HOUSE BILL REPORT
HB 1467

As Reported by House Committee On:
Children & Family Services

Title: An act relating to mandatory reporting of abuse or neglect.

Brief Description: Requiring mandatory reporting of abuse or neglect of a child when discovered by a person connected with specified nonprofit entities.

Sponsors: Representatives Dickerson, Wallace, P. Sullivan, Kagi, Roberts, Simpson, Appleton, Moeller, Green, Ericks, Takko and Chase.

Brief History:
Committee Activity:
Children & Family Services: 2/7/05, 2/14/05 [DPS].

Brief Summary of Substitute Bill

• Requires any person who is an employee or regular service volunteer of a nonprofit entity who has reasonable cause to believe that a child has suffered abuse or neglect to report the incident if the alleged perpetrator is an employee, contractor, regular service or occasional volunteer of the same nonprofit entity.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hinkle, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

Staff: Sonja Hallum (786-7092).

Background:

Washington has a law that requires various persons to report suspected child abuse to authorities. These persons are called "mandatory reporters." Under current law, it is mandatory that certain persons having reasonable cause to believe that a child has suffered abuse or neglect report the incident, or cause the incident to be reported, to the appropriate law enforcement agency or the Department of Social and Health Services (DSHS). There are a number of mandatory reporters listed in the current law.

The reporting requirement also extends to any adult who is able or capable of making a report and who has reasonable cause to believe that a child who resides with them has suffered

severe abuse. An individual who is not a mandatory reporter is encouraged by statute to report suspected child abuse to the proper law enforcement agency or the DSHS.

Summary of Substitute Bill:

A person who is an employee or regular-service volunteer of a nonprofit entity who has reasonable cause to believe that a child has suffered abuse or neglect is required to report the incident to the proper law enforcement agency or to the DSHS if the alleged perpetrator is an employee, contractor, regular-service or occasional-service volunteer of the same nonprofit entity.

The following definitions are provided:

    (a) "Volunteer" means any person who, of his or her own free will, provides goods or services without any financial gain to any agency, instrumentality, political subdivision, or school district of Washington.

    (b) "Occasional-service volunteer" means any person who provides a one-time or occasional volunteer service.

    (c) "Regular-service volunteer" means any person engaged in specific volunteer service activities on an ongoing or continuing basis.

An exception to the reporting requirement is added to exclude a member of the clergy from having to report communications received solely as a result of a confession that is privileged and required to be kept confidential by the church.

Substitute Bill Compared to Original Bill:

The substitute bill removes contractors from the requirement to report suspected child abuse and neglect. Definitions are added to clarify that only volunteers with an on-going or continuing relationship to the non-profit entity must report suspected child abuse or neglect.

The substitute bill adds an exception to the reporting requirement that is not contained in the original bill to exclude a member of the clergy from having to report communications received solely as a result of a confession that is privileged and required to be kept confidential by the church.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support, original bill) We have all heard reports of abuse at the hands of volunteers, coaches, clergy and others who are working with kids. Twenty-five other states require clergy to report suspected child abuse or neglect. This is not just a problem with churches. Children will continue to suffer abuse and neglect unless we have a good strong reporting system. Clergy used to be included in this bill until they were removed 30 years ago. Child abuse and neglect are great risks to children and any effort to intervene earlier are good for children. If we think a child is abused or neglected, we need to report it and bring in qualified people to determine if there is actual abuse or neglect. We need to go further in protecting children.

(With concerns, original bill) We are concerned about protecting the clergy-penitent privilege and what is the definition of "volunteer." We need to be sure volunteers are trained on how to follow the law.

Testimony Against: (On original bill) We are concerned with how broad the bill is and the impact it may have on the credibility of current mandatory reporters. There is a need to narrow the focus, but not the purpose. We need safeguards against false allegations. There aren't enough funds to enforce this bill.

Persons Testifying: (In support, original bill) Representative Dickerson, prime sponsor; Jim Flynn, Flynn and Rollins families; Kevin Glacken-Coly, Children's Alliance; and Kristen Rogers, Washington Council for the Prevention of Child Abuse and Neglect.

(With concerns, original bill) Lonnie Johns-Brown, Washington Coalition of Sexual Assault Program; Wes Oltent, NorthWest Religious Liberty Association; Paul Benz, Lutheran Public Policy and Washington Association of Churches; Donna Christensen, Catholic Conference; and Laurie Lippold, Children's Home Society.

(Opposed, original bill) Jana Heyd, Society of Counsel Representing the Accused Person and Public Defense; and Bob Higley, Washington Evangelicals for Responsible Government.

Persons Signed In To Testify But Not Testifying: None.