

# HOUSE BILL REPORT

## HB 1482

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**As Reported by House Committee On:**  
Children & Family Services

**Title:** An act relating to child abuse and neglect.

**Brief Description:** Revising provisions on child abuse and neglect.

**Sponsors:** Representatives Dickerson, Kagi, Simpson, Appleton, Morrell, Ormsby, Moeller, Kenney, McDermott, O'Brien, McIntire and Chase.

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/7/05, 2/14/05 [DPS].

**Brief Summary of Substitute Bill**

- Changes the definitions of "abuse or neglect" and "negligent treatment or maltreatment" of a child to include language pertaining to chronic neglect for the purposes of an investigation of child abuse or neglect.
- Permits the Department of Social and Health Services (DSHS) to offer voluntary services to a parent to correct the deficiencies that placed the child at risk for child abuse or neglect.
- Permits the DSHS to file a dependency petition if a parent fails to comply with treatment to correct the deficiencies that placed the child at risk for child abuse or neglect.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hinkle, Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

**Staff:** Sonja Hallum (786-7092).

**Background:**

The Department of Social and Health Services (DSHS) has the responsibility to investigate allegations of child abuse or neglect. The DSHS must investigate complaints of any recent act, or failure to act, on the part of a parent or caretaker that results in death, serious physical

or emotional harm, sexual abuse or exploitation, or that presents an imminent risk of serious harm to a child.

The DSHS is required to offer services to a family based on findings of the investigation, and to bring the situation to the attention of the appropriate court or community agency, including law enforcement if a crime may have been committed against a child.

If the investigation results in allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the DSHS may file a dependency petition with the court. If the court finds the statutory requirements for a dependency have been met, the court will find the child to be a dependent of the state.

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### **Summary of Substitute Bill:**

The legislature finds that children should remain in the home of the parents whenever possible. However, if the child is at risk, the state must intervene, particularly in cases of chronic neglect which pose significant risk to a child.

The definition of "abuse or neglect" is changed to include the negligent treatment or maltreatment of a child by the person responsible for caring for the child under circumstances which cause harm, or present a substantial threat of harm, to the child's health, safety, or welfare.

The definition of "negligent treatment or maltreatment" is changed to include the failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction that clearly demonstrates a serious disregard of consequences of such magnitude as to cause harm to or present a substantial threat of harm to the child's physical, mental or cognitive development.

When an investigation by the DSHS results in a determination that action must be taken to protect a child from negligent treatment or maltreatment, the DSHS may enter into a voluntary agreement with the parents to correct the deficiencies that are placing the child at risk. If the DSHS finds that the parents are available and willing to participate on a voluntary basis with treatment, the DSHS may agree that the child remain in the home pending the completion of such services and treatment. If the parents refuse to accept, or fail to obtain, appropriate treatment or services, the DSHS may file a dependency petition.

The duty of the DSHS is clarified to require that the DSHS investigate reports of child abuse or neglect when the alleged perpetrator is the guardian or legal custodian of the child, a member of the household, or other caretaker of the child.

The DSHS is required to report to the Legislature on the implementation of the act by December 1, 2006.

The act takes effect on January 1, 2006 and shall be known as the Justice and Raiden Act.

### **Substitute Bill Compared to Original Bill:**

The substitute bill adds an intent section indicating the legislature's intent.

A change is made to the definition of "negligent treatment or maltreatment" that returns the term "clearly demonstrates" in the original bill to the language in the current law which is "evidences."

The duty of the DSHS is clarified permit the DSHS to offer voluntary services to parents when the DSHS investigation results in a determination that the child is at risk of "negligent treatment or maltreatment" rather than when the child is at risk of the broader term of "abuse and neglect."

The requirement is added that when the court orders a dependent child be returned to, or remain in the child's home the in-home placement is contingent upon the parents compliance with the case plan and court order. The parents' noncompliance with the case plan, court order, or treatment may be grounds for removal of the child from the home, subject to review by the court.

The substitute bill adds the reporting requirement, effective date, and short title.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2005.

**Effective Date of Substitute Bill:** The bill takes effect January 1, 2006.

**Testimony For:** (In support on original bill) A couple of months ago were the horrible starvation deaths of Justice and Raiden Robinson. How many more children will have to die before we pass a bill to protect the children? The goal is not to remove more kids from their homes. Situations of chronic neglect often don't meet the standard of imminent risk so the DSHS can't act. There is no recourse when the voluntary plans aren't followed. The use of in-home dependencies with court oversight might lead to fewer kids needing to be removed from their homes. Now, no allegations are investigated if the perpetrator is a member of the household, but not a parent or caregiver.

(With concerns on original bill)

Concerned with the expansion of the bill and how it will impact victims of domestic violence. Concerned about how broad the definition is and the new cases that will be brought to the attention of the court.

**Testimony Against:** None.

**Persons Testifying:** (In support of original bill) Representative Dickerson, prime sponsor; Susan Hemman and Rusty Walker, Kent Police Department; Kristen Rogers, Washington Council for Prevention of Child Abuse and Neglect; Kevin Glacken-Coly, Children's Alliance; and John Stout, Washington State Court Appointed Special Advocates.

(With concerns) Uma Ahliwalia, Children's Administration; Grace Huang, Washington State Coalition Against Domestic Violence; Jana Heyd, Society of Counsel Representing the Accused Person and Public Defense; and Mary Meinig, Office of Family and Children Ombudsman.

**Persons Signed In To Testify But Not Testifying:** None.