
SUBSTITUTE HOUSE BILL 1344

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Tokuda, Ballasiotes, Kagi and Kenney)

READ FIRST TIME 02/26/01.

1 AN ACT Relating to the definition of negligent treatment or
2 maltreatment; and amending RCW 26.44.020.

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

4 **Sec. 1.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

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

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

26 (10) "Pharmacist" means any registered pharmacist under chapter
27 18.64 RCW, whether acting in an individual capacity or as an
28 employee or agent of any public or private organization or
29 institution.

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

35 (12) "Abuse or neglect" means the injury, sexual abuse, sexual
36 exploitation, negligent treatment, or maltreatment of a child by
37 any person under circumstances which indicate that the child's

1 health, welfare, and safety is harmed, excluding conduct permitted
2 under RCW 9A.16.100. An abused child is a child who has been
3 subjected to child abuse or neglect as defined in this section.

4 (13) "Child protective services section" means the child
5 protective services section of the department.

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

11 (15) "Negligent treatment or maltreatment" means an act or
12 omission, or an identifiable pattern of conduct, that evidences
13 ~~((a serious disregard of consequences of such magnitude as to~~
14 ~~constitute a clear and present danger to the child's health,~~
15 ~~welfare, and safety))~~ the failure of a parent or guardian, or
16 other person having custody and control of a child, to exercise a
17 minimum degree of care in supplying the child with adequate food,
18 clothing, shelter, sanitation, medical treatment, or supervision,
19 though financially able to do so or though offered financial or
20 other reasonable means to do so, which results in a child whose
21 physical, mental, or emotional condition has been impaired or is
22 at substantial risk of impairment. The fact that siblings share a
23 bedroom is not, in and of itself, negligent treatment or
24 maltreatment.

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

1 unwillingness or developmental inability to describe the nature
2 and severity of the abuse or neglect.

3 (17) "Malice" or "maliciously" means an evil intent, wish, or
4 design to vex, annoy, or injure another person. Such malice may be
5 inferred from an act done in willful disregard of the rights of
6 another, or an act wrongfully done without just cause or excuse,
7 or an act or omission of duty betraying a willful disregard of
8 social duty.

9 (18) "Sexually aggressive youth" means a child who is defined
10 in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

11 (19) "Unfounded" means available information indicates that,
12 more likely than not, child abuse or neglect did not occur. No
13 unfounded allegation of child abuse or neglect may be disclosed to
14 a child-placing agency, private adoption agency, or any other
15 provider licensed under chapter 74.15 RCW.

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