

## **ANSWER KEY** – Child Abuse Questionnaire

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- 1. Since Washington State does not have laws titled “Child Abuse” or “Child Neglect,” which laws handle those types of situations?**

Assault of a Child (RCW 9A.36.120-140), Criminal Mistreatment (RCW 9A.42.020-035), and Abandonment (RCW 9A.42.060-080)

- 2. Besides children, do the Criminal Mistreatment and Abandonment crimes cover any victims other than children?**

Yes. “Dependent Person” – a person who because of physical or mental disability or because of extreme advanced age, is dependent upon another for the basic necessities of life. Includes:

- a. Resident of a nursing home or adult home
- b. Frail elder or vulnerable adult

- 3. What is the method of risking/causing harm in Criminal Mistreatment and how is that different from the Abandonment crimes?**

Criminal Mistreatment method = Withhold the basic necessities of life (I have the necessities right here, but I choose not to give them to you.)

Abandonment method = Leave, and during that time you needed the basic necessities of life and did not get them.

- 4. RCW 9A.42.010 defines the word “Abandon.” How long does the victim have to be left alone to be abandoned? Is there a certain amount of time that must elapse to qualify as “abandonment?”**

The law does not specify a certain amount of time. The length of time is not the issue. The issue is whether or not the child or dependant person needed one of the basic necessities of life during the absence and was unable to get it.

- 5. When looking through the Criminal Mistreatment laws and the Abandonment laws, is there a pattern? Does the law treat risking harm differently than actually causing harm? If risk is different than cause, which is considered more severe (punished more severely)?**

Yes. There is a pattern. Actually causing harm is more serious than risking it.

- 6. For the Criminal Mistreatment laws and the Abandonment laws, does the suspect need to have a certain relationship or connection to the victim, or can the suspect be just anybody?**

Yes. The person committing Criminal Mistreatment or Abandonment must be a parent, guardian, or person entrusted with custody.

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**7. Are the Criminal Mistreatment laws, the Abandonment laws, and the Assault of a Child laws appropriate if the victim dies?**

No. None of those sets of crimes can “handle” the victim actually dying. They cover everything up to death – but not death itself. If the victim dies, the appropriate crime would be Murder, Manslaughter, or Homicide by Abuse.

**8. In order to even consider using the Assault of Child statutes, what must the suspect and victim ages be?**

Suspect must be 18 or older; victim must be under 13 (12 or younger).

**9. What if a 17 year-old repeatedly burns an 8 year-old with a curling iron over the course of several weeks? Can you use the Assault of Child laws?**

No. The ages are not in the right range. But it is still an Assault 2<sup>nd</sup> Degree. It is still illegal.

**10. Assault of a Child 3<sup>rd</sup> Degree has wording similar to a portion of another crime we have already studied. Which crime?**

Assault 3<sup>rd</sup> Degree: the ways of committing Assault 3<sup>rd</sup> Degree by Criminal Negligence.

**11. To use Assault of Child 2<sup>nd</sup> or 1<sup>st</sup> Degrees, the assault must either be severe enough that it would have been an Assault 2<sup>nd</sup> or 1<sup>st</sup> degree anyway, or it must have what element?**

A pattern.

**12. Is Custodial Assault the best choice when the suspect is the parent or has custody of the victim?**

No. Custodial Assault has nothing to do with parents, legal guardians, or “custody” of children or dependant adults. Custodial Assault is used when the suspect assaults a corrections officer or corrections staff.