
SENATE BILL 5486

State of Washington

57th Legislature

2001 Regular Session

By Senators Rasmussen, Oke, Eide, Winsley, Long, Franklin, Costa, Kohl-Welles, Regala, Kastama, Thibaudeau, Roach, Stevens, McAuliffe and McCaslin

Read first time 01/24/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to dependent children and the manufacture of
2 methamphetamine; 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 methamphetamine
5 use has increased dramatically in recent years. The legislature
6 further finds the drug is often manufactured by private citizens, some
7 of whom are parents of young children. These children have been found
8 by authorities in situations dangerous to their health and safety
9 either because they are unsupervised by their parents or openly exposed
10 to drug manufacturing paraphernalia. The legislature intends that
11 state intervention is necessary in these situations to the extent
12 necessary to protect the health, safety, and welfare of the children
13 involved.

14 **Sec. 2.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read
15 as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

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

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

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

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

17 (5) "Department" means the state department of social and health
18 services.

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

21 (7) "Professional school personnel" include, but are not limited
22 to, teachers, counselors, administrators, child care facility
23 personnel, and school nurses.

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

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

35 (10) "Pharmacist" means any registered pharmacist under chapter
36 18.64 RCW, whether acting in an individual capacity or as an employee
37 or agent of any public or private organization or institution.

38 (11) "Clergy" means any regularly licensed or ordained minister,
39 priest, or rabbi of any church or religious denomination, whether

1 acting in an individual capacity or as an employee or agent of any
2 public or private organization or institution.

3 (12) "Abuse or neglect" means the injury, sexual abuse, sexual
4 exploitation, negligent treatment, or maltreatment of a child by any
5 person under circumstances which indicate that the child's health,
6 welfare, and safety is harmed, excluding conduct permitted under RCW
7 9A.16.100. An abused child is a child who has been subjected to child
8 abuse or neglect as defined in this section.

9 (13) "Child protective services section" means the child protective
10 services section of the department.

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

16 (15) "Negligent treatment or maltreatment" means an act or omission
17 that evidences a serious disregard of consequences of such magnitude as
18 to constitute a clear and present danger to the child's health,
19 welfare, and safety. The fact that siblings share a bedroom is not, in
20 and of itself, negligent treatment or maltreatment.

21 A rebuttable presumption that a child has suffered negligent
22 treatment or maltreatment shall exist if, during investigation
23 conducted by the department under this chapter or by law enforcement,
24 a child is found in a place where methamphetamine is being manufactured
25 or found at a site where methamphetamine paraphernalia is openly
26 accessible to the child.

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

1 solely because of the child's unwillingness or developmental inability
2 to describe the nature 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, or an
7 act or omission of duty betraying a willful disregard of social duty.

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

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

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