
HOUSE BILL 1990

State of Washington

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1997 Regular Session

By Representatives Doumit, Tokuda, H. Sommers, Sullivan, Clements, Keiser, Hatfield, Blalock, Benson, Skinner, O'Brien, Cooke and Anderson

Read first time 02/17/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the definition of child abuse; and amending RCW
2 26.44.020.

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

4 **Sec. 1.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read
5 as follows:

6 For the purpose of and as used in this chapter:

7 (1) "Court" means the superior court of the state of Washington,
8 juvenile department.

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

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

1 accredited Christian Science practitioner shall not be considered, for
2 that reason alone, a neglected person for the purposes of this chapter.

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

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

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

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

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

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

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

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

31 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
32 exploitation, temporary abandonment, negligent treatment, or
33 maltreatment of a child, adult dependent, or developmentally disabled
34 person by any person under circumstances which indicate that the
35 child's or adult's health, welfare, and safety is harmed. An abused
36 child is a child who has been subjected to child abuse or neglect as
37 defined herein.

38 (13) "Child protective services section" shall mean the child
39 protective services section of the department.

1 (14) "Adult dependent persons" shall be defined as those persons
2 over the age of eighteen years who have been found to be legally
3 incompetent or disabled pursuant to chapter 11.88 RCW.

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

9 (16) "Negligent treatment or maltreatment" means an act or omission
10 which evidences a serious disregard of consequences of such magnitude
11 as to constitute a clear and present danger to the child's health,
12 welfare, and safety.

13 (17) "Developmentally disabled person" means a person who has a
14 disability defined in RCW 71A.10.020.

15 (18) "Child protective services" means those services provided by
16 the department designed to protect children from child abuse and
17 neglect and safeguard the general welfare of such children and shall
18 include investigations of child abuse and neglect reports, including
19 reports regarding child care centers and family child care homes, and
20 the development, management, and provision of or referral to services
21 to ameliorate conditions which endanger the welfare of children, the
22 coordination of necessary programs and services relevant to the
23 prevention, intervention, and treatment of child abuse and neglect, and
24 services to children to ensure that each child has a permanent home.
25 In determining whether protective services should be provided, the
26 department shall not decline to provide such services solely because of
27 the child's unwillingness or developmental inability to describe the
28 nature and severity of the abuse or neglect.

29 (19) "Malice" or "maliciously" means an evil intent, wish, or
30 design to vex, annoy, or injure another person. Such malice may be
31 inferred from an act done in wilful disregard of the rights of another,
32 or an act wrongfully done without just cause or excuse, or an act or
33 omission of duty betraying a wilful disregard of social duty.

34 (20) "Sexually aggressive youth" means a child who is defined in
35 RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

36 (21) "Temporary abandonment" means recklessly leaving a child under
37 the age of ten years unattended in or at any place for such period of

- 1 time as may be substantially likely to endanger the health, welfare, or
- 2 safety of the child.

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