

SENATE BILL REPORT

ESHB 1048

As of February 18, 2022

Title: An act relating to the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute.

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

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Wicks, Thai and Gregerson).

Brief History: Passed House: 2/14/22, 92-6.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/18/22.

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 clarify that health care decisions made in reliance on faith-based practices do not constitute negligent treatment or maltreatment unless such decision poses a clear and present danger to the child.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Alison Mendiola (786-7488)

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

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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. 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 Children, Youth and Families 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 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 provided 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 clarify that health care decisions made in reliance on faith-based practices do not constitute negligent treatment or maltreatment unless such decision poses a clear and present danger to the health, welfare, or safety of the child.

Technical corrections are made.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We should not single out any one religion in statute, a carve out for any religion seems to raise equal protection Constitutional issues. There are many Christian Scientists here in Washington, raising families. This bill makes room for Christian Science practices, while also supporting society's shared interest in protecting children.

Persons Testifying: PRO: Representative Emily Wicks, Prime Sponsor; Bob Cooper, National Association of Social Workers Washington Chapter; & Children's Advocacy Centers of WA; Lance Matteson, Christian Science Committee on Publication.

Persons Signed In To Testify But Not Testifying: No one.