

# SENATE BILL REPORT

## HB 2033

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As of February 24, 2020

**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:** Passed House: 3/11/19, 98-0; 1/27/20, 97-0.

**Committee Activity:** Human Services, Reentry & Rehabilitation: 2/26/20.

### 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 they 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 they fail to make or fail 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.

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### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Staff:** Alison Mendiola (786-7488)

**Background:** Mandatory Reporting Laws and Offenses. Mandatory reporting laws require certain people to report suspected child abuse or neglect to the Department Children, Youth,

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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.

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.

Gross Misdemeanors, Misdemeanors, and Class 1 Civil Infractions. A gross misdemeanor is punishable by a fine of up to \$5,000 and/or imprisonment in a county jail of up to 364 days. The maximum punishment for a misdemeanor is 90 days in jail and/or a \$1,000 fine. The maximum penalty and the default amount for a class 1 civil infraction is \$250.

**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 they 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 they fail to make or fail 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.

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

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