
SENATE BILL 5977

State of Washington

69th Legislature

2026 Regular Session

By Senators Torres, Dozier, Gildon, Warnick, and J. Wilson

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1 AN ACT Relating to requiring publication of child near fatality
2 reviews; amending RCW 74.13.640; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that in November
5 2025, the department of children, youth, and families reported there
6 was a combined total of 45 critical incidents involving children.
7 This included 30 near fatalities and 15 fatalities. The legislature
8 further finds that transparency about the causes of child fatalities
9 and near fatalities is vital to developing strategies to mitigate the
10 presence and risk of high-potency synthetic opioids.

11 **Sec. 2.** RCW 74.13.640 and 2018 c 284 s 62 are each amended to
12 read as follows:

13 (1)(a) The department shall conduct a child fatality review in
14 the event of a fatality suspected to be caused by child abuse or
15 neglect of any minor who is in the care of the department or
16 receiving services described in this chapter or who has been in the
17 care of the department or received services described in this chapter
18 within one year preceding the minor's death.

19 (b) The department shall consult with the office of the family
20 and children's ombuds to determine if a child fatality review should

1 be conducted in any case in which it cannot be determined whether the
2 child's death is the result of suspected child abuse or neglect.

3 (c) The department shall ensure that the fatality review team is
4 made up of individuals who had no previous involvement in the case,
5 including individuals whose professional expertise is pertinent to
6 the dynamics of the case.

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

20 (e) The department shall develop and implement procedures to
21 carry out the requirements of this section.

22 (2) (a) In the event of a near fatality of a child who is in the
23 care of or receiving services described in this chapter from the
24 department or who has been in the care of or received services
25 described in this chapter from the department within one year
26 preceding the near fatality, the department shall promptly notify the
27 office of the family and children's ombuds. The department may
28 conduct a review of the near fatality at its discretion or at the
29 request of the office of the family and children's ombuds.

30 (b) In the event of a near fatality of a child who is in the care
31 of or receiving services described in this chapter from the
32 department or who has been in the care of or received services
33 described in this chapter from the department within three months
34 preceding the near fatality, or was the subject of an investigation
35 by the department for possible abuse or neglect, the department shall
36 promptly notify the office of the family and children's ombuds and
37 the department shall conduct a review of the near fatality.

38 (c) (~~"Near~~) Upon conclusion of a child near fatality review
39 pursuant to this section, the department shall, within 180 days
40 following the near fatality, issue a report on the results of the

1 review, unless an extension has been granted by the governor. Reports
2 must be distributed to the appropriate committees of the legislature,
3 and the department shall publish and maintain child near fatality
4 review reports on the same webpage as the child fatality review
5 reports as required under subsection (1)(d) of this section. A child
6 near fatality review report completed pursuant to this section is
7 subject to public disclosure and must be posted on the public
8 website, except that confidential information may be redacted by the
9 department consistent with the requirements of RCW 13.50.100,
10 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other
11 applicable state and federal laws.

12 (d) For the purposes of this section, "near fatality" means an
13 act that, as certified by a physician, places the child in serious or
14 critical condition.

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

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

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

39 (c) Documents prepared by or for a child fatality or near
40 fatality review team are inadmissible and may not be used in a civil

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

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

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