
SENATE BILL 6538

State of Washington

54th Legislature

1996 Regular Session

By Senators Prentice, Owen and Oke

Read first time 01/17/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to defining child abuse; and reenacting and
2 amending RCW 26.44.020.

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

4 **Sec. 1.** RCW 26.44.020 and 1993 c 412 s 12 and 1993 c 402 s 1 are
5 each reenacted and amended to read as follows:

6 For the purpose of and as used in this chapter:

7 (1) "Court" means the superior court of the state of Washington,
8 juvenile department.

9 (2) "Law enforcement agency" means the police department, the
10 prosecuting attorney, the state patrol, the director of public safety,
11 or the office of the sheriff.

12 (3) "Practitioner of the healing arts" or "practitioner" means a
13 person licensed by this state to practice podiatric medicine and
14 surgery, optometry, chiropractic, nursing, dentistry, osteopathy and
15 surgery, or medicine and surgery or to provide other health services.
16 The term "practitioner" shall include a duly accredited Christian
17 Science practitioner: PROVIDED, HOWEVER, That a person who is being
18 furnished Christian Science treatment by a duly accredited Christian

1 Science practitioner shall not be considered, for that reason alone, a
2 neglected person for the purposes of this chapter.

3 (4) "Institution" means a private or public hospital or any other
4 facility providing medical diagnosis, treatment or care.

5 (5) "Department" means the state department of social and health
6 services.

7 (6) "Child" or "children" means any person under the age of
8 eighteen years of age.

9 (7) "Professional school personnel" shall include, but not be
10 limited to, teachers, counselors, administrators, child care facility
11 personnel, and school nurses.

12 (8) "Social service counselor" shall mean anyone engaged in a
13 professional capacity during the regular course of employment in
14 encouraging or promoting the health, welfare, support or education of
15 children, or providing social services to adults or families, including
16 mental health, drug and alcohol treatment, and domestic violence
17 programs, whether in an individual capacity, or as an employee or agent
18 of any public or private organization or institution.

19 (9) "Psychologist" shall mean any person licensed to practice
20 psychology under chapter 18.83 RCW, whether acting in an individual
21 capacity or as an employee or agent of any public or private
22 organization or institution.

23 (10) "Pharmacist" shall mean any registered pharmacist under the
24 provisions of chapter 18.64 RCW, whether acting in an individual
25 capacity or as an employee or agent of any public or private
26 organization or institution.

27 (11) "Clergy" shall mean any regularly licensed or ordained
28 minister, priest or rabbi of any church or religious denomination,
29 whether acting in an individual capacity or as an employee or agent of
30 any public or private organization or institution.

31 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
32 exploitation, negligent treatment, or maltreatment of a child, adult
33 dependent, or developmentally disabled person by any person under
34 circumstances which indicate that the child's or adult's health,
35 welfare, and safety is harmed. Abuse includes breastfeeding an infant
36 by a mother addicted to a controlled substance. An abused child is a
37 child who has been subjected to child abuse or neglect as defined
38 herein.

1 (13) "Child protective services section" shall mean the child
2 protective services section of the department.

3 (14) "Adult dependent persons" shall be defined as those persons
4 over the age of eighteen years who have been found to be legally
5 incompetent or disabled pursuant to chapter 11.88 RCW.

6 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
7 encouraging a child to engage in prostitution by any person; or (b)
8 allowing, permitting, encouraging, or engaging in the obscene or
9 pornographic photographing, filming, or depicting of a child by any
10 person.

11 (16) "Negligent treatment or maltreatment" means an act or omission
12 which evidences a serious disregard of consequences of such magnitude
13 as to constitute a clear and present danger to the child's health,
14 welfare, and safety.

15 (17) "Developmentally disabled person" means a person who has a
16 disability defined in RCW 71A.10.020.

17 (18) "Child protective services" means those services provided by
18 the department designed to protect children from child abuse and
19 neglect and safeguard the general welfare of such children and shall
20 include investigations of child abuse and neglect reports, including
21 reports regarding child care centers and family child care homes, and
22 the development, management, and provision of or referral to services
23 to ameliorate conditions which endanger the welfare of children, the
24 coordination of necessary programs and services relevant to the
25 prevention, intervention, and treatment of child abuse and neglect, and
26 services to children to ensure that each child has a permanent home.
27 In determining whether protective services should be provided, the
28 department shall not decline to provide such services solely because of
29 the child's unwillingness or developmental inability to describe the
30 nature and severity of the abuse or neglect.

31 (19) "Malice" or "maliciously" means an evil intent, wish, or
32 design to vex, annoy, or injure another person. Such malice may be
33 inferred from an act done in wilful disregard of the rights of another,
34 or an act wrongfully done without just cause or excuse, or an act or
35 omission of duty betraying a wilful disregard of social duty.

36 (20) "Sexually aggressive youth" means a child who is defined in
37 RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

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