

Washington Laws Around Child Abuse and Neglect



This document is intended to provide education on crucial Washington laws around abuse and neglect of children and references the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC).

Is physical discipline okay?

Yes, the physical discipline of a child, including reasonable use or corporal punishment, is not considered abuse or unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. The age, size, and condition of the child, and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

- RCW 9A.16.100: <https://apps.leg.wa.gov/RCW/default.aspx?cite=9A.16.100>
- WAC 110-30-0030: <https://apps.leg.wa.gov/WAC/default.aspx?cite=9A.16.100>

What is immoderate or unreasonable physical force and considered physical abuse?

Physical abuse means the non-accidental infliction of physical injury or physical mistreatment on a child that harms the child's health, welfare, or safety. It may include, but is not limited to, such actions as:

- (a) Throwing, kicking, burning, or cutting a child;
- (b) Striking a child with a closed fist;
- (c) Shaking a child under age three;
- (d) Interfering with a child's breathing;
- (e) Threatening a child with a deadly weapon; or
- (f) Doing any other act that is likely to cause and that does cause bodily harm greater than transient pain or minor temporary marks or that is injurious to the child's health, welfare or safety.

- RCW 9A.16.100: <https://apps.leg.wa.gov/RCW/default.aspx?cite=9A.16.100>
- WAC 110-30-0030: <https://apps.leg.wa.gov/WAC/default.aspx?cite=110-30-0030>

What is considered sexual abuse?

Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide childcare for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.

- WAC 110-30-0030: <https://apps.leg.wa.gov/WAC/default.aspx?cite=110-30-0030>





What is the sexual exploitation?

Sexual exploitation includes, but is not limited to, sex trafficking and commercial sexual exploitation as those terms are defined by law and includes such actions as allowing, compelling, encouraging, aiding, or otherwise causing a child to participate in one or more of the following:

- (a) Any sex act when anything of value is given to or received by any person for the sex act;
- (b) Sexually explicit, obscene, or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted;
- (c) Sexually explicit, obscene, or pornographic activity as part of a live performance or for the benefit or sexual gratification of another person.

WAC 110-30-0030: <https://apps.leg.wa.gov/WAC/default.aspx?cite=110-30-0030>

Can I leave my child alone with a sex offender, even for a short time?

No, leaving a child in the care of a sex offender is a misdemeanor unless the court has entered an order allowing the offender to have unsupervised contact with children, or the offender is allowed to have unsupervised contact with the child in question under a family reunification plan, which has been approved by a court, the department of corrections, or the department of social and health services in accordance with department policies.

A person is guilty of the crime of leaving a child in the care of a sex offender if the person is (a) the parent of a child; (b) entrusted with the physical custody of a child; or (c) employed to provide to the child the basic necessities of life, and leaves the child in the care or custody of another person who is not a parent, guardian, or lawful custodian of the child, knowing that the person is registered or required to register as a sex offender under the laws of this state, or a law or ordinance in another jurisdiction with similar requirements, because of a sex offense against a child.

RCW 9A.42.110: <https://apps.leg.wa.gov/RCW/default.aspx?cite=9A.42.110>

What is negligent treatment or maltreatment?

Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety.

- (a) When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor must be given great weight.
- (b) The fact that the siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.
- (c) Poverty, homelessness, or exposure to domestic violence perpetuated against someone other than the child does not, in and of itself, constitute negligent treatment or maltreatment.
- (d) A child does not have to suffer actual damage or physical or emotional harm to be in circumstances that create a clear and present danger to the child's health, welfare, or safety.
- (e) Negligent treatment or maltreatment may include, but is not limited to one or more of the following:
 - (i) Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, or safety, such that the failure shows a serious disregard of the consequence to the child and creates a clear and present danger to the child's health, welfare, or safety;
 - (ii) Actions, failures to act, or omissions that result in injury or risk of injury to the physical, emotional, and/or cognitive development of a child, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety;
 - (iii) The cumulative effects of a pattern of conduct, behavior, or inaction by a parent or guardian in providing for the physical, emotional or developmental needs of the child, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety;
 - (iv) The effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, or duties that causes injury or substantial risk of injury to the physical, emotional, or cognitive development of the child, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety.

WAC 110-30-0030: <https://apps.leg.wa.gov/WAC/default.aspx?cite=110-30-0030>