

# SENATE BILL REPORT

## ESB 5610

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As Passed Senate, March 9, 1995

**Title:** An act relating to false accusations of child abuse or neglect.

**Brief Description:** Penalizing false accusations of child abuse or neglect.

**Sponsors:** Senators Smith, Deccio, Oke, Winsley, Roach and Schow.

**Brief History:**

**Committee Activity:** Law & Justice: 2/16/95, 2/21/95 [DP].

Passed Senate, 3/9/95, 45-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

**Staff:** Susan Carlson (786-7418)

**Background:** In domestic relations proceedings relating to a parenting plan or child custody, allegations of child abuse or neglect often result in lengthy hearings and increased attorneys' fees. It has been suggested that sanctions should be provided for making knowingly false accusations of child abuse or neglect.

**Summary of Bill:** Sanctions and a criminal penalty are established for knowingly making a false accusation of child abuse or neglect during the course of proceedings relating to a parenting plan or child custody.

If the court determines that an accusation of child abuse or neglect is false, and the person making the accusation or the person enticing another to make the accusation knew it to be false, the court may impose a monetary penalty of up to \$1,000 against the person making the accusation. The court may also order the person to pay reasonable attorney's fees incurred in recovering the penalty.

In a proceeding relating to a parenting plan, a court finding that a parent has knowingly made false accusations results in a presumption that the parent's residential time with the child should be limited.

A person who intentionally makes a false accusation of child abuse or neglect, knowing that the accusation is false, is guilty of a class C felony.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** False accusations of abuse or neglect can be very costly to defend. This bill discourages, and provides sanctions for making, knowingly false accusations.

**Testimony Against:** The bill exacerbates conflict between parties and discourages settlement of cases. It may also have a chilling effect on the reporting of abuse or neglect.

**Testified:** PRO: Bob Hoyden, Michele Delo, WA Families for Non-Custodial Rights; Charlie and Sheila Bright; Jamaica Filgo; CON: Caroline Davis, NW Women's Law Center, King County Bar Assoc.; Martha Harden, Superior Court Judges Assn.; Ann Simons, Child Abuse Prevention Assoc. of WA; Debbie Ruggles, WA State Coalition of Sexual Assault Programs.

**House Amendment(s):** The provision authorizing the judge to impose a monetary penalty for a false allegation of abuse or neglect is restructured to clarify that the penalties are to be dealt with in the same proceeding in which the allegations are made.

The elements of the crime of making a false allegation of abuse or neglect are restructured. The crime is also expanded to include inducing another person to make a false allegation.