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**Early Learning & Human Services  
Committee**

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**HB 2165**

**Brief Description:** Concerning department of early learning fatality reviews.

**Sponsors:** Representatives Kagi, Lytton, Morrell, Jinkins and Haigh.

**Brief Summary of Bill**

- Requires the Department of Early Learning to conduct child fatality reviews for fatalities that occur in a licensed child care center, licensed child care home, or an Early Childhood Education and Assistance Program.
- Outlines procedures for convening a child fatality review committee and the selection of committee members.
- Requires the Department of Early Learning to consult with the Office of the Family and Children's Ombuds to determine if a review should be conducted in the event of a near child fatality.
- Establishes that the DEL and the child fatality review committee have access to the child care or early learning provider's records that pertain to the child and are relevant to the review.
- Specifies how child fatality review documentation may be used in civil or administrative proceedings and in licensing or disciplinary proceedings.
- Limits how an employee, committee member, or person called as witness may be examined in civil or administrative proceedings.

**Hearing Date:** 1/16/14

**Staff:** Lindsay Lanham (786-7120).

**Background:**

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*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.*

The Washington State Legislature established the Office of the Family and Children's Ombuds in 1996. Some of the duties of the Office of the Family and Children's Ombuds include the following: provide information on the rights and responsibilities of individuals receiving family and children services; periodically review the facilities and procedures of state institutions serving children; and recommend procedural changes in addressing the needs of children.

The Office of the Family and Children's Ombuds also collaborates with the Department of Health and Social Services (DSHS), Children's Administration (CA) to complete child fatality reviews or near fatality reviews when a fatality is suspected to be caused by child abuse or neglect of any minor in the care of the DSHS or a supervising agency. Child fatality reviews offer a systemic evaluation of the events and circumstances surrounding a fatality or near fatality incident. The CA and the Office of Family and Children's Ombuds use the child fatality review process to identify gaps in practice and make improvements to the child welfare system. After the completion of a child fatality review, both the CA and the Office of Family and Children's Ombuds issue reports and recommendations to the legislature.

The Department of Early Learning (DEL) licenses child care centers and family home providers in Washington. Licensing requirements are established by the legislature and the DEL in rules. The components of the licensure process include child development trainings, first aid and CPR training, criminal background checks, and health and safety checks on child care centers and homes. The purpose of licensing requirements is to promote the health and safety of children attending child care programs.

Currently, the DEL does not complete any child fatality reviews for a fatality or a near fatality that occurs in a licensed child care facility or early learning program.

### **Summary of Bill:**

The DEL is required to complete child fatality reviews if a child fatality occurs in a licensed child care center, licensed child care home, or an Early Childhood Education and Assistance Program. In completing the reviews, the DEL is required to convene a child fatality review committee and determine child fatality review committee membership. The child fatality review committee membership is required to include at least one expert from outside the DEL with knowledge of early learning licensing requirements and program standards. The primary purpose of the fatality review is to develop recommendations to the DEL and the Legislature to strengthen health and safety protection for children. Within one hundred eighty days following the fatality, the DEL is required to issue a report to the appropriate committees of the legislature and publish the reports to a public website.

In the event of a near child fatality, House Bill 2165 (HB 2165) requires the DEL to consult with the Office of the Family and Children's Ombuds to determine if a review should be conducted.

HB 2165 grants the DEL and the child fatality review committee access to all records and files that have been produced or retained by the child care or early learning provider that pertain to the child and are relevant to the review. HB 2165 further specifies that reviews are subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence.

House Bill 2165 establishes that a DEL employee responsible for conducting a child fatality review or near fatality review, or a member of a review committee may not be examined in a civil or administrative proceeding regarding the following: the work of the review committee; the incident under review; committee member statements, deliberations, analyses, or impressions relating to the work of the review committee. Additionally HB 2165 specifies that a person is unavailable as a witness merely because the person was interviewed or provided a statement during a review. If called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review. House Bill 2165 concludes by specifying that the restrictions outlined do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend a license based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/8/14.

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