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**SUBSTITUTE HOUSE BILL 2378**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Kagi, Tokuda, Chase, Kenney and Schual-Berke)

Read first time 02/04/2002. Referred to Committee on .

1 AN ACT Relating to abuse or neglect of children; and amending RCW  
2 26.44.020 and 26.44.015.

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

4 **Sec. 1.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read  
5 as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

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" includes a duly accredited  
18 Christian Science practitioner: PROVIDED, HOWEVER, That a person who  
19 is being furnished Christian Science treatment by a duly accredited

1 Christian Science practitioner will not be considered, for that reason  
2 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" include, but are not limited  
10 to, teachers, counselors, administrators, child care facility  
11 personnel, and school nurses.

12 (8) "Social service counselor" means 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" means any person licensed to practice psychology  
20 under chapter 18.83 RCW, whether acting in an individual capacity or as  
21 an employee or agent of any public or private organization or  
22 institution.

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

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

30 (12) "Abuse or neglect" means the injury, sexual abuse, or sexual  
31 exploitation(~~(, negligent treatment, or maltreatment)~~) of a child by  
32 any person under circumstances which indicate that the child's health,  
33 welfare, (~~and~~) or safety is harmed, excluding conduct permitted under  
34 RCW 9A.16.100 , or the negligent treatment or maltreatment of a child  
35 by a person legally responsible for or providing care to the child  
36 under circumstances which indicate that the child's health, welfare, or  
37 safety is harmed or is at substantial risk of harm. An abused child is  
38 a child who has been subjected to child abuse or neglect as defined in  
39 this section.

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

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

8 (15) "Negligent treatment or maltreatment" means an act or omission  
9 that evidences a serious disregard of consequences of such magnitude as  
10 to constitute a clear and present danger to the child's health,  
11 welfare, (~~and~~) or safety. The fact that siblings share a bedroom is  
12 not, in and of itself, negligent treatment or maltreatment.

13 (16) "Child protective services" means those services provided by  
14 the department designed to protect children from child abuse and  
15 neglect and safeguard such children from future abuse and neglect, and  
16 conduct investigations of child abuse and neglect reports.  
17 Investigations may be conducted regardless of the location of the  
18 alleged abuse or neglect. Child protective services includes referral  
19 to services to ameliorate conditions that endanger the welfare of  
20 children, the coordination of necessary programs and services relevant  
21 to the prevention, intervention, and treatment of child abuse and  
22 neglect, and services to children to ensure that each child has a  
23 permanent home. In determining whether protective services should be  
24 provided, the department shall not decline to provide such services  
25 solely because of the child's unwillingness or developmental inability  
26 to describe the nature and severity of the abuse or neglect.

27 (17) "Malice" or "maliciously" means an evil intent, wish, or  
28 design to vex, annoy, or injure another person. Such malice may be  
29 inferred from an act done in willful disregard of the rights of  
30 another, or an act wrongfully done without just cause or excuse, or an  
31 act or omission of duty betraying a willful disregard of social duty.

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

34 (19) "Unfounded" means available information indicates that, more  
35 likely than not, child abuse or neglect did not occur. No unfounded  
36 allegation of child abuse or neglect may be disclosed to a child-  
37 placing agency, private adoption agency, or any other provider licensed  
38 under chapter 74.15 RCW.

1       **Sec. 2.** RCW 26.44.015 and 1999 c 176 s 28 are each amended to read  
2 as follows:

3       (1) This chapter shall not be construed to authorize interference  
4 with child-raising practices, including reasonable parental discipline,  
5 which are not injurious to the child's health, welfare, and safety.

6       (2) Nothing in this chapter may be used to prohibit the reasonable  
7 use of corporal punishment as a means of discipline.

8       (3) No parent or guardian may be deemed abusive or neglectful  
9 solely by reason of the parent's or child's blindness, deafness,  
10 developmental disability, or other handicap.

11       (4) No parent or guardian may be deemed abusive or neglectful when  
12 the alleged abuse or neglect results primarily from the financial  
13 inability of the parent or guardian, and no services for relief have  
14 been offered to or rejected by the parent or guardian.

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