

SENATE BILL REPORT

SB 6181

As Reported by Senate Committee On:
Law & Justice, January 16, 2020

Title: An act relating to compensation for parents of minor victims of crime.

Brief Description: Concerning compensation for parents of minor victims of crime. **[Revised for 1st Substitute:** Concerning compensation for legal guardians and custodians of minor victims of crime.]

Sponsors: Senators Padden, Pedersen, O'Ban, Warnick and Kuderer.

Brief History:

Committee Activity: Law & Justice: 1/14/20, 1/16/20 [DPS-WM].

Brief Summary of First Substitute Bill

- Authorizes a parent of a minor child who is the victim of a crime to receive benefits under the Crime Victims' Compensation Program (CVCP) in the form of lost wages for time spent accompanying the child to medical or counseling services or criminal justice proceedings related to the crime.
- Prohibits a parent of a minor child from receiving benefits under the CVCP for the child if the child's injuries resulted from an action of the parent.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Shani Bauer (786-7468)

Background: The CVCP, within the Department of Labor and Industries provides benefits to innocent victims of criminal acts. Generally, persons injured by a criminal act in Washington, or their surviving spouses and dependents, are eligible to receive certain

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benefits under the CVCP. This includes, for example, medical treatment, mental health treatment, lost wage replacement, and burial costs. When the victim of a crime is a child, the legal guardian or custodian of the child may receive payments for expenses incurred for the child. Benefits under the program are secondary to services available from any other public or private insurance, meaning the CVCP is the payer of last resort.

The CVCP pays for a portion of a victim's lost wages if a temporary or permanent total disability or death results from the crime. If the victim was not gainfully employed at the time of the criminal act, no financial support for lost wages will be paid to the victim or any beneficiaries. To be gainfully employed, the victim must have been engaging in a regular and continuous basis in a lawful activity from which a person derives a livelihood. If the victim is voluntarily retired and is no longer attached to the workforce, the victim is not eligible for lost wage benefits. No provision is made for lost wages that may be incurred by a spouse or legal guardian of the victim.

Summary of Bill (First Substitute): The parent of a minor victim is entitled to receive up to 30 days' lost wages if the CVCP determines the parent has lost wages due to time spent accompanying the minor victim to medical or counseling services or criminal justice proceedings related to the crime. Wages shall be based on employer wage statements, employment security records, or documents reported to and certified by the Internal Revenue Service.

If injury or death to the minor victim is a result of the parent's action, the parent may not receive any benefits under the CVCP for the minor child.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute): The term "parent" is changed throughout to "legal guardian or custodian" to be consistent with other terminology used in Chapter 7.68 RCW.

Appropriation: None.

Fiscal Note: Requested on January 10, 2020.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: In circumstances where a child is the victim of a crime resulting in significant medical appointments or court appearances, lost work can devastate a family. In one family's experience, two of the parties' five children were victims of sexual abuse from a family member. The prosecution of the perpetrator has resulted in many court appearances and those are still ongoing. Both daughters have been diagnosed with PTSD, depression, and anxiety. One daughter has been hospitalized with various medical concerns. Both are in therapy with a mental health professional one to two times per week. The children's mother applied for FMLA in order to accompany the children to appointments, but sick leave and vacation leave were quickly exhausted. While FMLA protects her job, it does not protect her wages. A most recent paystub was missing 24 hours

out of 80 hours of work, leaving insufficient income to support their family. The family is unable to qualify for state aid because eligibility standards use an income average and do not take into account a recent loss of work. She has tried to apply for benefits from CVCP but has been told that as a parent she does not qualify for lost wage benefits.

This bill would help reduce the stress on families when a juvenile has been impacted by a crime and have the need to go to medical appointments, trauma counseling, or hospital stays. The juvenile needs to be accompanied by a parent and there is already a financial burden on the families related to the crime. This would help lessen the stress accompanied with that financial burden.

Funding for the CVCP program comes from mandatory court fines connected to felonies and misdemeanors. The person who committed the crime is also required to pay restitution, payment of which goes to reimburse the crime victims program. Adoption of this bill would be a positive step to recognize that parents incur expenses and lost wages associated with crimes directed at a child.

Persons Testifying: PRO: Senator Mike Padden, Prime Sponsor; Kasandra Turner, citizen; Russell Brown, Executive Director, Washington Association of Prosecuting Attorneys; Lew Cox, Violent Crime Victim Services.

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