
SUBSTITUTE SENATE BILL 5643

State of Washington

69th Legislature

2025 Regular Session

By Senate Human Services (originally sponsored by Senator Christian)

READ FIRST TIME 02/13/25.

1 AN ACT Relating to expanding child fatality and near fatality
2 reviews to include those in the care or custody of the department of
3 children, youth, and families pursuant to chapter 13.40 RCW; amending
4 RCW 43.06A.100 and 74.13.640; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that children,
7 youth, and other individuals placed in the state's care and state-
8 licensed facilities through juvenile rehabilitation must be protected
9 from harm. The legislature further finds that fatality reviews
10 provide an important tool for the public to review what improvements
11 may be made for the safety and protection of people placed in
12 juvenile rehabilitation. Therefore, the legislature finds that the
13 department of children, youth, and families shall also conduct
14 fatality reviews over any child, youth, or other individual placed in
15 the department's care.

16 **Sec. 2.** RCW 43.06A.100 and 2017 3rd sp.s. c 6 s 810 are each
17 amended to read as follows:

18 (1) The department of children, youth, and families shall:

19 (a) Allow the ombuds or the ombuds's designee to communicate
20 privately with any child, youth, or individual in the custody of the

1 department of children, youth, and families, or any child, youth, or
2 individual who is part of a near fatality investigation by the
3 department of children, youth, and families, for the purposes of
4 carrying out its duties under this chapter;

5 (b) Permit the ombuds or the ombuds designee physical access to
6 state institutions serving children, youth, and individuals, and
7 state licensed facilities or residences for the purpose of carrying
8 out its duties under this chapter;

9 (c) Upon the ombuds's request, grant the ombuds or the ombuds's
10 designee the right to access, inspect, and copy all relevant
11 information, records, or documents in the possession or control of
12 the department of children, youth, and families that the ombuds
13 considers necessary in an investigation; and

14 (d) Grant the office of the family and children's ombuds
15 unrestricted online access to the child welfare case management
16 information system, the juvenile rehabilitation case management
17 system, and the department of children, youth, and families data
18 information system for the purpose of carrying out its duties under
19 this chapter.

20 (2) For the purposes of this section, "near fatality" means an
21 act, including an overdose of any controlled substance under chapter
22 69.50 RCW, that, as certified by a physician, places the child in
23 serious or critical condition.

24 (3) Nothing in this section creates a duty for the office of the
25 family and children's ombuds under RCW 43.06A.030 as related to
26 children in the care of an early learning program described in RCW
27 43.216.500 through 43.216.550, a licensed child care center, or a
28 licensed child care home.

29 **Sec. 3.** RCW 74.13.640 and 2018 c 284 s 62 are each amended to
30 read as follows:

31 (1)(a) The department shall conduct a child fatality review in
32 the event of a fatality suspected to be caused by child abuse or
33 neglect of any (~~minor~~) child, youth, or individual who is in the
34 care of the department or receiving services described in this
35 chapter or chapter 13.40 RCW or who has been in the care of the
36 department or received services described in this chapter or chapter
37 13.40 RCW within one year preceding the (~~minor's~~) child's, youth's,
38 or individual's death.

1 (b) The department shall also conduct a child fatality review in
2 the event of a fatality suspected to be caused by child abuse or
3 neglect of any child, youth, or individual occurring while the child,
4 youth, or individual was residing at a juvenile rehabilitation
5 managed facility.

6 (c) The department shall consult with the office of the family
7 and children's ombuds to determine if a child fatality review should
8 be conducted in any case in which it cannot be determined whether the
9 child's death is the result of suspected child abuse or neglect.

10 ~~((e))~~ (d) The department shall ensure that the fatality review
11 team is made up of individuals who had no previous involvement in the
12 case, including individuals whose professional expertise is pertinent
13 to the dynamics of the case.

14 ~~((d))~~ (e) Upon conclusion of a child fatality review required
15 pursuant to this section, the department shall within one hundred
16 eighty days following the fatality issue a report on the results of
17 the review, unless an extension has been granted by the governor.
18 Reports must be distributed to the appropriate committees of the
19 legislature, and the department shall create a public website where
20 all child fatality review reports required under this section must be
21 posted and maintained. A child fatality review report completed
22 pursuant to this section is subject to public disclosure and must be
23 posted on the public website, except that confidential information
24 may be redacted by the department consistent with the requirements of
25 RCW 13.50.100, 68.50.105, 74.13.500 through 74.13.525, chapter 42.56
26 RCW, and other applicable state and federal laws.

27 ~~((e))~~ (f) The department shall develop and implement procedures
28 to carry out the requirements of this section.

