

SB 5814: Providing funding for medical evaluations suspected victims of child abuse.

The Washington Association of Criminal Defense Lawyers and Washington Defender Association have concerns about SB 5814. WACDL/WDA agree that terminating the cycle of violence is important but are concerned that this bill will lead to false allegations and wrongful convictions.

Children under the age of 18 do not have fully developed brains and are more susceptible to responding with what they believe the questioner wants to hear. The human brain is not fully developed until well past the designated age of maturity. As a result, when children are questioned by someone who suspects wrong-doing, false statements may occur. Children are often questioned by family, nurses and law enforcement and may be unable to remember the details that led to the medical evaluation. These children are often questioned and given positive reinforcement for making statements that cannot be verified.

WACDL and WDA request an amendment to SB 5814. The concern of WACDL/WDA is the questioning of these children is clearly designed to develop a suspect. We propose that if an alleged child victim is not available to testify that their statements are not admissible. If the true goal is victims receiving treatment for injuries suffered, then protecting the rights of the accused to fully question the person making the allegation cannot be objectionable.

WACDL and WDA do not oppose children receiving medical treatment. We are very concerned that children will often recant or will be unable to accurately remember past events and that statements will be admitted without the ability to fully cross examine.

For more information, contact:

*Neil Beaver: (509) 979-9550 or neil.beaver@gmail.com; or
Kari Reardon: (360) 695-1647 or Reardon_K@msn.com*