

SENATE BILL REPORT

ESHB 2331

As of February 24, 2012

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

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

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Dickerson, Darneille, Takko, Roberts, Pettigrew, Goodman, Jinkins, Miloscia, Ryu, Hurst and Santos).

Brief History: Passed House: 2/09/12, 59-38.

Committee Activity: Human Services & Corrections: 2/21/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: When the following persons have reasonable cause to believe that a child has suffered abuse or neglect, they must report the incident to either law enforcement or the Department of Social and Health Services (DSHS): physicians; county coroners; law enforcement officers; professional school personnel; registered or licensed nurses; social service counselors; psychologists; pharmacists; Department of Early Learning employees; licensed or certified child care providers; juvenile probation officers; placement and liaison specialists; responsible living skills program staff; DSHS employees; HOPE center staff; state family and children's ombudsman employees, or any volunteers in the ombudsman's office.

The reporting requirement also applies to a variety of other persons in specific situations:

- Department of Corrections (DOC). DOC personnel who, as a result of observations made in the course of employment, have reasonable cause to believe that a child has suffered abuse or neglect must report the incident to law enforcement or DSHS.
- Adults with Whom Child Resides. An adult who has reasonable cause to believe that a child who resides with that adult has suffered severe abuse must report the incident to law enforcement or DSHS. 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 that

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causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

- Guardians ad Litem (GAL). Any GAL or court-appointed special advocate appointed in dependency, domestic relations, or guardianship cases who, in the course of that person's representation of children in these actions, has reasonable cause to believe the child the GAL represents has been abused or neglected must report the incident to law enforcement or DSHS.
- Person in Supervisory Capacity. Any person who, in an official supervisory capacity with a profit or non-profit organization, has reasonable cause to believe that a child has been abused or neglected by a person over whom supervisory authority is regularly exercised must report the incident to the proper law enforcement agency. This requirement applies only when the alleged abuser is employed by, contracted by, or volunteers with the organization and counsels, coaches, trains, or educates a child or children as part of the employment, contract, or voluntary service. Official supervisory capacity means a position, status, or role that is created, recognized, or designated by any organization or entity whose scope includes overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the organization or entity.
- Any Other Person. Any person who has reasonable cause to believe that a child has suffered abuse or neglect may, but is not required to, report the incident to law enforcement or DSHS.

Persons mandated to report suspected child abuse or neglect must do so at the first opportunity but in no case longer than 48 hours after there is reasonable cause to believe the child has suffered abuse or neglect. A mandated reporter who knowingly fails to make a report or cause a report to be made is guilty of a gross misdemeanor.

Summary of Bill: Any adult who has reasonable cause to believe a child has suffered severe abuse or neglect and is able or capable of reporting the abuse or neglect to DSHS or law enforcement must do so.

Severe abuse or neglect 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 an imminent risk of substantial bodily harm; or any intentional touching of the sexual or other intimate parts of a child for the purpose of gratifying sexual desire.

The current provisions regarding the mandated reporting of abuse by adults with whom a child resides are stricken.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The incremental approach to the mandatory reporting of child abuse or neglect over the past 15 years just has not worked well. Other states require that everyone be a mandatory reporter for cases of severe abuse or neglect. This bill maintains the difference between child professionals and other people with child professionals being required to report suspected child abuse or neglect rather than just severe cases. The problem with the current law is that it requires an adult to report suspected severe abuse or neglect only if the child resides with them and that can result in divided loyalties and people not reporting the abuse or neglect. Under this bill if a neighbor is aware that a child has suffered severe abuse or neglect and does not report it, there will be repercussions. People would not be allowed to protect abusers. Often people suspect abuse is occurring but do not want to get involved; this bill would require that those people get involved.

OTHER: No one disagrees with the idea of protecting children. The Coalition members are somewhat confused by what this bill means. We need thoughtful training so people know what is expected of them. Because of the need to train the public and the lack of funding with which to do this training, the bill is unusable by the public to which it is directed.

Persons Testifying: PRO: Representative Dickerson, prime sponsor; Dan Satterberg, King County Prosecutor; Stacy Brown, Lewis County Sheriff's Office.

OTHER: Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs.