
Early Learning & Human Services Committee

HB 2331

Brief Description: Concerning mandatory reporting of child abuse or neglect.

Sponsors: Representatives Dickerson, Darneille, Takko, Roberts, Pettigrew, Goodman, Jinkins, Miloscia, Ryu, Hurst and Santos.

Brief Summary of Bill

- Requires that any adult who has reasonable cause to believe that a child has suffered severe abuse or neglect must report such abuse or neglect to law enforcement or the Department of Social and Health Services.

Hearing Date: 1/20/12, 1/23/12

Staff: Linda Merelle (786-7092).

Background:

The earliest version of the mandatory reporting statute regarding children was enacted in 1965. At that time, any practitioner who had cause to believe that a child found to be suffering from physical neglect or sexual abuse was required to report those findings to law enforcement.

By 1991 the list of mandatory reporters had grown significantly to include professional school personnel, registered or licensed nurses, social service counselors, psychologists, pharmacists, licensed or certified child care providers and their employees, employees of the Department of Social and Health Services (DSHS), and juvenile probation officers. In earlier versions of the statute, dependent adults and or persons with a developmental disability were also the subject of the mandatory reporting. However, requirements regarding these persons were re-codified into other statutes. The mandatory reporting requirement was triggered if the reporter had reasonable cause to believe that a child had suffered abuse or neglect.

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"Abuse or neglect" is defined as: sexual abuse, sexual exploitation, injury to a child by a person under circumstances that cause harm to the child's health, welfare, or safety, or negligent treatment or maltreatment of a child by a person responsible for providing care to the child.

Over the past 20 years, the list of mandatory reporters has increased:

<i>Year</i>	<i>Mandatory Reporter Added</i>
1993	Adults who have reason to believe that a child who resides with them has suffered severe abuse; "severe abuse" is defined as "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."
1995	County coroners, medical examiners, and law enforcement officers.
1996	Department of Corrections personnel who observe offenders or the children with whom offenders interact.
1997	State Family and Children's Ombudsman or any volunteer in the Ombudsman's Office.
1999	Placement and liaison specialists, responsible living skills program staff, and HOPE center staff.
2005	Official in a supervisory capacity for a nonprofit or for-profit organization where he or she regularly has reason to believe that a child has suffered abuse or neglect caused by a person over whom he or she exercises supervisor authority <i>and</i> the person is employed by, contacted by, or volunteers with the organization <i>and</i> the person coaches, trains, educates, or counsels children or regularly has unsupervised access to children as part of employment, contract or volunteer work; there is no reporting requirement if the official obtains information solely from a privileged communication.
2007	Employees of the Department of Early Learning.
2009	Guardians ad litem, including court-appointed special advocates.

In a 2009 study completed by the Washington State Institute for Public Policy (Institute), the Institute examined the number of reports pursuant to RCW 26.44.030. In a time period of just over two years, there were 96,656 reports to Child Protective Services for abuse or neglect. Of those reports, approximately 32,000 were made by non-mandatory reporters. The non-mandatory reporters were the single largest group of reporters. The next largest group was educators, with approximately 17,000 reports, followed by social service professionals with just under 15,000 reports. Law enforcement had approximately 10,000 reports.

An adult who is not a professional expressly identified as a mandatory reporter is required to report when he or she has reasonable cause to believe that a child who resides with him or her has suffered "severe abuse." For purposes of this reporting requirement, "severe abuse" means:

- 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.

Any mandatory reporter who knowingly fails to make a report may be found guilty of a gross misdemeanor, which carries a maximum sentence of 364 days in jail and a \$5,000 fine.

Summary of Bill:

The mandatory reporting requirement is expanded to apply to any adult not already expressly identified in statute who has reasonable cause to believe that a child has suffered "severe abuse or neglect," which is defined as:

- any act of abuse of sufficient severity that causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness;
- any act or acts of withholding basic necessities of life that create or cause imminent risk of substantial bodily harm; or
- any act of intentionally touching the sexual or other intimate parts of a child for the purpose of gratifying sexual desire.

Appropriation: None.

Fiscal Note: Requested on January 11, 2012.

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