
SENATE BILL 6722

State of Washington

56th Legislature

2000 Regular Session

By Senators Hargrove, Snyder, Stevens, Rasmussen and Oke

Read first time 01/25/2000. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to false reports of child abuse or neglect;
2 amending RCW 26.44.020 and 26.44.031; and adding a new section to
3 chapter 26.44 RCW.

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

5 **Sec. 1.** RCW 26.44.020 and 1999 c 176 s 29 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) "Court" means the superior court of the state of Washington,
10 juvenile department.

11 (2) "Law enforcement agency" means the police department, the
12 prosecuting attorney, the state patrol, the director of public safety,
13 or the office of the sheriff.

14 (3) "Practitioner of the healing arts" or "practitioner" means a
15 person licensed by this state to practice podiatric medicine and
16 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
17 medicine and surgery, or medicine and surgery or to provide other
18 health services. The term "practitioner" includes a duly accredited
19 Christian Science practitioner: PROVIDED, HOWEVER, That a person who

1 is being furnished Christian Science treatment by a duly accredited
2 Christian Science practitioner will not be considered, for that reason
3 alone, a neglected person for the purposes of this chapter.

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

6 (5) "Department" means the state department of social and health
7 services.

8 (6) "Child" or "children" means any person under the age of
9 eighteen years of age.

10 (7) "Professional school personnel" include, but are not limited
11 to, teachers, counselors, administrators, child care facility
12 personnel, and school nurses.

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

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

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

27 (11) "Clergy" means any regularly licensed or ordained minister,
28 priest, or rabbi of any church or religious denomination, whether
29 acting in an individual capacity or as an employee or agent of any
30 public or private organization or institution.

31 (12) "Abuse or neglect" means the injury, sexual abuse, sexual
32 exploitation, negligent treatment, or maltreatment of a child by any
33 person under circumstances which indicate that the child's health,
34 welfare, and safety is harmed, excluding conduct permitted under RCW
35 9A.16.100. An abused child is a child who has been subjected to child
36 abuse or neglect as defined in this section.

37 (13) "Child protective services section" means the child protective
38 services section of the department.

1 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or
2 encouraging a child to engage in prostitution by any person; or (b)
3 allowing, permitting, encouraging, or engaging in the obscene or
4 pornographic photographing, filming, or depicting of a child by any
5 person.

6 (15) "Negligent treatment or maltreatment" means an act or omission
7 that evidences a serious disregard of consequences of such magnitude as
8 to constitute a clear and present danger to the child's health,
9 welfare, and safety. The fact that siblings share a bedroom is not, in
10 and of itself, negligent treatment or maltreatment.

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

25 (17) "Malice" or "maliciously" means an evil intent, wish, or
26 design to vex, annoy, or injure another person. Such malice may be
27 inferred from an act done in willful disregard of the rights of
28 another, or an act wrongfully done without just cause or excuse, or an
29 act or omission of duty betraying a willful disregard of social duty.

30 (18) "Sexually aggressive youth" means a child who is defined in
31 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

32 (19) "Unfounded" means available information indicates that, more
33 likely than not, child abuse or neglect did not occur.

34 (20) "False report or referral" means available information
35 indicates that, more likely than not, the information reported or
36 conveyed to the department regarding an allegation of abuse or neglect
37 is untrue.

1 **Sec. 2.** RCW 26.44.031 and 1997 c 282 s 1 are each amended to read
2 as follows:

3 (1) To protect the privacy in reporting and the maintenance of
4 reports of nonaccidental injury, neglect, death, sexual abuse, and
5 cruelty to children by their parents, and to safeguard against
6 arbitrary, malicious, or erroneous information or actions, the
7 department shall not maintain information related to unfounded
8 referrals in files or reports of child abuse or neglect for longer than
9 six years except as provided in this section.

10 (2) At the end of six years from receipt of the unfounded report,
11 the information shall be purged unless an additional report has been
12 received in the intervening period.

13 (3) Any report of child abuse or neglect that is determined to be
14 a false report or referral shall be immediately purged from the files
15 and records relating to child abuse and neglect referrals maintained by
16 the department.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.44 RCW
18 to read as follows:

19 The department shall create a category of child abuse or neglect
20 referral disposition called "false." This category shall be in
21 addition to "founded," "inconclusive," and "unfounded."

--- END ---