

SENATE BILL REPORT

SB 6246

As Reported By Senate Committee On:
Law & Justice, January 31, 1996

Title: An act relating to false accusations of child abuse or neglect.

Brief Description: Penalizing false accusations of child abuse or neglect.

Sponsors: Senators Smith, Winsley, Oke, Long and Johnson.

Brief History:

Committee Activity: Law & Justice: 1/25/96, 1/31/96 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Minority Report: Do not pass.

Signed by Senator Fairley, Vice Chair.

Staff: Susan Carlson (786-7418)

Background: In domestic relations proceedings relating to a parenting plan or child custody, allegations of child abuse or neglect often result in lengthy hearings and increased attorneys' fees. In the 1995 session, the Legislature enacted civil and criminal penalties for intentionally making a false allegation of child abuse or neglect in such proceedings. However, those provisions were vetoed by the Governor who expressed concerns that the bill duplicated current law and imposed penalties that were disproportionate with the problem.

Summary of Bill: Civil and criminal penalties are established for intentionally making a false allegation of child abuse or neglect during the course of proceedings relating to a parenting plan or child custody.

If the court finds that a person intentionally made a false allegation of child abuse or neglect, or induced another person to make a false allegation, the court may impose a monetary penalty of up to \$1,000 against the person who made or induced another to make the false allegation. The court may also order the person to pay reasonable attorney's fees incurred in recovering the penalty. The penalty is in addition to any other remedy provided by law. This provision does not apply to unemancipated minors.

In a proceeding relating to a parenting plan, a court finding that a parent knowingly made false accusations results in a presumption that the parent's residential time with the child should be limited.

A person who intentionally makes a false accusation of child abuse or neglect, or induces another person to make a false allegation, is guilty of a class C felony. The false allegation must be made during a proceeding related to a parenting plan or child custody.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: False allegations of abuse or neglect in domestic relations proceedings can be very damaging and costly to defend.

Testimony Against: Current laws provide sufficient remedies to deal with false allegations and this bill may chill people from reporting abuse.

Testified: PRO: Genie Saline, Michele Delo, Wash. Families for Non-Custodial Rights; Doug Martin; Aldoren Kauzlarich; Paul and Justina Patricio; CON: Ann Simons, Child Abuse Prevention Assn. of Washington; Debra Ruggles, WA Coalition of Sexual Assault Programs; Seth Dawson, Common Ground for Children; Carolyn Davis, NW Women's Law Center; Judge Faith Ireland, Superior Court Judges Assn.