

SENATE BILL REPORT

SB 5408

As of February 2, 2015

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: Senators Mullet, O'Ban, Darneille, Fain, Sheldon, Kohl-Welles, Chase and Keiser.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 1/29/15.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Alison Mendiola (786-7444)

Background: Criminal mistreatment is generally defined in Chapter 9A.42 RCW as when a parent of a child or other person who has assumed the responsibility to provide for a child or dependent person causes substantial bodily harm or creates an imminent risk of death or substantial bodily harm to a child or dependent person by withholding the basic necessities of life. The basic necessities of life are defined as food, water, shelter, clothing, and medically necessary health care.

When certain 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. Among others, this group of mandatory reporters includes physicians, nurses, law enforcement officers, school employees, counselors, psychologists, and child care providers. Abuse of a child is defined to include the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. Negligent treatment or maltreatment may include an act, or failure to act, that evidences a serious disregard of consequences that present a clear and present danger to a child's health, welfare, or safety. A person who is being provided Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person.

Christian Science engages in spiritual healing. A Christian Science practitioner is not medically trained, but rather is accredited by the church after an application process and class instruction.

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.

Summary of Bill: Legislative intent language is removed 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.

The definition of a practitioner of healing arts is amended to remove language that a person receiving treatment from a Christian Science practitioner is not considered, for that reason alone, to be a neglected person.

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: PRO: This bill is not about Christian Scientists, or vilifying one religion. This bill is about treating all religions and their practices equally; there is only a religious exemption for Christian Scientists. Oregon repealed its religious exemption statute in 2011. People can believe whatever they want, this bill about balancing a family's faith and the health of a minor. Article 1, Section 11 of the state Constitution talks about the balancing the right to believe versus the right to act. This bill will help clarify when Child Protective Services or a prosecutor may get involved in a case of suspected neglect or abuse.

CON: The existing language was put into law after working with the Attorney General's Office. Proponents are working under false premises, not all religions are created equal. Spiritual healing is the premise of Christian Science so if this language is repealed, what do the Christian Scientists have left? Concerns raised involved another church that does not have a good record with faith healing. Christian Scientists have practiced faith healing for generations. Getting medical help doesn't ensure a better outcome.

Persons Testifying: PRO: Senator Mullet, Prime Sponsor; Tom McBride, WA Assn. of Prosecuting Attorneys; Matt Barry; Emily Murphy, Children's Healthcare Is a Legal Duty.

CON: Cliff Armstrong, citizen.