

HOUSE BILL ANALYSIS

HB 1397

Title: An act relating to false accusations of child abuse or neglect.

Brief Description: Penalizing false accusations of child abuse or neglect.

Sponsors: Representatives Ballasiotes, O'Brien, Delvin, Robertson, McDonald, Sheldon, Hatfield, Zellinsky, Kessler and Sullivan.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: The domestic relations title of the Revised Code of Washington (Title 26) governs actions regarding divorce, child support and custody, paternity, child abuse and neglect, domestic violence, and adoption, among others. In many of those actions, the court may establish a parenting plan or enter an order regarding child custody.

In a divorce or legal separation action, the court must limit the residential time a parent may have with a child if the court finds that the parent has abandoned the child, has engaged in a pattern of physical, sexual, or emotional abuse of a child, or has engaged in acts of domestic violence.

A person is guilty of perjury if the person makes a materially false statement that the person knows is false. Perjury is a class B felony if the statement is made under oath during the course of an official proceeding.

Summary of Bill: Three sanctions are established for intentionally making a false allegation of child abuse or neglect during the course of a judicial proceeding conducted under Title 26 of the Revised Code of Washington relating to a parenting plan or child custody.

First, if a court determines that a false allegation was made during a judicial proceeding, the court may impose a monetary penalty against the party who made the false allegation or who induced another person to make the false allegation. The monetary penalty may not exceed \$1,000, and is payable to the person who is falsely accused. In addition, the court may impose reasonable attorneys' fees if the accused incurs attorneys' fees to recover the monetary penalty. A "party" includes a witness, a party, or a party's attorney. The provision does not apply to unemancipated minors.

Second, a person who intentionally makes a false allegation of child abuse or neglect, or induces another person to make a false allegation, during a judicial proceeding under Title 26 relating to a parenting plan or child custody is guilty of a class C felony.

Third, a presumption is created that a parent's residential time with a child should be limited if the court finds that the parent intentionally made false allegations of child abuse or neglect during the proceedings.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.