
SUBSTITUTE SENATE BILL 6295

State of Washington

63rd Legislature

2014 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Mullet, Tom, Kohl-Welles, and Darneille)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to withholding medical treatment in favor of faith-
2 based or metaphysical healing efforts; and amending RCW 9A.42.005 and
3 26.44.020.

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

5 **Sec. 1.** RCW 9A.42.005 and 1997 c 392 s 507 are each amended to
6 read as follows:

7 The legislature finds that there is a significant need to protect
8 children and dependent persons, including frail elder and vulnerable
9 adults, from abuse and neglect by their parents, by persons entrusted
10 with their physical custody, or by persons employed to provide them
11 with the basic necessities of life. The legislature further finds that
12 such abuse and neglect often takes the forms of either withholding from
13 them the basic necessities of life, including food, water, shelter,
14 clothing, and health care, or abandoning them, or both. Therefore, it
15 is the intent of the legislature that criminal penalties be imposed on
16 those guilty of such abuse or neglect. ~~((It is the intent of the
17 legislature that a person who, in good faith, is furnished Christian
18 Science treatment by a duly accredited Christian Science practitioner
19 in lieu of medical care is not considered deprived of medically~~

1 ~~necessary health care or abandoned.~~) Nothing in chapter . . . , Laws of
2 2014 (this act) is to be interpreted as a legislative disapproval of
3 Christian Science treatment. Prosecutions under this chapter shall be
4 consistent with the rules of evidence, including hearsay, under law.

5 **Sec. 2.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to read
6 as follows:

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

9 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or
10 injury of a child by any person under circumstances which cause harm to
11 the child's health, welfare, or safety, excluding conduct permitted
12 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
13 child by a person responsible for or providing care to the child. An
14 abused child is a child who has been subjected to child abuse or
15 neglect as defined in this section.

16 (2) "Child" or "children" means any person under the age of
17 eighteen years of age.

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

32 (4) "Child protective services section" means the child protective
33 services section of the department.

34 (5) "Children's advocacy center" means a child-focused facility in
35 good standing with the state chapter for children's advocacy centers
36 and that coordinates a multidisciplinary process for the investigation,
37 prosecution, and treatment of sexual and other types of child abuse.

1 Children's advocacy centers provide a location for forensic interviews
2 and coordinate access to services such as, but not limited to, medical
3 evaluations, advocacy, therapy, and case review by multidisciplinary
4 teams within the context of county protocols as defined in RCW
5 26.44.180 and 26.44.185.

6 (6) "Clergy" means any regularly licensed or ordained minister,
7 priest, or rabbi of any church or religious denomination, whether
8 acting in an individual capacity or as an employee or agent of any
9 public or private organization or institution.

10 (7) "Court" means the superior court of the state of Washington,
11 juvenile department.

12 (8) "Department" means the state department of social and health
13 services.

14 (9) "Family assessment" means a comprehensive assessment of child
15 safety, risk of subsequent child abuse or neglect, and family strengths
16 and needs that is applied to a child abuse or neglect report. Family
17 assessment does not include a determination as to whether child abuse
18 or neglect occurred, but does determine the need for services to
19 address the safety of the child and the risk of subsequent
20 maltreatment.

21 (10) "Family assessment response" means a way of responding to
22 certain reports of child abuse or neglect made under this chapter using
23 a differential response approach to child protective services. The
24 family assessment response shall focus on the safety of the child, the
25 integrity and preservation of the family, and shall assess the status
26 of the child and the family in terms of risk of abuse and neglect
27 including the parent's or guardian's or other caretaker's capacity and
28 willingness to protect the child and, if necessary, plan and arrange
29 the provision of services to reduce the risk and otherwise support the
30 family. No one is named as a perpetrator, and no investigative finding
31 is entered in the record as a result of a family assessment.

32 (11) "Founded" means the determination following an investigation
33 by the department that, based on available information, it is more
34 likely than not that child abuse or neglect did occur.

