

# HOUSE BILL REPORT

## HB 1376

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**As Reported by House Committee On:**  
Civil Rights & Judiciary

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

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

**Sponsors:** Representatives Sells, Klippert, Senn, Kilduff, Appleton and Eslick.

**Brief History:**

**Committee Activity:**

Civil Rights & Judiciary: 2/12/19, 2/20/19 [DP].

**Brief Summary of Bill**

- Removes the references to faith-based exemptions with regard to the criminal mistreatment of children and vulnerable adults.
- Modifies the definition of "negligent treatment or maltreatment" to exclude health care decisions made in reliance on faith-based practices unless the decision poses a clear and present danger to the health, welfare, or safety of a child.

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### HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Jenkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman, Hansen, Kilduff, Kirby, Orwall, Valdez and Walen.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Graham, Shea and Ybarra.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Dufault, Assistant Ranking Minority Member; Klippert.

**Staff:** Ingrid Lewis (786-7289).

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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.

In general a parent or person entrusted with the physical custody of a child or other dependent person is guilty of criminal mistreatment if he or she creates a certain degree of risk of death or bodily harm to the child or dependent person, or causes injury or harm to the child or dependent person by withholding any of the basic necessities of life. "Basic necessities of life" is defined as food, water, shelter, clothing, and medically necessary health care, including, but not limited to, health-related treatment or activities, hygiene, oxygen, and medication. Criminal mistreatment penalties range from a first degree offense, which is a class B felony, to a fourth degree offense, which is a misdemeanor.

In general a person is guilty of abandonment of a dependent person if 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. As with criminal mistreatment, the penalty for abandonment ranges from a first degree offense, which is a class B felony, to a third degree offense, which is a gross misdemeanor.

Legislative intent incorporated into the criminal mistreatment statutes state that a person who receives Christian Science treatment by a duly accredited Christian Science practitioner is not considered deprived of medically necessary health care or abandoned.

### Abuse of Children.

The laws regarding abuse of children require certain persons, including practitioners, law enforcement officers, school personnel, and others, 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.

Abuse or neglect includes the negligent treatment or maltreatment of a child. "Negligent treatment or maltreatment" is defined as the failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety. A person who is furnished Christian Science treatment by a duly accredited Christian Science practitioner is not considered, for that reason alone, a neglected person.

### Christian Science Practitioner.

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 references to Christian Science practitioners are removed from the criminal mistreatment and child abuse statutes.

The definition of "negligent treatment or maltreatment" is modified to exclude health care decisions made in reliance on faith-based practices, unless the decision poses a clear and present danger to the health, welfare, or safety of a child.

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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) The current law exempts Christian Science faith healing from abuse statutes and unconstitutionally favors one religion. These exemptions endanger children and shield faith healers from liability. This conflicts with the separation of church and state and raises equal protection issues. There are other religions that practice faith healing that are not equally recognized.

Prosecutors are limited in taking action against parents who are denying children appropriate care. Washington has a duty to protect children regardless of medical beliefs. Religious freedoms include responsibilities.

It is not the intent of stakeholders to interfere with a particular church or the practice of faith healing. The bill is the result of a compromise between stakeholders. The reference to Christian Science is removed, and parents can practice faith healing under the same standard that pertains to every parent.

The Christian Science faith believes that the care and wellbeing of children is paramount. Christian Scientists have raised families in Washington for more than a century. The practice of spiritual healing has meant a great deal to practitioners. The language in the bill allows for the practice of the faith in a manner that is consistent with broader child protection laws.

(Opposed) None.

**Persons Testifying:** Representative Sells, prime sponsor; Seth Dawson, Children's Advocacy Centers of Washington; Daniel Bennett, American Atheists; and Ken Bemis, Christian Science Committee on Publication.

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