

SENATE BILL REPORT

2SSB 6206

As Amended by House, March 5, 2008

Title: An act relating to agency reviews and reports regarding child abuse, neglect, and near fatalities.

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).

Brief History:

Committee Activity: Human Services & Corrections: 1/18/08, 2/07/08 [DPS-WM].

Ways & Means: 2/11/08, 2/12/08 [DP2S]

Passed Senate: 2/18/08, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6206 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Jennifer Strus (786-7316)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6206 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Paula Moore (786-7449)

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 last 12 months, has been in the custody of or receiving services from DSHS. Under the Children's

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 that 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 of Second Substitute Bill: DSHS is required to convene a near-fatality review in the event of an unexpected near-fatality of a child receiving services or in the custody of DSHS within the last 12 months. If a fatality or near-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. However their expertise is pertinent to the dynamics of the case.

At the conclusion of the CFR or near-fatality review, DSHS must issue a report on the results of the review within 180 days of the death or near-fatality 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 and near-fatality review reports are to be posted and maintained.

OFCO is required to issue an annual report to the Legislature on the implementation of the CFR and near-fatality review recommendations.

DSHS must promptly notify the 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 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 review all 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.

Appropriation: None.

Fiscal Note: Requested on January 11, 2008.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Human Services & Corrections):

PRO: It is important to review cases of unexpected near-fatalities because those reviews could assist in determining changes that should occur to enhance services to children and their families. It is also important that this information be shared with the public on a website maintained by DSHS. The review of near fatalities can provide important clues to risk factors that compromise a child's safety and point out system safeguards that should be put in place. Full reviews on critical incidents are very important. OFCO believes that many of the near-fatalities were not fatalities because of medical intervention that saved their lives.

OTHER: The review of near fatalities would cause an increase in workload. There are some cases in which the death is unexpected but is not related to the abuse or neglect of that child (death by a car accident) and those types of cases should probably not be the kind that are reviewed.

Persons Testifying (Human Services & Corrections): PRO: Senator Zarelli, prime sponsor; Mary Meinig, Ombudsman, OFCO.

OTHER: Cheryl Stephani, Children's Administration, DSHS.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

House Amendment(s): The provisions requiring DSHS to convene a near-fatality review are removed. If a fatality occurs as the result of apparent abuse or neglect by the child's parent or caregiver, DSHS must convene a review team comprised of individuals who had no previous involvement in the case.

In the event of a near-fatality, DSHS must promptly notify the OFCO.

The OFCO must issue an annual report on the implementation of child fatality review recommendations.

The OFCO is to analyze a random sampling of mandated reporter referrals rather than all mandated reporter referrals.

A null and void clause is added.