (~~will~~
8 ~~suffer severe emotional or mental distress if forced to testify in~~
9 ~~front of the defendant~~) that (i) the particular child involved would
10 be traumatized; (ii) the source of the trauma is not the courtroom
11 generally, but the presence of the defendant; and (iii) the emotional
12 or mental distress suffered by the child would be more than de
13 minimis;

14 (b) The defendant can observe and hear the child witness by
15 closed-circuit television;

16 (c) The defendant can communicate constantly with the defense
17 attorney during the examination of the child witness by electronic
18 transmission and be granted reasonable court recesses during the
19 child's examination for person-to-person consultation with the
20 defense attorney; and

21 (d) The court finds the closed-circuit television is capable of
22 making an accurate reproduction and the operator of the equipment is
23 competent to operate the equipment. Whenever possible, all the
24 parties in the room with the child witness shall be on camera so that
25 the viewers can see all the parties. If viewing all participants is
26 not possible, then the court shall describe for the viewers the
27 location of the prosecutor, defense attorney, and other participants
28 in relation to the child.

29 (3) The court shall make particularized findings on the record
30 articulating the factors upon which the court based its decision to
31 allow the child witness to testify via closed-circuit television
32 pursuant to this section. The factors the court may consider include,
33 but are not limited to, a consideration of the child's age, physical
34 health, emotional stability, expressions by the child of fear of
35 testifying in open court or in front of the defendant, the
36 relationship of the defendant to the child, and the court's
37 observations of the child's inability to reasonably communicate in
38 front of the defendant or in open court. The court's findings shall
39 identify the impact the factors have upon the child's ability to
40 testify in front of the jury or the defendant or both and the

1 specific nature of the emotional or mental trauma the child would
2 suffer. The court shall determine whether the source of the trauma is
3 the presence of the defendant, the jury, or both, and shall limit the
4 use of the closed-circuit television accordingly.

5 (4) This section does not apply if the defendant is an attorney
6 pro se unless the defendant has a court-appointed attorney assisting
7 the defendant in the defense.

8 (5) This section may not preclude the presence of both the child
9 witness and the defendant in the courtroom together for purposes of
10 establishing or challenging the identification of the defendant when
11 identification is a legitimate issue in the proceeding.

12 (6) The Washington supreme court may adopt rules of procedure
13 regarding closed-circuit television procedures.

14 (7) All recorded tapes of testimony produced by closed-circuit
15 television equipment shall be subject to any protective order of the
16 court for the purpose of protecting the privacy of the child witness.

17 (8) Nothing in this section creates a right of the child witness
18 to a closed-circuit television procedure in lieu of testifying in
19 open court.

20 (9) The state shall bear the costs of the closed-circuit
21 television procedure.

22 (10) A child witness may or may not be a victim in the
23 proceeding.

24 (11) Nothing in this section precludes the court, under other
25 circumstances arising under subsection (1)(a) of this section, from
26 allowing a child to testify outside the presence of the defendant and
27 the jury so long as the testimony is presented in accordance with the
28 standards and procedures required in this section.

29 **Sec. 16.** RCW 9A.82.100 and 2012 c 139 s 2 are each amended to
30 read as follows:

31 (1)(a) A person who sustains injury to his or her person,
32 business, or property by an act of criminal profiteering that is part
33 of a pattern of criminal profiteering activity, or by an offense
34 defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103,
35 or 9A.88.070, or by a violation of RCW 9A.82.060 or 9A.82.080 may
36 file an action in superior court for the recovery of damages and the
37 costs of the suit, including reasonable investigative and attorney's
38 fees.

1 (b) The attorney general or county prosecuting attorney may file
2 an action: (i) On behalf of those persons injured or, respectively,
3 on behalf of the state or county if the entity has sustained damages,
4 or (ii) to prevent, restrain, or remedy a pattern of criminal
5 profiteering activity, or an offense defined in RCW 9A.40.100,
6 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or a
7 violation of RCW 9A.82.060 or 9A.82.080.

8 (c) An action for damages filed by or on behalf of an injured
9 person, the state, or the county shall be for the recovery of damages
10 and the costs of the suit, including reasonable investigative and
11 attorney's fees.

12 (d) In an action filed to prevent, restrain, or remedy a pattern
13 of criminal profiteering activity, or an offense defined in RCW
14 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070,
15 or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof
16 of the violation, may impose a civil penalty not exceeding two
17 hundred fifty thousand dollars, in addition to awarding the cost of
18 the suit, including reasonable investigative and attorney's fees.

