

# HOUSE BILL REPORT

## HJR 4218

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As Reported By House Committee On:  
Human Services

**Brief Description:** Amending the Constitution to declare the duty of the state to provide for the well-being of children.

**Sponsors:** Representatives R. Johnson, Leonard, Wineberry, Jones, King and Pruitt.

**Brief History:**

Reported by House Committee on:  
Human Services, January 27, 1994, DPS.

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### HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Leonard, Chair; Thibaudeau, Vice Chair; Brown; Caver; Karahalios; Patterson and Wolfe.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk and Padden.

**Staff:** John Welsh (786-7133).

**Background:** Currently, there is no provision in the state constitution which provides a duty of the state to provide for the well-being of children.

**Summary of Substitute Bill:** The state constitution is amended to provide a duty of the state to make ample provision for the well-being of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex, with the same standard of constitutional priority as education in Article IX, Section 1. The Legislature is authorized to determine the parameters of the well-being of children.

Article IX, Section 1 declares a paramount duty of the state to make ample provision for the education of all children. The state Supreme Court has interpreted this article as a substantive provision imposing a judicially enforceable affirmative duty on the state to provide ample education for all resident children, creating a corresponding right in such children that is also paramount, i.e., supreme, preeminent, or dominant.

**Substitute Bill Compared to Original Bill:** The Legislature is authorized to define the parameters of the well-being of children.

**Fiscal Note:** Available.

**Testimony For:** The needs of children in this state directly affect the future of society and the health of its institutions. The well-being of children should be a paramount priority of the state equal to education. Like basic education, it is appropriate that the Legislature, as the policy-making branch of the state, determine the parameters of the well-being of children.

**Testimony Against:** It is not necessarily the duty of the state to provide for the well-being of children. Families have the primary responsibility. The duty created by this constitutional amendment is an invitation to litigation and intervention by the courts in defining a patently ambiguous term.

**Witnesses:** Cris Shardelman (con); Tony Lee, Washington Association of Churches (pro); Margaret Casey, Washington State Catholic Conference (pro); and Paula Maranan, Children's Alliance (pro).