
**Early Learning & Children's
Services Committee**

2SSB 6206

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 Summary of Second Substitute Bill

- Requires a review of all near-fatalities involving children who were receiving child welfare services within one year of the near-fatality.
- Requires reporting of child abuse and neglect referrals and findings be reported to the child's Guardian Ad Litem and to the Office of the Family and Children's Ombudsman (OFCO) under certain circumstances.
- Directs the Department of Social and Health Services (DSHS) to post final reports of reviews of child fatalities and near-fatalities on a public website.
- Directs the OFCO to report annually on implementation by the DSHS of the recommendations from fatality and near-fatality review reports.
- Requires a one-time report analyzing reports of child abuse and neglect made by mandatory reporters.

Hearing Date: 2/26/08

Staff: Sydney Forrester (786-7120).

Background:

Child Fatality Reviews

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.

State law requires the Department of Social and Health Services (DSHS) to conduct a child fatality review (CFR) of an unexpected death of a child who, within the last 12 months, had been in the custody of or receiving services from DSHS. Under the Children's Administration Operations Manual (Manual), a child fatality review team may include team members who are familiar with or have been involved in the deceased child's case.

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

The convening of an ECFR satisfies the requirement for a CFR. Regardless of the type of fatality review conducted, the review must be concluded within 180 days of the date the DSHS receives the fatality report. At the conclusion of the review, the 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 DSHS currently issues reports of child fatality review on a quarterly basis, and in some cases may issue a report of a single review immediately after completion.

Mandatory Reporters

Certain persons are required by law to report to the DSHS a referral of child abuse or neglect whenever the person has reasonable cause to believe that a child has suffered the abuse or neglect. These persons are known as mandatory reporters and are defined in statute as: any practitioner; county coroner or medical examiner; law enforcement officer; professional school personnel; registered or licensed nurse; social service counselor; psychologist; pharmacist; employee of the department of early learning; licensed or certified child care providers or their employees; employee of the department of social and health services; juvenile probation officer; placement and liaison specialist; responsible living skills program staff; HOPE center staff; or State Family and Children's Ombudsman or any volunteer in the ombudsman's office. In addition, any person in his or her official supervisory capacity with a nonprofit or for-profit organization must report to the DSHS if the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service.

Guardians Ad Litem

For children who are subject to dependency proceedings, the court must appoint a guardian ad litem (GAL) unless the court finds good cause not to do so. This requirement is satisfied if the child is represented by independent counsel. The appointment of a GAL remains in effect until the court discharges the GAL or until the court no longer has jurisdiction over the child's case. GALs through counsel, or as otherwise authorized by the court, have 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

The Office of the Family and Children's Ombudsman (OFCO) was created in 1996 to protect children and parents from harmful agency action or inaction, and to make agency officials and state policy makers aware of system-wide issues in the child protection and child welfare system

so they can improve services. The OFCO is part of the Governor's Office and operates independently from the DSHS and other state agencies, acting as a neutral fact-finder, not as an advocate.

The OFCO's responsibilities include investigating complaints related to child protective services or child welfare services, monitoring the procedures used by the 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 the OFCO has authority:

- (1) to interview children in state care;
- (2) to access, inspect, and copy all records, information or documents in the DSHS's possession that the OFCO considers necessary to conduct an investigation; and
- (3) to have unrestricted on-line access to the case and management information system (CAMIS) operated by the DSHS.

Summary of Bill:

Child Fatality and Near-Fatality Reviews

The DSHS is required to convene a review in the event of an unexpected near-fatality of a child who received services from or was in the custody of DSHS within 12 months of the near-fatality. If a fatality or near-fatality occurs as the result of apparent abuse by the child's parent or caretaker, the CFR team must be comprised of individuals with professional expertise pertinent to the dynamics of the case and who have had no previous involvement in the child's case.

At the conclusion of the review on a fatality or a near-fatality, the DSHS must issue a report within 180 days of the death or near-fatality, unless the Governor extends the due date. The DSHS also must distribute the report to the appropriate committees of the Legislature and create a public website where all reports of child fatality and near-fatality reviews must be posted and maintained.

Guardians Ad Litem

Whenever a report of child abuse or neglect is received about a child for whom a GAL has been appointed, the DSHS must notify the GAL of the report and the final disposition of the referral.

The Office of the Family and Children's Ombudsman

Whenever a referral of child abuse or neglect constitutes the third founded referral on the same child or family within a 12-month period, the DSHS must notify the OFCO.

The OFCO is required to issue an annual report to the Legislature on the implementation of the recommendations from reviews of fatalities and near-fatalities.

The OFCO also must review all referrals of child abuse or neglect made by mandated reporters during 2006 and 2007, and report to the Legislature by June 30, 2009, regarding:

- (1) the number and type of referrals;
- (2) the disposition of the referrals by category of mandated reporter;
- (3) any patterns established by the DSHS in how it handled the referrals;
- (4) whether the history of fatalities in 2006 and 2007 showed referrals by mandated reporters; and
- (5) any other information the OFCO deems relevant.

Appropriation: None.

Fiscal Note: Not requested.

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