

***Judiciary Committee***

***HB 1401***

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

***Brief Description:*** *Penalizing false accusations of child abuse or neglect.*

***Sponsors:*** *Representatives Carrell, Ballasiotes, Lambert, O'Brien, Armstrong, Boldt, Marine, Mulliken, Delvin, Hurst, Talcott, Schindler and Mielke.*

***Brief Summary of Bill***

- *Authorizes a court to impose a penalty of up to \$1,000 if a person makes a false allegation of child abuse or neglect in a family law judicial proceeding.*
- *Creates a class C felony crime for a person to intentionally make a false allegation of child abuse or neglect in a family law proceeding.*
- *Creates a presumption that a parent's residential time with a child should be limited if the parent intentionally made a false allegation of child abuse or neglect during a family law proceeding.*

***Hearing Date:*** *2/16/01*

***Staff:*** *Edie Adams (786-7180).*

***Background:***

*The domestic relations title of the Revised Code of Washington (Title 26) governs actions concerning dissolution of marriage, child support and custody, paternity, child abuse and neglect, domestic violence, and adoption, among others. In many of these actions, the court may establish a parenting plan for a child or enter an order regarding child custody and visitation or residential schedules.*

*In establishing a parenting plan as part of a dissolution action or a visitation schedule as part of a child custody action, the court must limit a parent's time with a child if the court finds that a parent has engaged in physical, sexual, or emotional abuse of a child. The limitations imposed by the court must be calculated to protect the child from abuse or harm, and could include requiring supervised visitation. The court may restrain a parent from visitation with a child only if the court finds there are no limitations that may be imposed that could adequately protect the child. In addition, a court may impose limits in a parenting plan if the court finds that a parent has engaged in abusive use of conflict that creates a danger of serious emotional harm to the child.*

*The chapter governing abuse of children requires certain persons to make a report to law enforcement or the Department of Social and Health Services anytime the person has reasonable cause to believe that a child has suffered abuse or neglect. Examples of people who have a duty to report child abuse include health care providers, school employees, social service providers, or child care center personnel. A person who has a duty to report child abuse and fails to do so is guilty of a gross misdemeanor. Any person who in good faith makes a report of child abuse or testifies about alleged child abuse in a judicial proceeding is immune from civil liability resulting from the report or testimony. A person who intentionally, and in bad faith or maliciously, knowingly makes a false report of alleged abuse or neglect is guilty of a misdemeanor.*

*A person is guilty of perjury in the first degree, a class B felony, if the person under oath makes a materially false statement that the person knows is false in any official proceeding.*

**Summary of Bill:**

*Three sanctions are established for intentionally making a false allegation of child abuse or neglect during the course of a judicial proceeding conducted under Title 26 of the Revised Code of Washington relating to a parenting plan or child custody.*

*First, if a court determines that a false allegation was made during a judicial proceeding, the court may impose a monetary penalty against the party who made the false allegation or who induced another person to make the false allegation. The monetary penalty may not exceed \$1,000, and is payable to the person who is falsely accused. In addition, the court may impose reasonable attorney fees if the accused incurs attorney fees to recover the monetary penalty. A "party"*

*includes a witness, a party, or a party's attorney. The provision does not apply to unemancipated minors.*

*Second, a person who intentionally makes a false allegation of child abuse or neglect, or induces another person to make a false allegation, during a family law judicial proceeding relating to a parenting plan or child custody is guilty of a class C felony.*

*Third, as part of a dissolution proceeding establishing a parenting plan, a presumption is created that a parent's residential time with a child should be limited if the court finds that the parent has knowingly made a false allegation of child abuse or neglect during the proceeding.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Not Requested.*

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