

***Children & Family Services
Committee***

HB 1344

Brief Description: *Defining negligent treatment or maltreatment.*

Sponsors: *Representatives Dickerson, Tokuda, Ballasiotes, Kagi and Kenney.*

Brief Summary of Bill

- *The bill establishes a new definition of negligent treatment or maltreatment.*

Hearing Date: *2/15/01*

Staff: *Deborah Frazier (786-7152).*

Background:

The Office of the Family and Children's Ombudsman 1999 Annual Report identified the state's approach to chronic child neglect cases as a major issue of concern. The Ombudsman has found that Child Protective Services (CPS) often screens out reports of child neglect without an investigation.

According to CPS, neglect reports are screened out because the specific act or omission alleged in the report does not meet the legal definition of neglect, i.e., does not constitute a clear and present danger-. CPS often will not investigate a neglect report despite being aware of a documented pattern of conduct indicating that the child may be at risk. CPS caseworkers report they feel that they lack a sufficient basis for a legal intervention.

A review of the statutory definitions in use in the 50 states for the equivalent of Washington's negligent treatment or maltreatment- definition revealed that no other state uses the clear and present danger- standard in their statutes.

Summary of Bill:

The bill establishes a new definition of negligent treatment or maltreatment. The definition

is characterized by three elements:

(1) failure to exercise a minimum degree of care in supplying food, clothing, shelter, medical treatment or supervision;

(2) the failure is not a result of a lack of financial means; and,

(3) the result of the failure is that a child's physical, mental or emotional condition has been, or is in imminent danger of becoming, impaired.

Appropriation: *None.*

Fiscal Note: *Requested on February 5, 2001.*

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