19 (2) The superior court has jurisdiction to prevent, restrain, and
20 remedy a pattern of criminal profiteering, or an offense defined in
21 RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or
22 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080 after making
23 provision for the rights of all innocent persons affected by the
24 violation and after hearing or trial, as appropriate, by issuing
25 appropriate orders.

26 (3) Prior to a determination of liability, orders issued under
27 subsection (2) of this section may include, but are not limited to,
28 entering restraining orders or prohibitions or taking such other
29 actions, including the acceptance of satisfactory performance bonds,
30 in connection with any property or other interest subject to damages,
31 forfeiture, or other restraints pursuant to this section as the court
32 deems proper. The orders may also include attachment, receivership,
33 or injunctive relief in regard to personal or real property pursuant
34 to Title 7 RCW. In shaping the reach or scope of receivership,
35 attachment, or injunctive relief, the superior court shall provide
36 for the protection of bona fide interests in property, including
37 community property, of persons who were not involved in the violation
38 of this chapter, except to the extent that such interests or property
39 were acquired or used in such a way as to be subject to forfeiture
40 under RCW 9A.82.100(4)(f).

1 (4) Following a determination of liability, orders may include,
2 but are not limited to:

3 (a) Ordering any person to divest himself or herself of any
4 interest, direct or indirect, in any enterprise.

5 (b) Imposing reasonable restrictions on the future activities or
6 investments of any person, including prohibiting any person from
7 engaging in the same type of endeavor as the enterprise engaged in,
8 the activities of which affect the laws of this state, to the extent
9 the Constitutions of the United States and this state permit.

10 (c) Ordering dissolution or reorganization of any enterprise.

11 (d) Ordering the payment of actual damages sustained to those
12 persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an
13 offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102,
14 9.68A.103, or 9A.88.070, or an act of criminal profiteering that is
15 part of a pattern of criminal profiteering, and in the court's
16 discretion, increasing the payment to an amount not exceeding three
17 times the actual damages sustained.

18 (e) Ordering the payment of all costs and expenses of the
19 prosecution and investigation of a pattern of criminal profiteering,
20 or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101,
21 9.68A.102, 9.68A.103, or 9A.88.070, activity or a violation of RCW
22 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or
23 county, including any costs of defense provided at public expense, as
24 appropriate to the state general fund or the antiprofitteering
25 revolving fund of the county.

26 (f) Ordering forfeiture first as restitution to any person
27 damaged by an act of criminal profiteering that is part of a pattern
28 of criminal profiteering, or by an offense defined in RCW 9A.40.100,
29 then to the state general fund or antiprofitteering revolving fund of
30 the county, as appropriate, to the extent not already ordered to be
31 paid in other damages, of the following:

32 (i) Any property or other interest acquired or maintained in
33 violation of RCW 9A.82.060 or 9A.82.080 to the extent of the
34 investment of funds, and any appreciation or income attributable to
35 the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

36 (ii) Any property, contractual right, or claim against property
37 used to influence any enterprise that a person has established,
38 operated, controlled, conducted, or participated in the conduct of,
39 in violation of RCW 9A.82.060 or 9A.82.080.

1 (iii) All proceeds traceable to or derived from an offense
2 included in the pattern of criminal profiteering activity, or an
3 offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102,
4 9.68A.103, or 9A.88.070, and all moneys, negotiable instruments,
5 securities, and other things of value significantly used or intended
6 to be used significantly to facilitate commission of the offense.

7 (g) Ordering payment to the state general fund or
8 antiprofitteering revolving fund of the county, as appropriate, of an
9 amount equal to the gain a person has acquired or maintained through
10 an offense included in the definition of criminal profiteering.

11 (5) In addition to or in lieu of an action under this section,
12 the attorney general or county prosecuting attorney may file an
13 action for forfeiture to the state general fund or antiprofitteering
14 revolving fund of the county, as appropriate, to the extent not
15 already ordered paid pursuant to this section, of the following:

16 (a) Any interest acquired or maintained by a person in violation
17 of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of
18 funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any
19 appreciation or income attributable to the investment.

20 (b) Any property, contractual right, or claim against property
21 used to influence any enterprise that a person has established,
22 operated, controlled, conducted, or participated in the conduct of,
23 in violation of RCW 9A.82.060 or 9A.82.080.

