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**HOUSE BILL 2010**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Rule, Mosbrucker, Ryu, Eslick, Chambers, Barnard, Graham, Cheney, Doglio, Sandlin, Orwall, Caldier, Reeves, and Hackney

AN ACT Relating to keeping children safe from family violence; adding new sections to chapter 26.09 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that:

(1) Approximately 15,000,000 children in the United States are exposed each year to domestic violence or child abuse, according to the national survey by the office of juvenile justice and delinquency prevention within the United States department of justice and the centers for disease control and prevention.

(2) Most child abuse is perpetrated in the family and by a parent. Intimate partner violence and child abuse overlap in the same families at rates of 30 to 60 percent. A child's risk of abuse increases after a perpetrator of intimate partner violence separates from a domestic partner, even when the perpetrator had not previously directly abused the child. Children who have witnessed intimate partner violence are approximately four times more likely to experience direct child maltreatment than children who have not witnessed intimate partner violence.

(3) More than 75 percent of child sexual abuse is perpetrated by a family member or a person known to the child. The United States department of justice data shows that family members are almost half of the perpetrators of child sex assault victims under the age of six.

(4) Research suggests a child's exposure to a batterer is among the strongest indicators of risk of incest victimization. One study found that female children whose fathers were batterers of the mother were six-and-a-half times more likely to experience father-daughter incest than female children who do not have an abusive father.

(5) Child abuse is a major public health issue in the United States. Total lifetime financial costs associated with just one year of confirmed cases of child maltreatment, including child physical abuse, sexual abuse, psychological abuse, and neglect, results in $124,000,000,000 in annual costs to the United States economy, or approximately one percent of the gross domestic product.

(6) Empirical research indicates that allegations of child physical and sexual abuse are regularly discounted by courts across the country when raised in child custody cases. While independent research indicates that child sexual abuse allegations are credible 50 to 70 percent of the time, fewer than one-fourth of claims that a father has committed child physical or sexual abuse are believed. Where the allegedly abusive parent claimed the mother was alienating the child, only one in 51 claims of sexual molestation by a father are believed.

(7) Empirical research shows that alleged or known abusive parents are often granted custody or unprotected parenting time by courts across the country. Approximately one-third of parents alleged to have committed child abuse took primary custody from the protective parent reporting the abuse, placing children at ongoing risk.

(8) The United States child murder data from the center for judicial excellence shows that, since 2008, 21 children have been murdered in Washington and nearly 800 children have been murdered in the United States by a divorcing or separating parent, with more than 100 of these murders known to have occurred after a court ordered the child into contact with the dangerous parent over the objection of the safe parent or caregiver.

(9) Scientifically unsound theories that treat mothers' abuse allegations as likely false attempts to undermine the father are frequently applied in family court to minimize or deny parents' and children's reports of abuse. Many experts who testify against abuse allegations lack expertise in the relevant type of alleged abuse, relying instead on unsound and unproven theories.

(10) Judges presiding over custody cases with allegations of child abuse, child sexual abuse, and domestic violence are rarely required to receive training on these subjects, nor has Washington established extensive standards for such trainings.

NEW SECTION. **Sec.**  (1) In a proceeding concerning the determination or modification of parenting plans, child custody or visitation, child support, or allocation of parenting functions in which a parent has been alleged to have committed domestic violence or child abuse, including child sexual abuse, the court shall:

(a) Make express written findings that are based on evidence regarding any allegation of domestic violence or child abuse, including child sexual abuse and, in addition to any other relevant admissible evidence, consider evidence of past sexual or physical abuse committed by the accused parent, including:

(i) Any past or current protection or restraining orders against the accused parent;

(ii) Sexual violence abuse protection orders against the accused parent;

(iii) Arrests of the accused parent for domestic violence, sexual violence, or child abuse; or

(iv) Convictions of the accused parent for domestic violence, sexual violence, or child abuse; and

(b) Consider the admission of expert testimony and evidence from a court-appointed or outside professional relating to the alleged abuse only if the expert or professional demonstrates expertise and substantial direct experience working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely forensic in nature.

(2) In compliance with the federal keeping children safe from family violence act, Title 34 U.S.C. Sec. 10446, as amended, any neutral professional appointed by a court to express an opinion relating to abuse, trauma, or the behavior of victims and perpetrators of abuse and trauma must possess demonstrated expertise and experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely forensic in nature.

(3) For the purposes of this section, "forensic" means court-ordered professional activities, such as evaluation or treatment of parties to the litigation or children of the parties for assistance in a court case.

