

# FINAL BILL REPORT

## 2SSB 6206

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Synopsis as Enacted

**Brief Description:** Concerning agency reviews and reports regarding child abuse, neglect, and near fatalities.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Pflug, Hargrove and Stevens).

**Senate Committee on Human Services & Corrections**  
**Senate Committee on Ways & Means**  
**House Committee on Early Learning & Children's Services**  
**House Committee on Appropriations**

**Background:** The Department of Social and Health Services (DSHS) is required to conduct a child fatality review (CFR) on the unexpected death of a child who, within the 12 months preceding the child's death, has been in the custody of or receiving services from DSHS. Under the Children's Administration Operations Manual (Manual), a child fatality review team could include members who are familiar with or have been involved in the deceased child's case.

The Manual also permits the Assistant Secretary to convene an Executive Child Fatality Review (ECFR). The ECFR is comprised of professionals who represent the culture of the community in which the fatality occurred. The ECFR generally includes professionals who have not been involved in the deceased child's case.

When an ECFR is convened, the CFR need not be held. Regardless of the type of fatality review used, the review must be concluded within 180 days of the date DSHS received the fatality report. At the conclusion of either the CFR or the ECFR, DSHS must issue a report on the results of the review to the appropriate committees of the Legislature and must make copies available to the public.

The court must appoint a guardian ad litem (GAL) for a child who is subject to a dependency action unless, for good cause, the court determines the appointment unnecessary. The appointment of a GAL is satisfied if the child is represented by an attorney. The appointment of a GAL remains in effect until the court discharges the GAL or no longer has jurisdiction in the case. A GAL through counsel, or as otherwise authorized by the court, has the right to present evidence, examine and cross examine witnesses, and be present at all hearings. The GAL also receives notice of all hearings in the case, and copies of all pleadings and other documents filed or submitted to the court.

The Office of the Family and Children's Ombudsman (OFCO) was created in 1996 to perform a number of responsibilities including investigating complaints related to child protective services or child welfare services, monitoring the procedures used by DSHS in delivering family and children's services, and providing information about the rights and responsibilities

of individuals receiving family and children's services and the procedures for providing those services. To perform these duties OFCO has the following authority: to interview children in state care; to access, inspect, and copy all records, information or documents in DSHS's possession that OFCO considers necessary to conduct an investigation; and to have unrestricted on-line access to the case and management information system (CAMIS) operated by DSHS.

**Summary:** If a fatality occurs as the result of apparent abuse by the child's parent or caretaker, the CFR must be comprised of individuals who have had no involvement in the child's case.

At the conclusion of the CFR, DSHS must issue a report on the results of the review within 180 days of the death of the child. The Governor may extend the due date.

DSHS must distribute the report to the appropriate legislative committees and must also create a public web site where all CFR reports are to be posted and maintained.

In the event of a near-fatality of a child who is in the care of or receiving services from DSHS within the last 12 months, DSHS must notify OFCO promptly.

OFCO is required to issue an annual report to the Legislature on the implementation of the CFR recommendations.

DSHS must promptly notify OFCO when a report of child abuse or neglect constitutes the third founded report on the same child or family within a twelve month period. DSHS must also notify OFCO of the disposition of the report.

DSHS must promptly notify a dependent child's GAL when it receives a report of child abuse or neglect on the child. DSHS must also notify the GAL of the disposition of the report.

OFCO must analyze a random sampling of child abuse and neglect referrals made by mandated reporters to the department during 2006 and 2007. OFCO is to report to the Legislature no later than June 30, 2009, on the number and type of referrals, the disposition of the referrals by category of mandated reporter, any patterns established by DSHS in how it handled the referrals, whether the history of fatalities in 2006 and 2007 showed referrals by mandated reporters, and any other information OFCO deems relevant. OFCO may contract to have all or some of the tasks completed by an outside entity.

**Votes on Final Passage:**

Senate	47	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 12, 2008

October 1, 2008 (Section 5)