

HOUSE BILL REPORT

HB 2984

As Reported by House Committee On:
Children & Family Services

Title: An act relating to child fatality reviews for children involved in the child welfare system.

Brief Description: Requiring child fatality reviews for children involved in the child welfare system.

Sponsors: Representatives Shabro, Kagi, Bush, Darneille, Dickerson, Roach, Rodne, Bailey, Boldt, Campbell, Nixon, McDonald, Kenney, Armstrong, Woods, Chase and Hunter.

Brief History:

Committee Activity:

Children & Family Services: 2/2/04, 2/4/04 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services to conduct child fatality reviews.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey, Dickerson, Miloscia, Pettigrew and Shabro.

Staff: Cynthia Forland (786-7152).

Background:

Local health departments are authorized by law to conduct child mortality reviews. A child mortality review consists of a process for examining factors that contribute to deaths of children under 18 years of age. The process may include the following:

- a systematic review of medical, clinical, and hospital records;
- home interviews of parents and caretakers of children who have died;

- analysis of individual case information; and
- review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with the death.

Separate from the child mortality review, the Children's Administration (CA) of the Department of Social and Health Services (DSHS) conducts internal child fatality reviews when any of the following criteria are met with reference to the death of a child:

- The child's family had an open case with CA at the time of death;
- The child's family received any services from the CA within the 12 months preceding the death, including a referral for services that did not result in an open case; or
- The death occurred in a home or facility licensed to care for children.

The purpose of the CA's child fatality review process is to conduct an examination of the handling of a case to determine whether or not agency policies, procedures, and practices were properly followed.

Summary of Substitute Bill:

The DSHS is required to conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of, or receiving child welfare services from, the DSHS or has been in care of, or receiving child welfare services from, the DSHS within one year preceding the death.

Upon conclusion of the child fatality review, the DSHS is required to issue a report on the results of the review to the appropriate committees of the Legislature and to make copies of the report available to the public upon request.

The DSHS is required to develop and implement procedures to carry out the requirements of the bill.

Substitute Bill Compared to Original Bill:

The DSHS is not required to conduct a child fatality review in the event of a death from any cause of a child:

- who is in out-of-home care at the time of the child's death; or
- who had been reunified with the child's family at the time of the child's death following a placement in out-of-home care.

Instead, the DSHS is required to conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of, or receiving child welfare services from, the DSHS or has been in care of, or receiving child welfare services from, the DSHS within one year preceding the death.

The DSHS is required to issue the required report on the results of the review to the

appropriate committees of the Legislature and to make copies of the report available to the public upon request.

The DSHS is required to develop and implement procedures to carry out the requirements of the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Most people were surprised to learn that the DSHS's child fatality reviews are not a matter of law, but policy. This is an adjustment to match up with the Legislature's intention.

(With concerns) The federal Child Abuse Prevention and Treatment Act requires that states conduct fatality reviews, but allows states to develop their own policies. The DSHS has policies in place relating to child fatalities. The bill does not clearly define "child fatality review" in terms of the scope and nature of the review. The bill would require the review of accidental deaths and deaths resulting from terminal illness. The bill does not specify to whom the DSHS is required to issue reports on the reviews. There is no time limit in the bill following the child's involvement with the DSHS. There could be a significant impact on workload for the field. The bill requires less than current DSHS policy, and does not make any provision for deaths from child abuse or neglect for children living in their homes.

Testimony Against: None.

Persons Testifying: (In support) Representative Shabro, prime sponsor.

(With concerns) LaVerne Lamoureux, Children's Administration of the Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.