

FINAL BILL REPORT

ESSB 5308

C 417 L 05

Synopsis as Enacted

Brief Description: Changing provisions relating to mandatory reporting of child abuse or neglect.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove and Oke).

Senate Committee on Human Services & Corrections
House Committee on Children & Family Services

Background: Current law requires a variety of individuals to report suspected child abuse or neglect to law enforcement or Department of Social and Health Services staff. These individuals are considered mandatory reporters and include: health care, law enforcement, school, counseling, pharmacy, childcare, Department of Social and Health Services, juvenile probation, and Office of Family and Children's Ombudsman staff.

Abuse or neglect means, the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstance which indicate that the child's health, welfare, and safety is harmed.

An adult who resides with a child, who the adult reasonably believes has suffered "severe abuse" is also required to report the abuse to the proper authorities. Severe abuse means any of the following: any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture or unconsciousness.

Summary: A supervisor in a for profit or non-profit organization is added to the list of mandatory reporters. If the supervisor has reasonable cause to believe the child has suffered abuse or neglect caused by someone they supervise and that person coaches, trains, educates, counsels, or regularly has unsupervised access to children as part of their employment, contract or voluntary service, then the supervisor must report the information to law enforcement.

Supervisors are not required to report child abuse if they receive the information solely as the result of a privileged communication as defined in RCW 5.60.060. The current list of mandatory reporters is not limited by the reference to supervisors.

Definitions for "official supervisory capacity" and "regularly exercises supervisory authority" are provided.

Votes on Final Passage:

Senate 46 0
House 96 0 (House amended)

(Senate refused to concur)
House 98 0 (House receded)

Effective: July 24, 2005