

2 **SSB 5511** - H COMM AMD **ADOPTED 4-8-97**

3 By Committee on Children & Family Services

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5 On page 3, after line 12, insert the following:

6 "Sec. 4. RCW 26.44.020 and 1996 c 178 s 10 are each amended to
7 read as follows:

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

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

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

14 (3) "Practitioner of the healing arts" or "practitioner" means a
15 person licensed by this state to practice podiatric medicine and
16 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
17 medicine and surgery, or medicine and surgery or to provide other
18 health services. The term "practitioner" shall include a duly
19 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a
20 person who is being furnished Christian Science treatment by a duly
21 accredited Christian Science practitioner shall not be considered, for
22 that reason alone, a neglected person for the purposes of this chapter.

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

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

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

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

32 (8) "Social service counselor" shall mean anyone engaged in a
33 professional capacity during the regular course of employment in
34 encouraging or promoting the health, welfare, support or education of
35 children, or providing social services to adults or families, including
36 mental health, drug and alcohol treatment, and domestic violence

1 programs, whether in an individual capacity, or as an employee or agent
2 of any public or private organization or institution.

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

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

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

15 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
16 exploitation, negligent treatment, or maltreatment of a child, adult
17 dependent, or developmentally disabled person by any person under
18 circumstances which indicate that the child's or adult's health,
19 welfare, and safety is harmed. An abused child is a child who has been
20 subjected to child abuse or neglect as defined herein.

21 (13) "Child protective services section" shall mean the child
22 protective services section of the department.

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

26 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
27 encouraging a child to engage in prostitution by any person; or (b)
28 allowing, permitting, encouraging, or engaging in the obscene or
29 pornographic photographing, filming, or depicting of a child by any
30 person.

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

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

37 (18) "Child protective services" means those services provided by
38 the department designed to protect children from child abuse and
39 neglect and safeguard the general welfare of such children and shall

1 include investigations of child abuse and neglect reports, including
2 reports regarding child care centers and family child care homes, and
3 the development, management, and provision of or referral to services
4 to ameliorate conditions which endanger the welfare of children, the
5 coordination of necessary programs and services relevant to the
6 prevention, intervention, and treatment of child abuse and neglect, and
7 services to children to ensure that each child has a permanent home.
8 In determining whether protective services should be provided, the
9 department shall not decline to provide such services solely because of
10 the child's unwillingness or developmental inability to describe the
11 nature and severity of the abuse or neglect.

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

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

19 (21) "Information determined to be unfounded" means information
20 related to the allegations in a child protective services referral for
21 which there is reasonable cause for the social worker to believe, based
22 on a child protective services investigation, that the allegations are
23 untrue or that sufficient evidence exists to reasonably conclude that
24 the child has not been abused or neglected nor is at risk of abuse or
25 neglect."

26 Correct the title.

27 EFFECT: Adds the department's definition of "unfounded" to
28 statute.

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