

SENATE BILL REPORT

ESSB 5991

As Passed Senate, February 14, 2012

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

Brief Description: Extending mandatory child abuse reporting requirements to specified employees of institutions of higher education.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Carrell, Tom, Hill, Hargrove, Conway, Haugen, Fraser, Litzow, Kline, Fain, Roach and Frockt).

Brief History:

Committee Activity: Human Services & Corrections: 1/13/12, 2/02/12 [DPS].
Passed Senate: 2/14/12, 49-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5991 be substituted therefor, and the substitute bill do pass.

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

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): physician; county coroner; law enforcement officer; professional school personnel; registered or licensed nurse; social service counselor; psychologist; pharmacist; Department of Early Learning employee; licensed or certified child care provider; juvenile probation officer; placement and liaison specialist; responsible living skills program staff; DSHS employees; HOPE center staff; state family and children's ombudsman employee, or any volunteer 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 their employment, have reasonable cause to believe that a child has suffered abuse or neglect must report the incident to law enforcement or DSHS.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Adults with whom Child Resides. An adult who has reasonable cause to believe that a child who resides with them 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 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 their representation of children in these actions, have reasonable cause to believe the child they represent 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 he or she regularly exercises supervisory authority, 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 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.

Summary of Engrossed Substitute Bill: Administrative, academic, and athletic department employees, including student employees, of state and private institutions of higher education must report suspected child abuse or neglect if they have reasonable cause to believe that a child has suffered abuse or neglect. The report would be made to either law enforcement or DSHS.

All employees of state higher education institutions who are not considered academic or athletic department employees must report suspected child abuse or neglect immediately to the appropriate administrator or supervisor, as designated by the institution, if they have reasonable cause to believe a child has suffered abuse or neglect. The administrator or supervisor to whom the report is made, if not already a mandated reporter, must report the incident to a mandated reporter designated by the institution to accept such reports.

State higher education institutions must ensure that employees, whether mandated reporters or not, have knowledge of their reporting responsibilities through whatever means are most likely to succeed in providing this information to affected employees.

Appropriation: None.

Fiscal Note: Requested on January 12, 2012.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The Penn State sex abuse scandal was the motivation for this bill. The sponsor has dealt with this issue as a legislator and non-legislator for years. Both federal and state law prohibit nondiscrimination including sexual harassment. There has been a growing presence of children on college campuses in recent years for programs that are operated on the campus. Many of these programs are operated when classes are not being held. Used the K-12 child abuse and neglect reporting requirements as the model for this bill. This is a necessary and important step to deal not only with the Penn State issue but with the issue in general.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs.