

2SSB 6220 - H COMM AMD  
By Committee on Education

NOT ADOPTED 03/05/2004

1 On page 1, after line 15, insert the following:

2 "Sec. 2. RCW 26.44.020 and 2000 c 162 s 19 are each amended to  
3 read as follows:

4 The definitions in this section apply throughout this chapter  
5 unless the context clearly requires otherwise.

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

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

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

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

22 (5) "Department" means the state department of social and health  
23 services.

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

26 (7) "Professional school personnel" include, but are not limited  
27 to, teachers, counselors, administrators, classified school employees,  
28 child care facility personnel, and school nurses.

29 (8) "Social service counselor" means anyone engaged in a  
30 professional capacity during the regular course of employment in  
31 encouraging or promoting the health, welfare, support or education of

1 children, or providing social services to adults or families, including  
2 mental health, drug and alcohol treatment, and domestic violence  
3 programs, whether in an individual capacity, or as an employee or agent  
4 of any public or private organization or institution.

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

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

12 (11) "Clergy" means any regularly licensed or ordained minister,  
13 priest, or rabbi of any church or religious denomination, whether  
14 acting in an individual capacity or as an employee or agent of any  
15 public or private organization or institution.

16 (12) "Abuse or neglect" means the injury, sexual abuse, sexual  
17 exploitation, negligent treatment, or maltreatment of a child by any  
18 person under circumstances which indicate that the child's health,  
19 welfare, and safety is harmed, excluding conduct permitted under RCW  
20 9A.16.100. An abused child is a child who has been subjected to child  
21 abuse or neglect as defined in this section.

22 (13) "Child protective services section" means the child protective  
23 services section of the department.

24 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or  
25 encouraging a child to engage in prostitution by any person; or (b)  
26 allowing, permitting, encouraging, or engaging in the obscene or  
27 pornographic photographing, filming, or depicting of a child by any  
28 person.

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

34 (16) "Child protective services" means those services provided by  
35 the department designed to protect children from child abuse and  
36 neglect and safeguard such children from future abuse and neglect, and  
37 conduct investigations of child abuse and neglect reports.

1 Investigations may be conducted regardless of the location of the  
2 alleged abuse or neglect. Child protective services includes referral  
3 to services to ameliorate conditions that endanger the welfare of  
4 children, the coordination of necessary programs and services relevant  
5 to the prevention, intervention, and treatment of child abuse and  
6 neglect, and services to children to ensure that each child has a  
7 permanent home. In determining whether protective services should be  
8 provided, the department shall not decline to provide such services  
9 solely because of the child's unwillingness or developmental inability  
10 to describe the nature and severity of the abuse or neglect.

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

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

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

23 Correct the title.

EFFECT: Clarifies that classified school employees are mandatory  
reporters for the purposes of suspected child abuse and neglect, and  
must receive training regarding their reporting duties.

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