

SUPREME COURT NO. 84066-1

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JEREMY ANDERSON,

Petitioner.

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ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR MASON COUNTY

The Honorable Toni A. Sheldon, Judge

SUPPLEMENTAL BRIEF OF PETITIONER

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A. ISSUE IN SUPPLEMENTAL BRIEF

An eleven year old child made statements to a school counselor and law enforcement regarding an uncharged offense of sexual molestation allegedly committed against him by the petitioner, Jeremy Anderson. The child was subsequently examined by Nancy Young, a registered nurse practitioner at the Sexual Assault Clinic at Providence St. Peter's Hospital. Young was aware of statements C.C.S. made to law enforcement regarding the alleged molestation. The child did not testify at trial, however, the trial court found the hearsay statements were not testimonial and admitted the statements. Were Anderson's state and federal constitutional rights to confront witnesses violated by the introduction of testimonial hearsay from Young where Anderson did not have the opportunity to cross examine C.C.S.?

B. SUPPLEMENTAL STATEMENT OF THE CASE

Jeremy Anderson [Anderson] was charged in Mason County Superior Court with one count of first degree child molestation, in violation of 9A.44.083. Clerk's Papers [CP] at 1-2. M.A.E. was the named victim. CP at 1-2.

On June 23, 2008 the State filed notice of intent to offer evidence of two uncharged sex offenses allegedly committed by Anderson and evidence of convictions for two counts of communication with a minor for

immoral purposes, pursuant to RCW 10.58.090. CP 122-23. The first uncharged offense involved an accusation that in October, 2002, Anderson sexually molested C.C.S., an eleven year old male. Report of Proceedings at 69. C.C.S. disclosed the alleged abuse to a school counselor, a police detective, and Nancy Young, a registered nurse practitioner.

At trial the State did not call C.C.S. as a witness, but nonetheless elicited hearsay testimony of his statements to Young. The State did not argue that C.C.S. was unavailable, but instead argued that the statements were nontestimonial and were made during a sexual assault examination, the purpose of which was not to generate information for use in a criminal prosecution, and therefore entry of the statements did not violate the Sixth Amendment of the United States Constitution and Article 1, § 22 of the Washington Constitution.

Nancy Young works at the Sexual Assault Clinic at Providence St. Peter's Hospital in Olympia, Washington. She stated at trial that her role is to "coordinate the sexual assault nurse examiner program which responds to rape victims in the emergency center at Providence." RP at 147. She stated that she examines children "partly" as "a team approach to the response to investigation of child abuse cases" RP at 147. C.C.S. was previously interviewed by Detective Harry Heldreth of the

Shelton Police Department, following the child's statements to a school counselor in November, 2003 that Anderson had touched his penis. RP at 69.

Young examined C.C.S. on December 22, 2003 at Providence St. Peter's Hospital Sexual Assault Clinic. RP at 147. She testified that prior to taking his medical history, she was aware that he had previously stated that Anderson had touched his penis. RP at 155.

At trial, M.A.E. testified that Anderson had laid on top of him and rubbed his penis against M.A.E.'s penis.

The trial court judge found that the uncharged incident involving C.C.S. and the statements by C.C.S. related by Young were nontestimonial under *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004). RP 149-50. The court found that "the purpose of this exam [of C.C.S.], or this interview, was not something that was going to be generated for use in a criminal prosecution, but instead a medical exam as part of a team approach; that this was the medical exam." RP at 150. The court also found that an uncharged offense involving K.R.P. and Anderson's prior convictions for communication of a minor for immoral purposes were not subject to analysis under *Crawford*. RP at 91-92.

The jury found Anderson guilty of the charge of first degree child molestation. CP 75.

On appeal, Anderson challenged his conviction for first degree child molestation on the grounds that the Court erroneously concluded the hearsay statement by C.C.S. was not testimonial and that the admission of the child's hearsay statement violated his right to confrontation.¹ Brief of Appellant (BOA) at 11-16 (citing *Crawford v. Washington*).

Distinguishing its ruling in *State v. Hopkins*, 137 Wn.App. 441, 154 P.3d 250 (2007), the Court of Appeals rejected Anderson's claims. See slip op. at 5. This Court then granted Anderson's petition for review to determine the effect of *Crawford* on Anderson's case.

C. ARGUMENT

1. **THE TRIAL COURT DENIED MR. ANDERSON HIS CONSTITUTIONAL RIGHT TO CONFRONT WITNESSES BY ERRONEOUSLY ADMITTING C.C.S.'s TESTIMONIAL HEARSAY IN VIOLATION OF CRAWFORD V. WASHINGTON.**

a. **The Sixth Amendment and Article I, § 22 guarantee Anderson the right to confront and cross-examine C.C.S.**

¹The Court of Appeals noted that both Anderson and the State "mischaracterize Young's testimony" in their briefs by describing the statements as "C.C.S.'s statements to Young." Slip Op. at 2n. 2. The Court found that the testimony was "merely recounting her knowledge of C.C.S.'s history prior to examining him." Slip Op. at {2 n. 2. The Court describes Young's statements as being double hearsay. Slip Op. at 3n. 4. Anderson respectfully disagrees with this assessment, and contends that the record, although not a model of clarity, support the contention that Young was describing statements C.C.S. made to her. Additionally, the trial court appears to have treated the statements as having been made by C.C.S. to Young. RP 149-50.

The admission of C.C.S.'s statement to Young violated his right to confrontation under the Sixth Amendment of the United States Constitution. The Sixth Amendment provides:

In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him.

U.S. Const. amend. VI.

This provision is applicable to the states through the Due Process Clause of the Fourteenth Amendment. *Pointer v. Texas*, 380 U.S. 400 at 403, 85 S.Ct. 1065, 13 L.Ed.2d 923 (1965); U.S. Const. Amend. XIV.

The Washington Constitution provides: "In criminal prosecutions the accused shall have the right . . . to meet the witnesses against him face to face . . .". Const. art. I, § 22.

The essence of the Sixth Amendment's right to confrontation is the right to meaningful cross-examination of anyone who bears testimony against him. *Crawford v. Washington*, 541 U.S. 36, 51, 53-59, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004); *United States v. Owens*, 484 U.S. 554, 557, 108 S.Ct. 838, 98 L.Ed.2d 951 (1988). The confrontation clause "bars 'admission of testimonial statements of a witness who did not appear at trial unless' the witness 'was unavailable to testify, and the defendant had had a prior opportunity for cross-examination.'" *Davis v. Washington*, 547 U.S. 813, 821, 126 S.Ct. 2266, 165 L.Ed.2d 224

(2006)(quoting *Crawford*, 541 U.S. 53-54). Nontestimonial hearsay, however, is admissible under the Sixth Amendment only under the rules of evidence. *Davis*, 547 U.S. at 821.

Crawford does not provide a comprehensive definition of the term "testimonial." Instead, the Court articulated three core classes of testimonial statements: *ex parte*, in-court testimony or its functional equivalent; extrajudicial statements in formalized testimonial materials, such as affidavits, depositions, or prior testimony; and statements made under circumstances that would lead an objective witness reasonably to believe that the statement would be available for use at a later trial. *State v. Shafer*, 156 Wn.2d 381, 389 n. 6, 128 P.3d 87 (2006) (citing *Crawford*, 541 U.S. at 51-52). The *Crawford* Court stated a testimonial statement "applies at a minimum to prior testimony . . . and to police interrogations." *Crawford*, 541 U.S. at 68, 124 S.Ct. 1354. "[C]asual remarks made to family, friends, and nongovernment agents are generally not testimonial statements because they were not made in contemplation of bearing formal witness against the accused." *Shafer*, 156 Wn.2d at 389 (citing *Crawford*, 541 U.S. at 51). On the other hand, a statement "knowingly given in response to structured police questioning" is testimonial under "any conceivable definition." *Crawford*, 541 U.S. at 53 n. 4.

C.C.S.'s statements to Young were testimonial hearsay and should have been excluded under *Crawford*. C.C.S.'s statements were obtained in the context of a sexual assault examination conducted by Young. Young stated that her role is to "coordinate the sexual assault nurse examiner program in response to rape victims" seen in the emergency center at the St. Peter Sexual Assault Clinic. RP at 147. C.C.S. was referred to her following a disclosure of abuse made by C.C.S. in November, 2003 to a school counselor and to law enforcement. Young received information regarding C.C.S.'s disclosure from law enforcement, and then performed a sexual assault examination of C.C.S. following that initial report. It is logical to assume, on these facts, C.C.S. knew, despite his youth, there could be criminal implications for Anderson as a result of his allegation. In addition, pursuant to RCW 26.44.030(1)(a), individuals including, *inter alia*, registered or licensed nurses, social service counselors, and medical providers are required to file reports with the proper law enforcement agencies where they have reasonable cause to believe that a child had suffered abuse or neglect. Young's examination was conducted under circumstances that would lead an objective witness to believe that the statements would be available for use at a criminal trial.

Therefore, under *Crawford*, C.C.S.'s statements to Young were testimonial. The Court of Appeals, however, found that Young's sexual assault examination is distinguishable from statements made by a victim to a social worker in *State v. Hopkins*, 137 Wn.App. 441, 154 P.3d 250 (2007). In *Hopkins*, a two-and-a-half year old child was interviewed by a social worker who testified her job was to investigate whether the child's allegations were truthful and provide the results of the interview to police. 137 Wn. App. at 447. The *Hopkins* Court held the child's statements to the social worker were testimonial reasoning the social worker "was also acting in a government capacity for CPS and, in that capacity, she obtained statements from MH (the child) that the State used to prosecute Hopkins." *Id.* at 458. Here, the overlap between Young's role and that of law enforcement is compelling. Young received information regarding C.C.S.'s statements from law enforcement, following a forensic interview conducted by law enforcement. There was also no showing that C.C.S. understood the statements were for the purpose of medical diagnosis or treatment. Finally, the prosecutor did not establish that C.C.S.'s statements were reasonably pertinent to diagnosis or treatment.

Other jurisdictions have reached the conclusion that statements made in the course of sexual abuse examinations are testimonial. *See, T.P. v. State*, 911 So.2d 1117, 1123-24 (Ala. 2004) (child's statements about

sexual abuse to interviewer employed by Department of Human Resources at interview that was attended by a sheriff's investigator were testimonial); *Anderson v. State*, 833 N.E.2d 119, 125-26 (Ind. Ct.App. 2005) (child's statements about sexual assault made to social worker during interviews that were coordinated and directed by police detective were testimonial); *State v. Justus*, 205 S.W.3d 872, 880-81 (Mo. 2006) (child's statements describing sexual abuse during interviews conducted by child abuse investigator for division of family services and by licensed social worker employed at a children's advocacy center were testimonial); *State v. Blue*, 717 N.W.2d 558 , 564-65 (N.D. 2006) (child's videotaped statements describing sexual assault to a forensic interviewer made while police officer watched the interview on television from another room were testimonial); *Rangel v. State*, 199 S.W.3d 523, 532-35 (Tex. App. 2006) (child's statements describing sexual assault during videotaped interview conducted by a Child Protective Services investigator were testimonial).

Therefore, like the statements made to the social worker in *Hopkins*, the statements made by C.C.S. described by Young were testimonial and therefore inadmissible.

b. The improper admission of C.C.S.'s statements was not harmless.