29 (2)(a) In the event of a near fatality of a child, youth, or
30 individual suspected to be caused by child abuse or neglect who is in
31 the care of or receiving services described in this chapter or
32 chapter 13.40 RCW from the department ~~((or))~~, who has been in the
33 care of or received services described in this chapter or chapter
34 13.40 RCW from the department within one year preceding the near
35 fatality, or was the subject of an investigation by the department
36 for possible abuse or neglect, the department shall promptly notify
37 the office of the family and children's ombuds ~~((The department~~
38 ~~may))~~ and conduct a review of the near fatality ~~((at its discretion~~
39 ~~or at the request of the office of the family and children's~~
40 ~~ombuds))~~ .

1 (b) ~~((In the event of a near fatality of a child who is in the~~
2 ~~care of or receiving services described in this chapter from the~~
3 ~~department or who has been in the care of or received services~~
4 ~~described in this chapter from the department within three months~~
5 ~~preceding the near fatality, or was the subject of an investigation~~
6 ~~by the department for possible abuse or neglect, the department shall~~
7 ~~promptly notify the office of the family and children's ombuds and~~
8 ~~the department shall conduct a review of the near fatality.~~

9 ~~(c) "Near fatality" means an act that, as certified by a~~
10 ~~physician, places the child in serious or critical condition.))~~ The
11 department shall also conduct a near fatality review in the event of
12 a near fatality suspected to be caused by abuse or neglect of any
13 child, youth, or individual occurring while the person was residing
14 at a juvenile rehabilitation managed facility.

15 (3) In any review of a child fatality or near fatality in which
16 the child, youth, or individual was placed with or received services
17 from an agency pursuant to a contract with the department, the
18 department and the fatality review team shall have access to all
19 records and files regarding the child, youth, or individual or
20 otherwise relevant to the review that have been produced or retained
21 by the agency.

22 (4) (a) A child fatality or near fatality review completed
23 pursuant to this section is subject to discovery in a civil or
24 administrative proceeding, but may not be admitted into evidence or
25 otherwise used in a civil or administrative proceeding except
26 pursuant to this section.

27 (b) A department employee responsible for conducting a child
28 fatality or near fatality review, or member of a child fatality or
29 near fatality review team, may not be examined in a civil or
30 administrative proceeding regarding (i) the work of the child
31 fatality or near fatality review team, (ii) the incident under
32 review, (iii) his or her statements, deliberations, thoughts,
33 analyses, or impressions relating to the work of the child fatality
34 or near fatality review team or the incident under review, or (iv)
35 the statements, deliberations, thoughts, analyses, or impressions of
36 any other member of the child fatality or near fatality review team,
37 or any person who provided information to the child fatality or near
38 fatality review team, relating to the work of the child fatality or
39 near fatality review team or the incident under review.

1 (c) Documents prepared by or for a child fatality or near
2 fatality review team are inadmissible and may not be used in a civil
3 or administrative proceeding, except that any document that exists
4 before its use or consideration in a child fatality or near fatality
5 review, or that is created independently of such review, does not
6 become inadmissible merely because it is reviewed or used by a child
7 fatality or near fatality review team. A person is not unavailable as
8 a witness merely because the person has been interviewed by or has
9 provided a statement for a child fatality or near fatality review,
10 but if called as a witness, a person may not be examined regarding
11 the person's interactions with the child fatality or near fatality
12 review including, without limitation, whether the person was
13 interviewed during such review, the questions that were asked during
14 such review, and the answers that the person provided during such
15 review. This section may not be construed as restricting the person
16 from testifying fully in any proceeding regarding his or her
17 knowledge of the incident under review.

18 (d) The restrictions set forth in this section do not apply in a
19 licensing or disciplinary proceeding arising from an agency's effort
20 to revoke or suspend the license of any licensed professional based
21 in whole or in part upon allegations of wrongdoing in connection with
22 a ~~((minor's))~~ child's, youth's, or individual's death or near
23 fatality reviewed by a child fatality or near fatality review team.

24 (5) For the purposes of this section:

25 (a) "Abuse or neglect" means sexual abuse, sexual exploitation,
26 female genital mutilation as defined in RCW 18.130.460, or injury of
27 a child, youth, or individual by any person under circumstances which
28 cause harm to the child's, youth's, or individual's health, welfare,
29 or safety, excluding conduct permitted under RCW 9A.16.100; or the
30 negligent treatment or maltreatment of a child, youth, or individual
31 by a person responsible for or providing care to the child, youth, or
32 individual. An abused child is a child who has been subjected to
33 child abuse or neglect as defined in this section.

34 (b) "Child, youth, or individual" includes any person in the
35 state's care or in state-licensed facilities or residences and
36 juvenile rehabilitation facilities who is receiving services from the
37 department.

1 (c) "Near fatality" means an act, including an overdose of any
2 controlled substance under chapter 69.50 RCW, that, as certified by a
3 physician, places the child in serious or critical condition.

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