NEW SECTION. **Sec.**  (1) In a proceeding concerning the determination or modification of parenting plans, child custody or visitation, child support, or allocation of parenting functions, the court may not, solely in order to improve a deficient relationship with the other parent:

(a) Remove the child from a parent who is competent, protective, and not physically or sexually abusive, and with whom the child is bonded; or

(b) Restrict contact between the child and a parent who is competent, protective, and not physically or sexually abusive, and with whom the child is bonded.

(2) The court may not remove the child from a competent, protective, and not physically or sexually abusive parent or restrict contact between the child and a competent, protective, and not physically or sexually abusive parent solely on the basis of protective actions taken by a competent, protective, and not physically or sexually abusive parent. Protective actions are actions that are taken by a competent, protective, and not physically or sexually abusive parent in good faith for the purpose of protecting that parent or the child from the risk of harm posed by the other parent. Protective actions include, but are not limited to:

(a) Submitting reports or filing complaints regarding child neglect or physical, sexual, or mental abuse of a child to an individual or entity connected to the provision of care or safety of the child, such as law enforcement, child protective services, medical professionals, therapists, schools, or day care facilities;

(b) Seeking modification of residential time provisions of the parenting plan; or

(c) Petitioning for protection or restraining orders.

NEW SECTION. **Sec.**  (1) In a proceeding concerning the determination or modification of parenting plans, child custody or visitation, child support, or allocation of parenting functions, the court may not:

(a) Order a reunification treatment, unless there is generally accepted and valid proof of the safety, effectiveness, and therapeutic value of the reunification treatment and the treatment is not associated with causing harm to children;

(b) Order a reunification treatment that is predicated on cutting off a child from a competent, protective, and not physically or sexually abusive parent with whom the child is bonded; or

(c) Order family reunification treatments, programs, or services, including, but not limited to, camps, workshops, therapeutic vacations, or educational programs that, as a condition of enrollment or participation, require or result in any of the following:

(i) A no-contact order;

(ii) An overnight, out-of-state, or multiday stay;

(iii) A transfer of physical or legal custody of the child;

(iv) The use of private youth transporters or private transportation agents engaged in the use of force, threat of force, physical obstruction, acutely distressing circumstances, or circumstances that place the safety of the child at risk; or

(v) The use of threats of physical force, undue coercion, verbal abuse, isolation from the child's family, community, or other sources of support, or other acutely distressing circumstances.

(2) Any court order to remediate the resistance of a child to have contact with a violent or abusive parent must include express written findings based on the evidence and must primarily address the behavior of that parent or the contributions of that parent to the resistance of the child before ordering the other parent to take steps to potentially improve the relationship of the child with the parent with whom the child resists contact.

(3) For the purposes of this section, "reunification treatment" means a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent.

NEW SECTION. **Sec.**  (1) To comply with the federal keeping children safe from family violence act, Title 34 U.S.C. Sec. 10446, family court judges, commissioners, guardians ad litem, investigators, and any other relevant court-appointed professionals involved in proceedings concerning the determination or modification of parenting plans, child custody or visitation, child support, or allocation of parenting functions must complete, with respect to the training program described in this section:

(a) Not less than 20 hours of initial training; and

(b) Not less than 15 hours of ongoing training every five years.

(2) The training program required in subsection (1) of this section is an ongoing training and education program that focuses solely on domestic and sexual violence and child abuse, including:

(a) Child sexual abuse;

(b) Physical abuse;

(c) Emotional abuse;

(d) Coercive control;

(e) Implicit and explicit bias, including biases relating to parents with disabilities;

(f) Trauma;

(g) Long-term and short-term impacts of domestic violence and child abuse on children;

(h) Victim and perpetrator behavioral patterns and relationship dynamics within the cycle of violence;

(i) The detriment to children of residing with a person who perpetrates domestic violence; and

(j) That domestic violence can occur without a party seeking or obtaining a restraining order, without a substantiated child protective services finding, and without other documented evidence of abuse.

(3) The training and education program must be provided by a professional with substantial experience in assisting survivors of domestic violence or child abuse, including a victim service provider as defined in Title 34 U.S.C. Sec. 12291 and, if possible, a survivor of domestic violence or child physical or sexual abuse.

(4) The training and education program:

(a) Must rely on evidence-based research by recognized experts in the types of abuse described in subsection (2) of this section; and

(c) May not include theories, concepts, or belief systems unsupported by the research described in (a) of this subsection.

(5) The training and education must be designed to improve the ability of courts to:

(a) Recognize and respond to child physical abuse, child sexual abuse, domestic violence, and trauma in all family victims, particularly children; and

(b) Make appropriate child custody decisions that prioritize child safety and well-being and are culturally sensitive and appropriate for diverse communities.

NEW SECTION. **Sec.**  Sections 2 through 5 of this act are each added to chapter 26.09 RCW.

**--- END ---**