

HOUSE BILL REPORT

HB 1344

As Reported by House Committee On:
Children & Family Services

Title: An act relating to the definition of negligent treatment or maltreatment.

Brief Description: Defining negligent treatment or maltreatment.

Sponsors: Representatives Dickerson, Tokuda, Ballasiotes, Kagi and Kenney.

Brief History:

Committee Activity:

Children & Family Services: 2/15/01, 2/22/01 [DPS].

Brief Summary of Substitute Bill

- The bill establishes a new definition of negligent treatment or maltreatment.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

Staff: Deborah Frazier (786-7152).

Background:

The Office of the Family and Children's Ombudsman 1999 Annual Report identified the state's approach to chronic child neglect cases as a major issue of concern. The ombudsman has found that Child Protective Services (CPS) often screens out reports of child neglect without an investigation.

According to CPS, neglect reports are screened out because the specific act or omission alleged in the report does not meet the legal definition of neglect, i.e., does not constitute a clear and present danger-. The CPS often will not investigate a neglect report despite being aware of a documented pattern of conduct indicating that the child may be at risk. The CPS caseworkers report they feel that they lack a sufficient basis for a legal

intervention.

A review of the statutory definitions in use in the 50 states for the equivalent of Washington's negligent treatment or maltreatment— definition revealed that no other state uses the clear and present danger— standard in their statutes.

Summary of Substitute Bill:

The bill establishes a new definition of negligent treatment or maltreatment. The definition is characterized by three elements:

- (1) an act or omission, or an identifiable pattern of conduct, that evidences the failure to exercise a minimum degree of care in supplying food, clothing, shelter, sanitation, medical treatment, or supervision;
- (2) the failure is not a result of a lack of financial means; and
- (3) the result of the failure is that a child's physical, mental, or emotional condition has been impaired, or is at substantial risk of impairment.

Substitute Bill Compared to Original Bill:

The substitute adds the language an act or omission or an identifiable pattern of conduct that evidences— the failure of a child's parent or guardian. Sanitation— is added to the list of items to be supplied to a child. The bill replaces in imminent danger of becoming impaired— with at substantial risk of impairment.—

Appropriation: None.

Fiscal Note: (Original Bill) Requested on February 5, 2001. (Substitute bill) Requested on February 23, 2001.

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

Testimony For: This proposed change is an improvement over current law. It will allow intervention and involvement in services for the family much earlier than is now possible, and should produce savings to the system and a better future for the children. In law enforcement we see kids living in terrible conditions, yet we can do nothing to intervene under current law. People seem to view neglect as a family issue— as they used to view domestic violence. We need to raise people's awareness about the costly and long term impact of chronic neglect.

(Concerns) We would like to see modifications to some of the language in the bill. We expect increased costs because of increased caseload. While there might be savings to various service systems in the long run, we can't quantify those savings.

Testimony Against: None.

Testified: (In support) Representative Dickerson, prime sponsor; Vickie Wallen, Office of the Family and Children's Ombudsman; Janet Thiessen, Vancouver Police Department; Marlene Dewey and Marla Schuman, Child Abuse Intervention Center; Carol Cummings, King County Sheriff's Office; and Paul Barry, Children's Alliance.

(In support with concerns) Liz Dunbar, Department of Social and Health Services.