

HOUSE BILL REPORT

HB 1223

As Reported by House Committee On:
Children & Family Services
Appropriations

Title: An act relating to placing jurisdiction over deceased minors with the county coroner.

Brief Description: Placing jurisdiction over deceased minors with the county coroner.

Sponsors: Representatives Dickerson, Kagi, Chase, Cody and Lovick.

Brief History:

Committee Activity:

Children & Family Services: 1/29/03, 2/12/03 [DPS];
Appropriations: 2/24/03, 3/4/03 [DP2S(w/o sub CFS)].

Brief Summary of Second Substitute Bill

- Authorizes the coroner to have jurisdiction over deceased minors, and requires the coroner to notify the Department of Social and Health Services in cases involving the death of a minor.
- Allows the Department of Social and Health Services to obtain reports and records of autopsies and post mortems when they have had an open child protection or welfare case on the child.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, Ranking Minority Member; Bailey, Dickerson, Miloscia, Pettigrew and Shabro.

Staff: Sonja Hallum (786-7092).

Background:

In Washington, the county coroner has jurisdiction of bodies of all deceased persons who come to their death through a variety of circumstances. The coroner may authorize an autopsy or post mortem in any case in which the coroner has jurisdiction over the body. Records of the autopsies or post mortems are confidential and may only be released to

those parties authorized by statute. The Department is not currently among the list of those authorized to receive reports and records of autopsies and post mortems.

Summary of Substitute Bill:

Cases in which the deceased is a minor are included in the list of circumstances where the county coroner is given jurisdiction over bodies of the deceased person.

The county coroner must promptly notify the Department that the coroner has received notice of a minor's death.

The Department is authorized to receive reports and records of autopsies and post mortems in cases involving the death of a minor where abuse or neglect of the child may have caused or contributed to the death or in cases in which the Department had an open case on the deceased minor within the year preceding the death of the minor.

If the Department initiates a death investigation, the Department may share the coroner's documents with the investigators as a part of the investigation process.

Substitute Bill Compared to Original Bill:

The original bill allowed the Department to obtain reports and records of autopsies and post mortems in any case involving the death of any minor. The substitute limits when the department may obtain the reports and records of autopsies and post mortems to cases where abuse or neglect may have cause or contributed to the death of the minor or when the Department had an open case on the deceased minor within the year preceding the death of the minor.

The substitute adds a provision allowing the Department to share the reports and records of autopsies and post mortems with investigators if the Department initiates a death investigation.

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) Washington has a flawed death review process. If we fail to communicate, other children may die. There is a lack of accountability. Coroners lack uniformity in dealing with child deaths. The Department should be able to access

reports. By referring child deaths to the Department, the Department can investigate the home the child came from and protect the other children in the home.

Testimony Against: (Original bill) Section 1 is redundant because all deaths are reported to the coroner regardless of age. There should be a restriction on the further dissemination of information. Children Protective Services does not need these reports unless there is a case of abuse or neglect. Child abuse reports are already mandatory. There are no instances where the current system doesn't work. This bill would add to the work of the coroners. It would be difficult to keep records confidential.

Testified: (In support) Representative Dickerson, prime sponsor; Delight Roberts, Children's Alliance; and Art Cantrall, Department of Social and Health Services.

(Against) Greg Sandstrom, Kitsap County Coroner; and Martha Reed, Mason County Coroner.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 22 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Boldt, Buck, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McIntire, Miloscia, Pflug, Ruderman and Schual-Berke.

Minority Report: Without recommendation. Signed by 5 members: Representatives Alexander, DeBolt, McDonald, Sump and Talcott.

Staff: Heather Flodstrom (786-7391).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Children & Family Services:

The second substitute bill clarifies that the Department of Social and Health Services (DSHS): 1) Is not required to investigate the circumstances of a child's death or otherwise provide child protective services, beyond that required by chapter 26.44 RCW; 2) is not required to keep a record on every child death notice, but only when it is determined that abuse or neglect caused or contributed to the child's death, or in cases involving a minor for whom the DSHS has previously had an open child protection or child welfare case; 3) may obtain reports and records of autopsies and post mortems when they have had an open child protection or welfare case on the child, rather than any type of open case; and (4) is allowed to share the reports and records of autopsies with investigators if the DSHS initiates any kind of investigation, rather than only if the DSHS

initiates a death investigation.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (With amendments) The DSHS supports this bill but would like an amendment to limit tort liability, and involve reports only for cases of Child Protective Services (CPS) and Child Welfare Services.

Testimony Against: Most of the Forensic Investigation Council members are opposed to this bill. The function of CPS should be helping children, not logging child deaths. Child death reviews are already being done, and CPS is involved in that process, so they don't really need to get the autopsy reports. The county coroners did a statewide survey and although some of them want to have the ability to release the death information to CPS, most oppose the bill because coroners do not feel that they should have to report every child death to CPS. The coroners already report child deaths that relate to abuse or neglect, and this bill would make those reporting requirements a lot larger. Coroners also have concern about releasing confidential records. The bill is too loosely written and the allocation of resources that could be made won't necessarily improve on the current system.

Testified: (In support with amendments) LaVerne Lamoureux, Department of Social and Health Services.

(Opposed) Dan LaRoche, Forensic Investigation Council; and Debbie Wilke, Washington Association of Coroners and Medical Examiners.