
HOUSE BILL 2210

State of Washington

55th Legislature

1997 Regular Session

By Representatives Benson and Mielke

Read first time 02/26/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to definitions of abuse of children, adult
2 dependents, and developmentally disabled persons; and amending RCW
3 26.44.020.

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

5 **Sec. 1.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read
6 as follows:

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

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

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

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

1 accredited Christian Science practitioner shall not be considered, for
2 that reason alone, a 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 of a child" (~~((shall mean the injury, sexual~~
32 ~~abuse, sexual exploitation,))~~ means a recent act or failure to act on
33 the part of a parent or caretaker, which results in death, serious
34 physical or emotional harm, sexual abuse, exploitation, negligent
35 treatment((7)) or maltreatment ((of a child, adult dependent, or
36 developmentally disabled person by any person under circumstances which
37 indicate that the child's or adult's health, welfare, and safety is
38 harmed)), or an act or failure to act which presents an imminent risk

1 of serious harm. An abused child is a child who has been subjected to
2 child abuse or neglect as defined herein.

3 (13) "Abuse or neglect of an adult dependent or developmentally
4 disabled person" means any of the acts or failures to act, specified in
5 subsection (12) of this section, by a person under circumstances which
6 indicate that the adult's health, welfare, and safety is harmed.

7 (14) "Child protective services section" shall mean the child
8 protective services section of the department.

9 (~~(14)~~) (15) "Adult dependent persons" shall be defined as those
10 persons over the age of eighteen years who have been found to be
11 legally incompetent or disabled pursuant to chapter 11.88 RCW.

12 (~~(15)~~) (16) "Sexual exploitation" includes: (a) Allowing,
13 permitting, or encouraging a child to engage in prostitution by any
14 person; or (b) allowing, permitting, encouraging, or engaging in the
15 obscene or pornographic photographing, filming, or depicting of a child
16 by any person.

17 (~~(16)~~) (17) "Negligent treatment or maltreatment" means an act or
18 omission which evidences a serious disregard of consequences of such
19 magnitude as to constitute a (~~(clear)~~) specific and (~~(present)~~)
20 imminent danger to the child's health, welfare, and safety. "Specific
21 danger" shall not include speculation as to possible harm. "Imminent
22 danger" shall not include danger unless it will, more probably than
23 not, immediately occur.

24 (~~(17)~~) (18) "Developmentally disabled person" means a person who
25 has a disability defined in RCW 71A.10.020.

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

1 (~~(19)~~) (20) "Malice" or "maliciously" means an evil intent, wish,
2 or design to vex, annoy, or injure another person. Such malice may be
3 inferred from an act done in wilful disregard of the rights of another,
4 or an act wrongfully done without just cause or excuse, or an act or
5 omission of duty betraying a wilful disregard of social duty.

6 (~~(20)~~) (21) "Sexually aggressive youth" means a child who is
7 defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

8 (22) "Serious physical harm" means bodily injury which: (a)
9 Involves a temporary but substantial disfigurement; (b) causes a
10 temporary but substantial loss or impairment of the function of a body
11 part or organ; or (c) causes a fracture of a body part.

12 (23) "Serious emotional harm" means clear and convincing evidence
13 that a child is incapable of normal daily functioning as a direct
14 result of harm.

--- END ---