

# HOUSE BILL REPORT

## HB 1476

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### As Reported by House Committee On: Judiciary

**Title:** An act relating to removing references to faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

**Brief Description:** Removing references to faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

**Sponsors:** Representatives Rodne, Hayes, Lytton, Zeiger, Orwall, Fagan, Moscoso, Gregerson and Van De Wege.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 2/17/15, 2/19/15 [DP].

#### **Brief Summary of Bill**

- Removes intent language from the criminal mistreatment chapter stating that a person who is given Christian Science treatment in lieu of medical care is not considered deprived of necessary health care or abandoned.
- Removes language from the child abuse chapter stating that a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner is not considered, for that reason alone, a neglected person.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Haler, Hansen, Kirby, Muri, Orwall, Stokesbary and Walkinshaw.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Assistant Ranking Minority Member; Goodman and Klippert.

**Staff:** Omeara Harrington (786-7136).

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*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.*

## **Background:**

### Criminal Mistreatment and Abandonment of a Dependent Person.

The crimes of criminal mistreatment and abandonment of a dependent person apply when certain kinds of harm are caused by a parent of a child, or by a person responsible to provide the basic necessities of life to a child or dependent person. The "basic necessities of life" include food, water, shelter, clothing, and medically necessary health care.

In general, a person is guilty of criminal mistreatment if the person causes or creates a risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life. A person is guilty of the crime of abandonment of a dependent person when the person leaves a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life, causing or creating a risk of bodily harm to that person.

Legislative intent is stated that a person who, in good faith, is furnished Christian Science treatment by a duly accredited Christian Science practitioner in lieu of medical care is not considered deprived of medically necessary health care or abandoned.

### Child Abuse and Neglect.

"Abuse or neglect" means sexual abuse or exploitation, other injury to the child, or the negligent treatment or maltreatment of a child by a person responsible for, or providing care to, the child. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner is not considered, for that reason alone, a neglected person.

Certain persons are required to report to law enforcement or the Department of Social and Health Services when they have reasonable cause to believe a child has suffered abuse or neglect. The list of persons required to report includes practitioners, law enforcement and other criminal justice employees, school personnel, various health care employees, and others. "Practitioners" as defined in statute include doctors, nurses, and other health care providers, and additionally includes duly accredited Christian Science practitioners.

### Christian Science Practitioners.

Christian Science practitioners engage in spiritual healing. A Christian Science practitioner is accredited by the church after an application process and class instruction.

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## **Summary of Bill:**

The legislative intent language is removed from the criminal mistreatment chapter that states that a person who, in good faith, is given Christian Science treatment in lieu of medical care is not considered deprived of necessary health care or abandoned.

In the child abuse chapter, language is removed stating that a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner is not considered, for that reason alone, a neglected person.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This bill strikes a balance between protecting children and also protecting religious freedom. This is a simple issue. All children deserve equal protection under the law, including protection from medical abuse or mistreatment. This does not criminalize religious practices. It is highly problematic to reference a singular religion, and all religions should be held to the same standard. From a medical perspective, withholding routine care is child abuse. The American Academy of Pediatrics recommends repeal of religious exemptions. Dozens of children in Oregon and Idaho have suffered from neglect, and those states repealed their religious exemptions with bipartisan support. Washington has had fewer cases than Oregon, but it is important to act now to avoid a crisis. In one Washington case, a child had a burst appendix and died because the child was untreated. This case did not involve Christian Science, which raised the question of whether the other faith would be afforded the same protection as Christian Science. There is an absolute right to religious freedom under the state Constitution, but that cannot be contrary to safety. This proposal is not getting rid of Christian Science as a valid faith.

(Opposed) Christian Science is not faith healing. Christian Scientists believe that there are spiritual rules and laws that apply to healing, and have a very good record. There have been very few instances of harm to children. The record is not perfect, but neither is the record of science. Christian Science often comes in when medical healing has been given up. This is not blind faith, but a finding that this is the most effective way of treating children. Christian Scientists are still mandatory reporters under the bill, so they are left with the duty of reporting without the protection. This criminalizes providing Christian Science treatment for children or dependent adults simply for not providing care. It is criminalizing a religious practice.

**Persons Testifying:** (In support) Representative Rodne, prime sponsor; Emily Murphy, Children's Health; Lisa Wahl; and Tom McBride, Washington Association of Prosecuting Attorneys.

(Opposed) Cliff Armstrong; and Janet McConnell.

**Persons Signed In To Testify But Not Testifying:** None.