

1 **SSB 5511 - H AMDS 708**

2 By Representative Boldt

3 On page 1, line 10, after information- strike determined to be  
4 unfounded- and insert related to unfounded referrals-

5 On page 1, beginning on line 16, strike all matter through  
6 services.- on line 19.

7 On page 3, after line 12, insert the following:

8 **Sec. 4.** RCW 26.44.020 and 1996 c 178 10 are each amended to  
9 read as follows:

10 For the purpose of and as used in this chapter:

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

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

16 (3) "Practitioner of the healing arts" or "practitioner" means a  
17 person licensed by this state to practice podiatric medicine and  
18 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
19 medicine and surgery, or medicine and surgery or to provide other  
20 health services. The term "practitioner" shall include a duly  
21 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a  
22 person who is being furnished Christian Science treatment by a duly  
23 accredited Christian Science practitioner shall not be considered, for  
24 that reason alone, a neglected person for the purposes of this chapter.

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

27 (5) "Department" means the state department of social and health  
28 services.

29 (6) "Child" or "children" means any person under the age of  
30 eighteen years of age.

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

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

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

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

16 (11) "Clergy" shall mean any regularly licensed or ordained  
17 minister, priest or rabbi of any church or religious denomination,  
18 whether acting in an individual capacity or as an employee or agent of  
19 any public or private organization or institution.

20 (12) "Abuse or neglect" shall mean the injury, sexual abuse,  
21 sexual exploitation, negligent treatment, or maltreatment of a child,  
22 adult dependent, or developmentally disabled person by any person under  
23 circumstances which indicate that the child's or adult's health,  
24 welfare, and safety is harmed. An abused child is a child who has been  
25 subjected to child abuse or neglect as defined herein.

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

28 (14) "Adult dependent persons" shall be defined as those persons  
29 over the age of eighteen years who have been found to be legally  
30 incompetent or disabled pursuant to chapter 11.88 RCW.

31 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or  
32 encouraging a child to engage in prostitution by any person; or (b)  
33 allowing, permitting, encouraging, or engaging in the obscene or  
34 pornographic photographing, filming, or depicting of a child by any  
35 person.

36 (16) "Negligent treatment or maltreatment" means an act or  
37 omission which evidences a serious disregard of consequences of such

1 magnitude as to constitute a clear and present danger to the child's  
2 health, welfare, and safety.

3 (17) "Developmentally disabled person" means a person who has a  
4 disability defined in RCW 71A.10.020.

5 (18) "Child protective services" means those services provided by  
6 the department designed to protect children from child abuse and  
7 neglect and safeguard the general welfare of such children and shall  
8 include investigations of child abuse and neglect reports, including  
9 reports regarding child care centers and family child care homes, and  
10 the development, management, and provision of or referral to services  
11 to ameliorate conditions which endanger the welfare of children, the  
12 coordination of necessary programs and services relevant to the  
13 prevention, intervention, and treatment of child abuse and neglect, and  
14 services to children to ensure that each child has a permanent home.  
15 In determining whether protective services should be provided, the  
16 department shall not decline to provide such services solely because of  
17 the child's unwillingness or developmental inability to describe the  
18 nature and severity of the abuse or neglect.

19 (19) "Malice" or "maliciously" means an evil intent, wish, or  
20 design to vex, annoy, or injure another person. Such malice may be  
21 inferred from an act done in wilful disregard of the rights of another,  
22 or an act wrongfully done without just cause or excuse, or an act or  
23 omission of duty betraying a wilful disregard of social duty.

24 (20) "Sexually aggressive youth" means a child who is defined in  
25 RCW 74.13.075(1)(b) as being a "sexually aggressive youth.

26 (21) Unfounded- means available evidence indicates that, more  
27 likely than not, child abuse or neglect did not occur."

28 Correct the title.

**EFFECT:** Places in statute a definition of unfounded referral.-