

SENATE BILL REPORT

SB 6423

As Passed Senate, February 19, 2020

Title: An act relating to reports alleging child abuse and neglect.

Brief Description: Concerning reports alleging child abuse and neglect.

Sponsors: Senators Cleveland, Darneille and Wilson, C.; by request of Department of Children, Youth and Families.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/23/20, 1/30/20 [DP].

Floor Activity:

Passed Senate: 2/19/20, 48-0.

Brief Summary of Bill

- Expands good faith reports of child abuse and neglect to include providing information or assistance, including medical evaluations, in connection with a report, investigation, or legal intervention.
- Clarifies that a good faith report of child abuse and neglect is immune from civil or criminal liability arising out of such a report.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

Staff: Alison Mendiola (786-7488)

Background: Federal Child Abuse Prevention and Treatment Act. The Federal Child Abuse Prevention and Treatment Act (CAPTA), originally enacted into law in 1974, provides federal funding and guidance to states supporting child abuse prevention, assessment, investigation, prosecution, and treatment activities, and also provides grants to public agencies and nonprofit organizations, including Indian tribes and tribal organizations, for demonstration programs and projects. In January 2019, CAPTA was amended to expand the scope of legal immunity for good faith reports of child abuse and neglect, to include

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professionals called upon to consult in a child abuse case. It includes medical evaluations or consultations in connection with a report, investigation, or legal intervention related to a good faith report of child abuse or neglect.

Department of Children, Youth, and Families. The Department of Children, Youth, and Families (DCYF) administers Washington's Child Protective Services (CPS). CPS receives referrals from members of the public and mandated reporters who suspect that a child is a victim of abuse or neglect. CPS provides services, including 24-hour intake, assessment, emergency intervention, and emergency medical services for accepted referrals.

The concept of mandatory reporting was first enacted in 1971 and required certain persons to report suspected child abuse and neglect. Initially, medical professionals, teachers, social workers, clergy, pharmacists, and DCYF employees were designated as mandatory reporters. Since then, the group of mandatory reporters has been expanded several times. Any other person, who has reasonable cause to believe a child has suffered abuse and neglect, may report the abuse or neglect to CPS or to law enforcement. Upon receipt of a report concerning the possible occurrence of abuse or neglect, the law enforcement agency or DCYF must investigate, and where necessary, refer the report to the court. If DCYF is unable to identify the name, address, and phone number of the person reporting the child abuse or neglect, DCYF can only investigate cases in which (1) they believe there is a serious threat of substantial harm to the child; (2) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (3) they have a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

A person who makes a good faith report of child abuse or neglect, or who testifies as to an alleged child abuse or neglect in a judicial proceeding, is immune from liability from such reporting or testifying. A person, who in good faith and without gross negligence cooperates in an investigation as a result of a report of child abuse or neglect, is not subject to civil liability.

Summary of Bill: Upon receiving a report alleging abuse or neglect has occurred, the law enforcement agency or DCYF must investigate, and where necessary, refer the report to the court.

A good faith report of child abuse or neglect includes providing information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect. A person making such a report or providing such assistance pursuant to a good faith report of child abuse or neglect is immune from civil or criminal liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill brings the state in compliance with federal law which is important as we do not want to lose matching funds for not being in compliance.

CON: What is subsidized, you get more of. If you give immunity to people who are incompetent then you hurt children. Section 2 of the bill should be deleted.

Persons Testifying: PRO: Senator Annette Cleveland, Prime Sponsor; Allison Krutsinger, Department of Children, Youth, and Families.

CON: Gary Preble, Attorney, Preble Law Firm, P.S..

Persons Signed In To Testify But Not Testifying: No one.