
Civil Rights & Judiciary Committee

HB 1048

Brief Description: Concerning the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute.

Sponsors: Representatives Wicks, Thai and Gregerson.

Brief Summary of Bill

- Removes the references to Christian Science practitioners 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.

Hearing Date: 1/18/22

Staff: Matt Sterling (786-7289).

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 the individual 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

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

Abuse of Children.

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, other health care providers, and duly accredited Christian Science practitioners.

"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. "Negligent treatment or maltreatment" is 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 child does not have to suffer actual damage or physical or emotional harm to be in circumstances that create a clear and present danger to the 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.

A Christian Science practitioner is an individual who has been accredited as a practitioner and is listed or eligible to be listed in the Christian Science Journal at the time the service is provided. An individual who attains this accreditation has demonstrated results of healing through faith and prayer rather than by medical treatment.

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.

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.