

HOUSE BILL REPORT

HB 2033

As Passed House:
March 11, 2019

Title: An act relating to mandatory reporting of child abuse and neglect.

Brief Description: Concerning mandatory reporting of child abuse and neglect.

Sponsors: Representatives Chambers, Paul, Dent, Van Werven, Thai, Eslick, Lekanoff, Corry, Shewmake and Frame.

Brief History:

Committee Activity:

Human Services & Early Learning: 2/19/19, 2/20/19 [DP].

Floor Activity:

Passed House: 3/11/19, 98-0.

Brief Summary of Bill

- Modifies the current offense related to mandatory reporters of child abuse and neglect that do not report that abuse or neglect to require that a person "knowingly" fails to cause such a report to be guilty of that offense, and reduces the offense from a gross misdemeanor to a misdemeanor.
- Creates a new gross misdemeanor offense and a mandatory reporter of child abuse or neglect commits that offense when he or she knowingly obstructs the duty of a mandatory reporter to make such a report.
- Creates a class 1 civil infraction and a mandatory reporter of child abuse or neglect commits that offense when he or she fails to make or fails to cause to be made a report due to negligence.
- Requires that state contracts with youth-serving organizations include a requirement that youth-serving organizations provide a signed acknowledgement of the organization's compliance with the mandatory reporting posting law.

HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 12 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry, Goodman, Kilduff, Klippert, Lovick and Ortiz-Self.

Staff: Luke Wickham (786-7146).

Background:

Mandatory Reporting Laws and Offenses.

Mandatory reporting laws require certain people to report suspected child abuse or neglect to the Department Children, Youth, and Families or to law enforcement when a reporter has reasonable cause to believe that a child has suffered abuse or neglect.

People designated as mandatory reporters include any:

- practitioner;
- county coroner;
- medical examiner;
- law enforcement officer;
- professional school personnel;
- registered or licensed nurse;
- social service counselor;
- psychologist;
- pharmacist;
- employee of the Department of Early Learning;
- licensed or certified child care providers or their employees;
- employee of the Department of Social and Health Services;
- juvenile probation officer;
- placement and liaison specialist;
- responsible living skills program staff;
- HOPE center staff;
- state Family and Children's Ombuds or any volunteer in the Office of the Family and Children's Ombuds;
- Department of Corrections personnel;
- guardians ad litem;
- court appointed special advocates;
- any person in an official supervisory capacity with a profit or nonprofit organization;
- administrative, academic, or athletic department employees of institutions of higher learning; and
- any adult who has reasonable cause to believe that a child who resides with the adult is a victim of abuse or neglect.

Additionally, any person who has reason to believe that child abuse or neglect has occurred may report that information.

Upon having reasonable cause to believe a child has suffered abuse or neglect, a mandatory reporter must make a report within 48 hours. When any person is required to make a report, or cause a report to be made, and knowingly fails to make, or fails to cause such a report to

be made, that person is guilty of a gross misdemeanor. A gross misdemeanor must be proved beyond a reasonable doubt and is punishable by a fine of up to \$5,000 and/or imprisonment in a county jail of up to 364 days.

Mandatory Reporter Posting Law.

Any organization that includes employees or volunteers subject to mandatory reporting requirements must clearly display in a common area a poster that includes:

- who is required to report child abuse and neglect;
- the standard of knowledge to justify a report;
- the definition of reportable crimes;
- where to report suspected child abuse and neglect;
- what should be included in a report; and
- the appropriate timing of a report.

Summary of Bill:

The current offense related to mandatory reporters of child abuse and neglect that do not report that abuse or neglect is modified to require that a person "knowingly" fails to cause such a report to be guilty of that offense. This offense is also reduced from a gross misdemeanor to a misdemeanor.

A new gross misdemeanor offense is created, and a mandatory reporter of child abuse or neglect commits that offense when he or she knowingly obstructs the duty of a mandatory reporter to make such a report.

A class 1 civil infraction is created, and a mandatory reporter of child abuse or neglect commits that offense when he or she fails to make or fails to cause to be made a report due to negligence. Courts may defer findings, or in a hearing to explain mitigating circumstances, may defer entry of an order, for up to one year and impose conditions on the defendant. The court may assess costs for administrative processing when deferring findings. If at the end of the deferral period the defendant meets the conditions and has not committed another mandatory reporting infraction, the court may dismiss the infraction.

State contracts with youth-serving organizations must include a requirement that youth-serving organizations provide a signed acknowledgement of the organization's compliance with the mandatory reporting posting law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was around last year. Criminal charges for mandatory reporting are generally not filed. The laws need to change to address mandatory reporting to ensure that

mandatory reporters report child abuse and neglect. Many individuals fail to report child abuse and neglect, and this is a problem because individuals are likely to reoffend if no action is taken after an individual abuses or neglects a child. This bill creates a civil infraction that lowers the standard of proof for individuals who fail to report based on negligence. Sometimes people do not report because they are friends with the family or because they are not certain that abuse or neglect happened. Sometimes organizations choose to investigate this report on their own instead of filing a report.

(Opposed) None.

Persons Testifying: Representative Chambers, prime sponsor; and Byron Manering, Brigid Collins Family Support Center.

Persons Signed In To Testify But Not Testifying: None.