
HOUSE BILL 1496

State of Washington

55th Legislature

1997 Regular Session

By Representatives Benson, Cooke, Mulliken, Dunshee, Linville, Sheahan, Gombosky, Carrell, Sterk, McMorris and Kastama

Read first time 01/28/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to the definition of negligent treatment of a
2 child; amending RCW 26.44.020; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that housing is
5 frequently influenced by the economic situation faced by the family.
6 This may include siblings sharing a bedroom. The legislature also
7 finds that the family living situation due to economic circumstances in
8 and of itself is not sufficient to justify a finding of child abuse,
9 negligent treatment, or maltreatment.

10 **Sec. 2.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read
11 as follows:

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

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

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

1 (3) "Practitioner of the healing arts" or "practitioner" means a
2 person licensed by this state to practice pediatric medicine and
3 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
4 medicine and surgery, or medicine and surgery or to provide other
5 health services. The term "practitioner" shall include a duly
6 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a
7 person who is being furnished Christian Science treatment by a duly
8 accredited Christian Science practitioner shall not be considered, for
9 that reason alone, a neglected person for the purposes of this chapter.

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

12 (5) "Department" means the state department of social and health
13 services.

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

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

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

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

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

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

38 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
39 exploitation, negligent treatment, or maltreatment of a child, adult

1 dependent, or developmentally disabled person by any person under
2 circumstances which indicate that the child's or adult's health,
3 welfare, and safety is harmed. An abused child is a child who has been
4 subjected to child abuse or neglect as defined herein.

5 (13) "Child protective services section" shall mean the child
6 protective services section of the department.

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

10 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
11 encouraging a child to engage in prostitution by any person; or (b)
12 allowing, permitting, encouraging, or engaging in the obscene or
13 pornographic photographing, filming, or depicting of a child by any
14 person.

15 (16) "Negligent treatment or maltreatment" means an act or omission
16 which evidences a serious disregard of consequences of such magnitude
17 as to constitute a clear and present danger to the child's health,
18 welfare, and safety. "Negligent treatment or maltreatment" does not
19 include situations where siblings share a bedroom because of the
20 financial situation of the parent.

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

23 (18) "Child protective services" means those services provided by
24 the department designed to protect children from child abuse and
25 neglect and safeguard the general welfare of such children and shall
26 include investigations of child abuse and neglect reports, including
27 reports regarding child care centers and family child care homes, and
28 the development, management, and provision of or referral to services
29 to ameliorate conditions which endanger the welfare of children, the
30 coordination of necessary programs and services relevant to the
31 prevention, intervention, and treatment of child abuse and neglect, and
32 services to children to ensure that each child has a permanent home.
33 In determining whether protective services should be provided, the
34 department shall not decline to provide such services solely because of
35 the child's unwillingness or developmental inability to describe the
36 nature and severity of the abuse or neglect.

37 (19) "Malice" or "maliciously" means an evil intent, wish, or
38 design to vex, annoy, or injure another person. Such malice may be
39 inferred from an act done in wilful disregard of the rights of another,

1 or an act wrongfully done without just cause or excuse, or an act or
2 omission of duty betraying a wilful disregard of social duty.

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

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