

SENATE BILL REPORT

SB 5170

As Reported By Senate Committee On:
Law & Justice, March 4, 1997

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

Brief Description: Penalizing the making of a false accusation of child abuse during a judicial proceeding relating to the creation of a parenting plan.

Sponsors: Senators Roach, Hochstatter, Schow, Stevens, Oke, Zarelli and Benton.

Brief History:

Committee Activity: Law & Justice: 2/18/97, 3/4/97 [DPS, DNPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass substitute.

Signed by Senator Fairley.

Staff: Mychal Schwartz (786-7444)

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 intentionally making false accusations of child abuse or neglect.

Summary of Substitute Bill: Civil and criminal penalties are established for intentionally making a false allegation of child abuse or neglect in the context of completing a parenting plan or child custody agreement.

If the court finds by a preponderance of evidence that a person intentionally made a false allegation of child abuse or neglect, or induced another person to make a false allegation, the court may impose a monetary penalty of up to \$1,000 against that person. The court also may order the person to pay reasonable attorney's fees incurred by the falsely accused party incurred in recovering the penalty. The penalty is in addition to any other remedy provided by law. This provision does not apply to unemancipated minors.

A court finding that a parent knowingly made or caused another person to make a false accusation of child abuse or neglect in the context of completing the parenting plan or child custody agreement shall result in a presumption that the falsely accusing parent's residential time with the child should be limited.

A person who intentionally makes a false accusation of child abuse or neglect, or induces another person to make a false allegation, is guilty of a class C felony. The false allegation must be made in the context of completing a parenting plan or child custody agreement.

Substitute Bill Compared to Original Bill: The substitute bill expands the scope of the original bill by changing the language from requiring that the false allegation be made "during the judicial proceeding" to requiring that the false allegation be made "in the context of completing that parenting plan or child custody agreement". The scope of the presumption of a limitation on residential time is expanded by the substitute bill's inclusion of language involving the parent's inducement of false accusations by a third party.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: These accusations are used as a weapon against fathers. They follow the father around through all proceedings regardless of whether they are substantiated or not. The costs to defend oneself against the accusations can be staggering. The very subject scares people away from testifying on behalf of the bill because of a fear that the accusations will be made in retaliation for the testimony. The current system encourages lying. This bill will not solve all the problems, but it will be a start.

Testimony Against: As civil and criminal penalties are increased, the incentive to recant false testimony is reduced. This bill has a large negative effect upon children in that the child is put directly in the center of the controversy and may be manipulated by either parent or both parents. As the bill is written, a child who changes his or her story could be prosecuted for violating the law.

Testified: PRO: Larry Burgess; Joe Parr, Washington Families for Non-Custodial Rights; Dan Antoni, Washington Families for Non-Custodial Rights; CON: Seth Dawson, Common Ground for Children.