

SENATE BILL REPORT

SHB 3083

As Reported By Senate Committee On:
Children & Family Services & Corrections, February 26, 2004

Title: An act relating to immunity for any person who cooperates with an investigation of child abuse or neglect.

Brief Description: Providing immunity for any person who cooperates with an investigation of child abuse or neglect.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kagi, Boldt, Dickerson, Orcutt, Pettigrew and Darneille).

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/26/04 [DPA].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Fara Daun (786-7459)

Background: Current law grants immunity for any person who makes a good faith child abuse report or testifies in a judicial proceeding with regard to abuse or neglect. While some appellate cases have liberally construed the provision to include a mandatory reporter's participation in the investigation of child abuse or neglect, the statute does not specifically grant this immunity.

Summary of Amended Bill: A person who, in good faith without gross negligence, cooperates with an investigation of suspected child abuse or neglect is not subject to civil liability arising from the cooperation unless the person caused or allowed the child abuse or neglect to occur.

Amended Bill Compared to Substitute Bill: The bill as referred gave good faith immunity to those who cooperate with a child abuse or neglect investigation if the person did not cause or allow the abuse or neglect. The striking amendment says that there is no liability if the person cooperates in good faith and without gross negligence if the person did not cause or allow the abuse or neglect.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is the result of concerns raised while serving on the fatality review committee. Many people assist in the investigation, including doctors, often without charge and they do not have statutory immunity. There is concern that the state will lose the assistance of these individuals. State CPS workers have a difficult job and need to consult to get medical information. Currently this consultation is not protected. From a purely medical point of view, some form of immunity is needed.

Testimony Against: None.

Testified: Representative Ruth Kagi, prime sponsor (pro); Dr. Kenneth Feldman (pro); Dr. Yulanda Duralde (pro).