

SENATE BILL REPORT

SHB 2378

As of February 19, 2002

Title: An act relating to abuse or neglect of children.

Brief Description: Revising the definition of "abuse or neglect."

Sponsors: House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Kagi, Tokuda, Chase, Kenney and Schual-Berke).

Brief History:

Committee Activity: Human Services & Corrections: 2/21/02.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Edith Rice (786-7444)

Background: The Office of the Family and Children's Ombudsman's 2000 and 1999 Annual Reports identified the state's approach to chronic child neglect cases as a major issue of concern. The Ombudsman found that the child protection system is often ineffective in preventing or protecting children from parental neglect that is ongoing and serious.

The Ombudsman noted in both reports that Child Protective Services (CPS) often screens out reports of child neglect without an investigation. The CPS often does not investigate a neglect report despite being aware of a documented pattern of conduct indicating that the child may be at risk. The CPS caseworkers report they feel that they lack a sufficient basis for a legal intervention. The 2000 report states:

"Many caseworkers have told the Ombudsman that they have been advised by their legal counsel (assistant attorneys general or prosecuting attorneys) that clear evidence of a neglectful act resulting in imminent danger is required to justify the filing of a petition in court to compel parental participation in services or remove the child. Consequently, these workers say they feel that until they have such evidence, they have no option but to pursue less aggressive and effective interventions."

Summary of Bill: The civil definition of "abuse or neglect" is modified so that the number of elements which constitute harm to a child resulting from injury, sexual abuse or sexual exploitation are reduced to one, rather than three (e.g., "health, welfare **or** safety" vs. "health, welfare **and** safety").

The civil definition of "abuse or neglect" is modified so that the definition for the person who can be held responsible for harm resulting from negligent treatment or maltreatment is narrowed from "**any person**" to "**a person legally responsible for or providing care to the child.**"

The number of elements which constitute harm to a child resulting from negligent treatment or maltreatment are reduced to one, rather than three, "the child's health, welfare **or** safety is harmed."

The threshold for intervention in reports of harm to a child resulting from negligent treatment or maltreatment is modified from "**is harmed**" to "is harmed **or is at substantial risk of harm.**"

The civil definition of "negligent treatment or maltreatment" is modified so that the number of elements which constitute harm to a child resulting from negligent treatment or maltreatment are reduced to one, rather than three, "the child's health, welfare **or** safety is harmed."

Parents or guardians cannot be deemed abusive or neglectful when the alleged abuse or neglect results primarily from the financial inability of the parent or guardian, and services for relief have not been offered or rejected.

Appropriation: None.

Fiscal Note: Available.

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