24 (c) All proceeds traceable to or derived from an offense included
25 in the pattern of criminal profiteering activity, or an offense
26 defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103,
27 or 9A.88.070, and all moneys, negotiable instruments, securities, and
28 other things of value significantly used or intended to be used
29 significantly to facilitate the commission of the offense.

30 (6) A defendant convicted in any criminal proceeding is precluded
31 in any civil proceeding from denying the essential allegations of the
32 criminal offense proven in the criminal trial in which the defendant
33 was convicted. For the purposes of this subsection, a conviction
34 shall be deemed to have occurred upon a verdict, finding, or plea of
35 guilty, notwithstanding the fact that appellate review of the
36 conviction and sentence has been or may be sought. If a subsequent
37 reversal of the conviction occurs, any judgment that was based upon
38 that conviction may be reopened upon motion of the defendant.

39 (7) The initiation of civil proceedings under this section shall
40 be commenced within the later of the following periods:

1 (a) Within three years after discovery of the pattern of criminal
2 profiteering activity or after the pattern should reasonably have
3 been discovered; or (~~in~~)

4 (b) In the case of an offense that is defined in RCW 9A.40.100,
5 (~~within~~) 9.68A.100, 9.68A.101, 9.68A.102, and 9.68A.103:

6 (i) Within three years of the act alleged to have caused the
7 injury or condition;

8 (ii) Within three years of the time the victim discovered or
9 reasonably should have discovered that the injury or condition was
10 caused by said act;

11 (iii) Within three years of the time the victim discovered that
12 the act caused the injury for which the claim is brought; or

13 (iv) Within three years after the final disposition of any
14 criminal charges relating to the offense (~~whichever is later~~).

15 (8) The attorney general or county prosecuting attorney may, in a
16 civil action brought pursuant to this section, file with the clerk of
17 the superior court a certificate stating that the case is of special
18 public importance. A copy of that certificate shall be furnished
19 immediately by the clerk to the presiding chief judge of the superior
20 court in which the action is pending and, upon receipt of the copy,
21 the judge shall immediately designate a judge to hear and determine
22 the action. The judge so designated shall promptly assign the action
23 for hearing, participate in the hearings and determination, and cause
24 the action to be expedited.

25 (9) The standard of proof in actions brought pursuant to this
26 section is the preponderance of the evidence test.

27 (10) A person other than the attorney general or county
28 prosecuting attorney who files an action under this section shall
29 serve notice and one copy of the pleading on the attorney general
30 within thirty days after the action is filed with the superior court.
31 The notice shall identify the action, the person, and the person's
32 attorney. Service of the notice does not limit or otherwise affect
33 the right of the state to maintain an action under this section or
34 intervene in a pending action nor does it authorize the person to
35 name the state or the attorney general as a party to the action.

36 (11) Except in cases filed by a county prosecuting attorney, the
37 attorney general may, upon timely application, intervene in any civil
38 action or proceeding brought under this section if the attorney
39 general certifies that in the attorney general's opinion the action
40 is of special public importance. Upon intervention, the attorney

1 general may assert any available claim and is entitled to the same
2 relief as if the attorney general had instituted a separate action.

3 (12) In addition to the attorney general's right to intervene as
4 a party in any action under this section, the attorney general may
5 appear as amicus curiae in any proceeding in which a claim under this
6 section has been asserted or in which a court is interpreting RCW
7 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this
8 section.

9 (13) A private civil action under this section does not limit any
10 other civil or criminal action under this chapter or any other
11 provision. Private civil remedies provided under this section are
12 supplemental and not mutually exclusive.

13 (14) Upon motion by the defendant, the court may authorize the
14 sale or transfer of assets subject to an order or lien authorized by
15 this chapter for the purpose of paying actual attorney's fees and
16 costs of defense. The motion shall specify the assets for which sale
17 or transfer is sought and shall be accompanied by the defendant's
18 sworn statement that the defendant has no other assets available for
19 such purposes. No order authorizing such sale or transfer may be
20 entered unless the court finds that the assets involved are not
21 subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to
22 disposition of the motion, the court shall notify the state of the
23 assets sought to be sold or transferred and shall hear argument on
24 the issue of whether the assets are subject to forfeiture under RCW
25 9A.82.100(4)(f). Such a motion may be made from time to time and
26 shall be heard by the court on an expedited basis.

27 (15) In an action brought under subsection (1)(a) and (b)(i) of
28 this section, either party has the right to a jury trial.

