

# SENATE BILL REPORT

## ESSB 5308

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As Passed Senate, March 9, 2005

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

**Brief Description:** Changing provisions relating to mandatory reporting of child abuse or neglect.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove and Oke).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/7/05, 2/14/05 [DPS].

Passed Senate: 3/9/05, 46-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5308 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

**Staff:** Edith Rice (786-7444)

**Background:** Current law requires a variety of individuals to report suspected child abuse or neglect to law enforcement or Department of Social and Health Services staff. These individuals are considered mandatory reporters and include: health care, law enforcement, school, counseling, pharmacy, childcare, Department of Social and Health Services, juvenile probation, and Office of Family and Children's Ombudsman staff.

Abuse or neglect means, the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstance which indicate that the child's health, welfare, and safety is harmed.

An adult who resides with a child, who the adult reasonably believes has suffered "severe abuse" is also required to report the abuse to the proper authorities. Severe abuse means any of the following: any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture or unconsciousness.

**Summary of Bill:** A supervisor in a for profit or non-profit organization is added to the list of mandatory reporters. If the supervisor has reasonable cause to believe the child has suffered abuse or neglect caused by someone they supervise and that person coaches, trains, educates, counsels or regularly has unsupervised access to children as part of their employment,

contract or voluntary service, then the supervisor must report the information to law enforcement.

Supervisors are not required to report child abuse if they receive the information solely as the result of a privileged communication as defined in RCW 5.60.060. The current list of mandatory reporters is not limited by the reference to supervisors.

Definitions for "official supervisory capacity" and "regularly exercises supervisory authority" are provided.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** We support the bill and would like to see it expanded to include more reporters. Some perpetrators are still free and should not be. This bill is an improvement but raises some concerns about government infringing upon rights.

**Testimony Against:** None.

**Who Testified:** PRO: Jim Flynn, citizen; Ben Rollins, citizen; Kevin Glagan-Coley, Children's Alliance. CONCERNS: Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs; Bob Higley; WA Evangelicals for Responsible Government.