35 (12) "Inconclusive" means the determination following an
36 investigation by the department, prior to October 1, 2008, that based
37 on available information a decision cannot be made that more likely
38 than not, child abuse or neglect did or did not occur.

1 (13) "Institution" means a private or public hospital or any other
2 facility providing medical diagnosis, treatment, or care.

3 (14) "Law enforcement agency" means the police department, the
4 prosecuting attorney, the state patrol, the director of public safety,
5 or the office of the sheriff.

6 (15) "Malice" or "maliciously" means an intent, wish, or design to
7 intimidate, annoy, or injure another person. Such malice may be
8 inferred from an act done in willful disregard of the rights of
9 another, or an act wrongfully done without just cause or excuse, or an
10 act or omission of duty betraying a willful disregard of social duty.

11 (16) "Negligent treatment or maltreatment" means an act or a
12 failure to act, or the cumulative effects of a pattern of conduct,
13 behavior, or inaction, that evidences a serious disregard of
14 consequences of such magnitude as to constitute a clear and present
15 danger to a child's health, welfare, or safety, including but not
16 limited to conduct prohibited under RCW 9A.42.100. When considering
17 whether a clear and present danger exists, evidence of a parent's
18 substance abuse as a contributing factor to negligent treatment or
19 maltreatment shall be given great weight. The fact that siblings share
20 a bedroom is not, in and of itself, negligent treatment or
21 maltreatment. Poverty, homelessness, or exposure to domestic violence
22 as defined in RCW 26.50.010 that is perpetrated against someone other
23 than the child does not constitute negligent treatment or maltreatment
24 in and of itself.

25 (17) "Pharmacist" means any registered pharmacist under chapter
26 18.64 RCW, whether acting in an individual capacity or as an employee
27 or agent of any public or private organization or institution.

28 (18) "Practitioner of the healing arts" or "practitioner" means a
29 person licensed by this state to practice podiatric medicine and
30 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
31 medicine and surgery, or medicine and surgery or to provide other
32 health services. The term "practitioner" includes a duly accredited
33 Christian Science practitioner. ~~((A person who is being furnished
34 Christian Science treatment by a duly accredited Christian Science
35 practitioner will not be considered, for that reason alone, a neglected
36 person for the purposes of this chapter.))~~

37 (19) "Professional school personnel" include, but are not limited

1 to, teachers, counselors, administrators, child care facility
2 personnel, and school nurses.

3 (20) "Psychologist" means any person licensed to practice
4 psychology under chapter 18.83 RCW, whether acting in an individual
5 capacity or as an employee or agent of any public or private
6 organization or institution.

7 (21) "Screened-out report" means a report of alleged child abuse or
8 neglect that the department has determined does not rise to the level
9 of a credible report of abuse or neglect and is not referred for
10 investigation.

11 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
12 encouraging a child to engage in prostitution by any person; or (b)
13 allowing, permitting, encouraging, or engaging in the obscene or
14 pornographic photographing, filming, or depicting of a child by any
15 person.

16 (23) "Sexually aggressive youth" means a child who is defined in
17 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

18 (24) "Social service counselor" means anyone engaged in a
19 professional capacity during the regular course of employment in
20 encouraging or promoting the health, welfare, support, or education of
21 children, or providing social services to adults or families, including
22 mental health, drug and alcohol treatment, and domestic violence
23 programs, whether in an individual capacity, or as an employee or agent
24 of any public or private organization or institution.

25 (25) "Supervising agency" means an agency licensed by the state
26 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
27 entered into a performance-based contract with the department to
28 provide child welfare services.

29 (26) "Unfounded" means the determination following an investigation
30 by the department that available information indicates that, more
31 likely than not, child abuse or neglect did not occur, or that there is
32 insufficient evidence for the department to determine whether the
33 alleged child abuse did or did not occur.

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