29 PART V - VICTIM PRIVACY

30 **Sec. 17.** RCW 10.97.130 and 2019 c 300 s 2 are each amended to
31 read as follows:

32 (1) Information revealing the specific details that describe the
33 alleged or proven child victim of sexual assault or commercial sexual
34 exploitation under age (~~(eighteen)~~) 18, or the identity or contact
35 information of an alleged or proven child victim of sexual assault or
36 commercial sexual exploitation under age (~~(eighteen)~~) 18 is
37 confidential and not subject to release to the press or public
38 without the permission of the child victim and the child's legal

1 guardian. Identifying information includes the child victim's name,
2 addresses, location, photographs, and in cases in which the child
3 victim is a relative, stepchild, or stepsibling of the alleged
4 perpetrator, identification of the relationship between the child and
5 the alleged perpetrator. Contact information includes phone numbers,
6 email addresses, social media profiles, and user names and passwords.
7 Contact information or information identifying the child victim of
8 sexual assault or commercial sexual exploitation may be released to
9 law enforcement, prosecutors, judges, defense attorneys, or private
10 or governmental agencies that provide services to the child victim of
11 sexual assault. Prior to release of any criminal history record
12 information, the releasing agency shall delete any contact
13 information or information identifying a child victim of sexual
14 assault or commercial sexual exploitation from the information except
15 as provided in this section.

16 (2) This section does not apply to court documents or other
17 materials admitted in open judicial proceedings.

18 (3) For purposes of this section, "commercial sexual
19 exploitation" has the same meaning as in RCW 7.105.010.

20 **Sec. 18.** RCW 42.56.240 and 2022 c 268 s 31 are each amended to
21 read as follows:

22 The following investigative, law enforcement, and crime victim
23 information is exempt from public inspection and copying under this
24 chapter:

25 (1) Specific intelligence information and specific investigative
26 records compiled by investigative, law enforcement, and penology
27 agencies, and state agencies vested with the responsibility to
28 discipline members of any profession, the nondisclosure of which is
29 essential to effective law enforcement or for the protection of any
30 person's right to privacy;

31 (2) Information revealing the identity of persons who are
32 witnesses to or victims of crime or who file complaints with
33 investigative, law enforcement, or penology agencies, other than the
34 commission, if disclosure would endanger any person's life, physical
35 safety, or property. If at the time a complaint is filed the
36 complainant, victim, or witness indicates a desire for disclosure or
37 nondisclosure, such desire shall govern. However, all complaints
38 filed with the commission about any elected official or candidate for

1 public office must be made in writing and signed by the complainant
2 under oath;

3 (3) Any records of investigative reports prepared by any state,
4 county, municipal, or other law enforcement agency pertaining to sex
5 offenses contained in chapter 9A.44 RCW or sexually violent offenses
6 as defined in RCW 71.09.020, which have been transferred to the
7 Washington association of sheriffs and police chiefs for permanent
8 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

9 (4) License applications under RCW 9.41.070, except that copies
10 of license applications or information on the applications may be
11 released to law enforcement or corrections agencies or to persons and
12 entities as authorized under RCW 9.41.815;

13 (5) (a) Information revealing the specific details that describe
14 an alleged or proven child victim of sexual assault or commercial
15 sexual exploitation under age (~~eighteen~~) 18, or the identity or
16 contact information of an alleged or proven child victim of sexual
17 assault or commercial sexual exploitation who is under age
18 (~~eighteen~~) 18. Identifying information includes the child victim's
19 name, addresses, location, photograph, and in cases in which the
20 child victim is a relative, stepchild, or stepsibling of the alleged
21 perpetrator, identification of the relationship between the child and
22 the alleged perpetrator. Contact information includes phone numbers,
23 email addresses, social media profiles, and user names and passwords.

24 (b) For purposes of this subsection (5), "commercial sexual
25 exploitation" has the same meaning as in RCW 7.105.010;

26 (6) Information contained in a local or regionally maintained
27 gang database as well as the statewide gang database referenced in
28 RCW 43.43.762;

29 (7) Data from the electronic sales tracking system established in
30 RCW 69.43.165;

31 (8) Information submitted to the statewide unified sex offender
32 notification and registration program under RCW 36.28A.040(6) by a
33 person for the purpose of receiving notification regarding a
34 registered sex offender, including the person's name, residential
35 address, and email address;

36 (9) Personally identifying information collected by law
37 enforcement agencies pursuant to local security alarm system programs
38 and vacation crime watch programs. Nothing in this subsection shall
39 be interpreted so as to prohibit the legal owner of a residence or

