

SENATE BILL REPORT

SB 5359

As of February 8, 2013

Title: An act relating to mandatory reporting of child abuse or neglect by supervised persons.

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

Sponsors: Senator Carrell.

Brief History:

Committee Activity: Human Services & Corrections: 2/07/13.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

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

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.

- 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 nonprofit 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: Specific terms used throughout the mandatory reporting statute are defined.

Organization includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

Reasonable cause means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child by another over whom the person regularly exercises supervisory authority.

Sexual contact has the same meaning as in RCW 9A.44.010; any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

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.

Staff Summary of Public Testimony: None.

Persons Testifying: No one.