
**Children & Family Services
Committee**

HB 2378

Brief Description: Revising the definition of "abuse or neglect."

Sponsors: Representatives Dickerson, Kagi, Tokuda, Chase, Kenney and Schual-Berke.

Brief Summary of Bill

- Modifies the civil definition of "abuse and neglect" by reducing the number of elements which constitute harm to a child to one, rather than three.
- Modifies the definition for who can be held responsible for harm resulting from negligent treatment or maltreatment from "any person" to "a person legally responsible for or providing care to the child".
- Modifies the threshold for intervention in reports of harm to a child resulting from negligent treatment or maltreatment from "is harmed" to "is harmed or is at substantial risk of harm."
- Modifies the definition of negligent treatment or maltreatment to include a "pattern of behavior."

Hearing Date: 1/31/02

Staff: Deborah Frazier (786-7152).

Background:

The Children's Administration of the Department of Social and Health Services (DSHS) states in its draft 2001 annual report that over 77,000 reports of suspected child abuse and neglect were received during the calendar year. This number increased over the previous year's total of 75,000 reports. Of the 77,000 reports in 2001, approximately 42,000 were accepted for investigation.

Reports are categorized by allegation type into neglect, physical abuse, sexual abuse, emotional abuse and other. While the numbers of reports for most of the allegation types have remained relatively stable since 1997, neglect reports have risen.

The Office of the Family and Children's Ombudsman's 2000 and 1999 Annual Reports identified the state's approach to chronic child neglect cases as a major issue of concern. The Ombudsman found that the child protection system is often ineffective in preventing or protecting children from parental neglect that is ongoing and serious.

The Ombudsman noted in both reports that Child Protective Services (CPS) often screens out reports of child neglect without an investigation. CPS often does not investigate a neglect report despite being aware of a documented pattern of conduct indicating that the child may be at risk. CPS caseworkers report they feel that they lack a sufficient basis for a legal intervention. The 2000 report states:

"Many caseworkers have told the Ombudsman that they have been advised by their legal counsel (assistant attorneys general or prosecuting attorneys) that clear evidence of a neglectful act resulting in imminent danger is required to justify the filing of a petition in court to compel parental participation in services or remove the child. Consequently, these workers say they feel that until they have such evidence, they have no option but to pursue less aggressive and effective interventions."

Summary of Bill:

The civil definition of "abuse and neglect" is modified so that the number of elements which constitute harm to a child resulting from injury, sexual abuse or sexual exploitation are reduced to one, rather than three (e.g., "health, welfare or safety" vs. "health, welfare and safety").

The civil definition of "abuse and neglect" is modified so that the definition for the person who can be held responsible for harm resulting from negligent treatment or maltreatment is narrowed from "any person" to "a person legally responsible for or providing care to the child". The number of elements which constitute harm to a child resulting from negligent treatment or maltreatment are reduced to one, rather than three. The threshold for intervention in reports of harm to a child resulting from negligent treatment or maltreatment is modified from "is harmed" to "is harmed or is at substantial risk of harm."

The civil definition of "negligent treatment or maltreatment" is modified to add a third action, e.g., "pattern of behavior." The number of elements which constitute harm to a child resulting from negligent treatment or maltreatment are reduced to one, rather than three.

Appropriation: None.

Fiscal Note: Requested on 1/22/02.

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