1 business from accessing information regarding his or her residence or
2 business;

3 (10) The felony firearm offense conviction database of felony
4 firearm offenders established in RCW 43.43.822;

5 (11) The identity of a state employee or officer who has in good
6 faith filed a complaint with an ethics board, as provided in RCW
7 42.52.410, or who has in good faith reported improper governmental
8 action, as defined in RCW 42.40.020, to the auditor or other public
9 official, as defined in RCW 42.40.020;

10 (12) The following security threat group information collected
11 and maintained by the department of corrections pursuant to RCW
12 72.09.745: (a) Information that could lead to the identification of a
13 person's security threat group status, affiliation, or activities;
14 (b) information that reveals specific security threats associated
15 with the operation and activities of security threat groups; and (c)
16 information that identifies the number of security threat group
17 members, affiliates, or associates;

18 (13) The global positioning system data that would indicate the
19 location of the residence of an employee or worker of a criminal
20 justice agency as defined in RCW 10.97.030;

21 (14) Body worn camera recordings to the extent nondisclosure is
22 essential for the protection of any person's right to privacy as
23 described in RCW 42.56.050, including, but not limited to, the
24 circumstances enumerated in (a) of this subsection. A law enforcement
25 or corrections agency shall not disclose a body worn camera recording
26 to the extent the recording is exempt under this subsection.

27 (a) Disclosure of a body worn camera recording is presumed to be
28 highly offensive to a reasonable person under RCW 42.56.050 to the
29 extent it depicts:

30 (i) (A) Any areas of a medical facility, counseling, or
31 therapeutic program office where:

32 (I) A patient is registered to receive treatment, receiving
33 treatment, waiting for treatment, or being transported in the course
34 of treatment; or

35 (II) Health care information is shared with patients, their
36 families, or among the care team; or

37 (B) Information that meets the definition of protected health
38 information for purposes of the health insurance portability and
39 accountability act of 1996 or health care information for purposes of
40 chapter 70.02 RCW;

1 (ii) The interior of a place of residence where a person has a
2 reasonable expectation of privacy;

3 (iii) An intimate image;

4 (iv) A minor;

5 (v) The body of a deceased person;

6 (vi) The identity of or communications from a victim or witness
7 of an incident involving domestic violence as defined in RCW
8 10.99.020 or sexual assault as defined in RCW 70.125.030, or
9 disclosure of intimate images as defined in RCW 9A.86.010. If at the
10 time of recording the victim or witness indicates a desire for
11 disclosure or nondisclosure of the recorded identity or
12 communications, such desire shall govern; or

13 (vii) The identifiable location information of a community-based
14 domestic violence program as defined in RCW 70.123.020, or emergency
15 shelter as defined in RCW 70.123.020.

16 (b) The presumptions set out in (a) of this subsection may be
17 rebutted by specific evidence in individual cases.

18 (c) In a court action seeking the right to inspect or copy a body
19 worn camera recording, a person who prevails against a law
20 enforcement or corrections agency that withholds or discloses all or
21 part of a body worn camera recording pursuant to (a) of this
22 subsection is not entitled to fees, costs, or awards pursuant to RCW
23 42.56.550 unless it is shown that the law enforcement or corrections
24 agency acted in bad faith or with gross negligence.

25 (d) A request for body worn camera recordings must:

26 (i) Specifically identify a name of a person or persons involved
27 in the incident;

28 (ii) Provide the incident or case number;

29 (iii) Provide the date, time, and location of the incident or
30 incidents; or

31 (iv) Identify a law enforcement or corrections officer involved
32 in the incident or incidents.

33 (e) (i) A person directly involved in an incident recorded by the
34 requested body worn camera recording, an attorney representing a
35 person directly involved in an incident recorded by the requested
36 body worn camera recording, a person or his or her attorney who
37 requests a body worn camera recording relevant to a criminal case
38 involving that person, or the executive director from either the
39 Washington state commission on African American affairs, Asian
40 Pacific American affairs, or Hispanic affairs, has the right to

1 obtain the body worn camera recording, subject to any exemption under
2 this chapter or any applicable law. In addition, an attorney who
3 represents a person regarding a potential or existing civil cause of
4 action involving the denial of civil rights under the federal or
5 state Constitution, or a violation of a United States department of
6 justice settlement agreement, has the right to obtain the body worn
7 camera recording if relevant to the cause of action, subject to any
8 exemption under this chapter or any applicable law. The attorney must
9 explain the relevancy of the requested body worn camera recording to
10 the cause of action and specify that he or she is seeking relief from
11 redaction costs under this subsection (14)(e).

12 (ii) A law enforcement or corrections agency responding to
13 requests under this subsection (14)(e) may not require the requesting
14 individual to pay costs of any redacting, altering, distorting,
15 pixelating, suppressing, or otherwise obscuring any portion of a body
16 worn camera recording.

17 (iii) A law enforcement or corrections agency may require any
18 person requesting a body worn camera recording pursuant to this
19 subsection (14)(e) to identify himself or herself to ensure he or she
20 is a person entitled to obtain the body worn camera recording under
21 this subsection (14)(e).

22 (f)(i) A law enforcement or corrections agency responding to a
23 request to disclose body worn camera recordings may require any
24 requester not listed in (e) of this subsection to pay the reasonable
25 costs of redacting, altering, distorting, pixelating, suppressing, or
26 otherwise obscuring any portion of the body worn camera recording
27 prior to disclosure only to the extent necessary to comply with the
28 exemptions in this chapter or any applicable law.

29 (ii) An agency that charges redaction costs under this subsection
30 (14)(f) must use redaction technology that provides the least costly
31 commercially available method of redacting body worn camera
32 recordings, to the extent possible and reasonable.

33 (iii) In any case where an agency charges a requestor for the
34 costs of redacting a body worn camera recording under this subsection
35 (14)(f), the time spent on redaction of the recording shall not count
36 towards the agency's allocation of, or limitation on, time or costs
37 spent responding to public records requests under this chapter, as
38 established pursuant to local ordinance, policy, procedure, or state
39 law.

40 (g) For purposes of this subsection (14):

1 (i) "Body worn camera recording" means a video and/or sound
2 recording that is made by a body worn camera attached to the uniform
3 or eyewear of a law enforcement or corrections officer while in the
4 course of his or her official duties; and

5 (ii) "Intimate image" means an individual or individuals engaged
6 in sexual activity, including sexual intercourse as defined in RCW
7 9A.44.010 and masturbation, or an individual's intimate body parts,
8 whether nude or visible through less than opaque clothing, including
9 the genitals, pubic area, anus, or postpubescent female nipple.

10 (h) Nothing in this subsection shall be construed to restrict
11 access to body worn camera recordings as otherwise permitted by law
12 for official or recognized civilian and accountability bodies or
13 pursuant to any court order.

14 (i) Nothing in this section is intended to modify the obligations
15 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
16 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
17 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
18 the relevant Washington court criminal rules and statutes.

19 (j) A law enforcement or corrections agency must retain body worn
20 camera recordings for at least (~~sixty~~) 60 days and thereafter may
21 destroy the records in accordance with the applicable records
22 retention schedule;

23 (15) Any records and information contained within the statewide
24 sexual assault kit tracking system established in RCW 43.43.545;

25 (16)(a) Survivor communications with, and survivor records
26 maintained by, campus-affiliated advocates.

27 (b) Nothing in this subsection shall be construed to restrict
28 access to records maintained by a campus-affiliated advocate in the
29 event that:

30 (i) The survivor consents to inspection or copying;

31 (ii) There is a clear, imminent risk of serious physical injury
32 or death of the survivor or another person;

33 (iii) Inspection or copying is required by federal law; or

34 (iv) A court of competent jurisdiction mandates that the record
35 be available for inspection or copying.

36 (c) "Campus-affiliated advocate" and "survivor" have the
37 definitions in RCW 28B.112.030;

38 (17) Information and records prepared, owned, used, or retained
39 by the Washington association of sheriffs and police chiefs and

1 information and records prepared, owned, used, or retained by the
2 Washington state patrol pursuant to chapter 261, Laws of 2017; and
3 (18) Any and all audio or video recordings of child forensic
4 interviews as defined in chapter 26.44 RCW. Such recordings are
5 confidential and may only be disclosed pursuant to a court order
6 entered upon a showing of good cause and with advance notice to the
7 child's parent, guardian, or legal custodian. However, if the child
8 is an emancipated minor or has attained the age of majority as
9 defined in RCW 26.28.010, advance notice must be to the child.
10 Failure to disclose an audio or video recording of a child forensic
11 interview as defined in chapter 26.44 RCW is not grounds for
12 penalties or other sanctions available under this chapter.

13

PART VI - MISCELLANEOUS

14 NEW SECTION. **Sec. 19.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 20.** This act takes effect January 1, 2025.

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