
SUBSTITUTE HOUSE BILL 2588

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Boldt, Mielke, Mulliken, Carrell, Lambert and Clements)

Read first time 01/30/98. Referred to Committee on .

1 AN ACT Relating to controlled substances as a risk factor in
2 determining negligent treatment or maltreatment of a child; and
3 reenacting and amending RCW 26.44.020.

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

5 **Sec. 1.** RCW 26.44.020 and 1997 c 386 s 45, 1997 c 386 s 24, 1997
6 c 282 s 4, and 1997 c 132 s 2 are each reenacted and amended to read as
7 follows:

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

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

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

14 (3) "Practitioner of the healing arts" or "practitioner" means a
15 person licensed by this state to practice podiatric medicine and
16 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
17 medicine and surgery, or medicine and surgery or to provide other
18 health services. The term "practitioner" shall include a duly
19 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a

1 person who is being furnished Christian Science treatment by a duly
2 accredited Christian Science practitioner shall not be considered, for
3 that reason alone, a neglected person for the purposes of this chapter.

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

6 (5) "Department" means the state department of social and health
7 services.

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

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

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

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

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

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

32 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
33 exploitation, negligent treatment, or maltreatment of a child, adult
34 dependent, or developmentally disabled person by any person under
35 circumstances which indicate that the child's or adult's health,
36 welfare, and safety is harmed, excluding conduct permitted under RCW
37 9A.16.100. An abused child is a child who has been subjected to child
38 abuse or neglect as defined herein.

1 (13) "Child protective services section" shall mean the child
2 protective services section of the department.

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

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

11 (16) "Negligent treatment or maltreatment" means an act or omission
12 which evidences a serious disregard of consequences of such magnitude
13 as to constitute a clear and present danger to the child's health,
14 welfare, and safety. Substance abuse is a risk factor in determining
15 negligent treatment or maltreatment. The fact that siblings share a
16 bedroom is not, in and of itself, "negligent treatment or
17 maltreatment."

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

20 (18) "Child protective services" means those services provided by
21 the department designed to protect children from child abuse and
22 neglect and safeguard such children from future abuse and neglect, and
23 conduct investigations of child abuse and neglect reports.
24 Investigations may be conducted regardless of the location of the
25 alleged abuse or neglect. Child protective services includes referral
26 to services to ameliorate conditions which endanger the welfare of
27 children, the coordination of necessary programs and services relevant
28 to the prevention, intervention, and treatment of child abuse and
29 neglect, and services to children to ensure that each child has a
30 permanent home. In determining whether protective services should be
31 provided, the department shall not decline to provide such services
32 solely because of the child's unwillingness or developmental inability
33 to describe the nature and severity of the abuse or neglect.

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

1 (20) "Sexually aggressive youth" means a child who is defined in
2 RCW 74.13.075(1)(b) as being a "sexually aggressive youth."
3 (21) "Unfounded" means available evidence indicates that, more
4 likely than not, child abuse or neglect did not occur.

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