This Court has ruled that a violation of the right to confrontation is

subject to a constitutional harmless error analysis. *State v. Watt*, 160 Wn.2d 626, 634-35, 160 P.3d 640 (2007). "Constitutional error is presumed to be prejudicial and the State bears the burden of proving that the error was harmless." *State v. Guloy*, 104 Wn.2d 412, 425, 705 P.2d 1182 (1985). "The presumption may be overcome if and only if the reviewing court is able to express an abiding conviction, based on its independent review of the record, that the error was harmless beyond a reasonable doubt, that is, that it cannot possibly have influenced the jury adversely to the defendant and did not contribute to the verdict obtained." *State v. Ashcraft*, 71 Wn. App. 444, 465, 859 P.2d 60 (1993). The reviewing court "decides whether the actual guilty verdict was surely unattributable to the error; it does not decide whether a guilty verdict would have been rendered by a hypothetical [trier of fact] faced with the same record, except for the error." *State v. Jackson*, 87 Wn. App. 801, 813, 944 P.2d 403 (1997), *aff'd*, 137 Wn.2d 712, 976 P.2d 1229 (1999). Here, the State cannot show the improper testimony did not contribute to the verdict. There was no physical or forensic evidence to support the allegations. Because the State's evidence regarding M.A.E. rested in large part on the statements C.C.S. made to others, it is likely the jury based its decision on the fact C.C.S. said that Anderson had molested him. Therefore, the improper testimony could have influenced the jury and

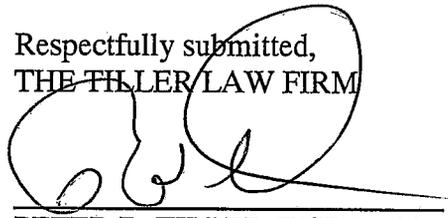
contributed to the verdict. The error in admitting the testimony was not harmless and Anderson's conviction should be reversed.

F. CONCLUSION

For the reasons stated herein, this Court should vacate Anderson's conviction.

DATED: August 18, 2010.

Respectfully submitted,
THE TILLER LAW FIRM

A handwritten signature in black ink, appearing to read 'P. B. Tiller', is written over a horizontal line. The signature is stylized and cursive.

PETER B. TILLER-WSBA 20835
Of Attorneys for Jeremy Anderson

ATTACHMENT

STATUTES

RCW 10.58.090

Sex Offenses — Admissibility.

(1) In a criminal action in which the defendant is accused of a sex offense, evidence of the defendant's commission of another sex offense or sex offenses is admissible, notwithstanding Evidence Rule 404(b), if the evidence is not inadmissible pursuant to Evidence Rule 403.

(2) In a case in which the state intends to offer evidence under this rule, the attorney for the state shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

(3) This section shall not be construed to limit the admission or consideration of evidence under any other evidence rule.

(4) For purposes of this section, "sex offense" means:

(a) Any offense defined as a sex offense by RCW 9.94A.030;

(b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree); and

(c) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes).

(5) For purposes of this section, uncharged conduct is included in the definition of "sex offense."

(6) When evaluating whether evidence of the defendant's commission of another sexual offense or offenses should be excluded pursuant to Evidence Rule 403, the trial judge shall consider the following factors:

(a) The similarity of the prior acts to the acts charged;

- (b) The closeness in time of the prior acts to the acts charged;
- (c) The frequency of the prior acts;
- (d) The presence or lack of intervening circumstances;
- (e) The necessity of the evidence beyond the testimonies already offered at trial;
- (f) Whether the prior act was a criminal conviction;
- (g) Whether the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence; and
- (h) Other facts and circumstances.

RCW 26.44.030

Reports — Duty and authority to make — Duty of receiving agency — Duty to notify — Case planning and consultation — Penalty for unauthorized exchange of information — Filing dependency petitions — Investigations — Interviews of children — Records — Risk assessment process.

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a

child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

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

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

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

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

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

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity

that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

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

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

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

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

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

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

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

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make

the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

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

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

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

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

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

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

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

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

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

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

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

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

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

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

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