
SENATE BILL 6206

State of Washington 60th Legislature 2008 Regular Session

By Senators Zarelli, Pflug, Hargrove, and Stevens

Read first time 01/14/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to child fatality and near fatality reviews;
2 amending RCW 74.13.640 and 74.13.505; adding a new chapter to Title 74
3 RCW; creating a new section; and recodifying RCW 74.13.640.

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

5 NEW SECTION. **Sec. 1.** The legislature finds the children of the
6 state of Washington are the state's greatest resource, and that
7 governmental authorities must make the prevention of child abuse and
8 neglect a foremost priority. The legislature recognizes that
9 preventable child fatalities and near fatalities represent the greatest
10 failure of the child protection system but also the most meaningful
11 opportunity for reform.

12 To assist policymakers, governmental authorities, and concerned
13 citizens in better protecting children, the legislature hereby requires
14 unexpected child fatalities or near fatalities occurring within one
15 year of the child receiving child welfare services be reviewed.

16 It is the intent of the legislature that such reviews be based on
17 complete, accurate, and impartial data that lead to recommendations for
18 improved practice.

1 To ensure such recommendations are given adequate attention, the
2 legislature intends to require reviews be posted to a public web site,
3 that legislative hearings be held on reviews where parent or caretaker
4 abuse or neglect led to the fatality or near fatality, and that the
5 office of the family and children's ombudsman issue annual reports on
6 the status and implementation of fatality and near fatality review
7 recommendations.

8 **Sec. 2.** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read
9 as follows:

10 (1) The department (~~(of social and health services)~~) shall conduct
11 a child fatality or near fatality review in the event of an unexpected
12 death or near fatality of a minor in the state who is in the care of or
13 receiving services described in chapter 74.13 RCW from the department
14 or who has been in the care of or received services described in
15 chapter 74.13 RCW from the department within one year preceding the
16 minor's death.

17 (2) (~~Upon conclusion of a child fatality review required pursuant~~
18 ~~to subsection (1) of this section, the department shall issue a report~~
19 ~~on the results of the review to the appropriate committees of the~~
20 ~~legislature and shall make copies of the report available to the public~~
21 ~~upon request.~~

22 (3) ~~The department shall develop and implement procedures to carry~~
23 ~~out the requirements of subsections (1) and (2) of this section.)~~ In
24 the event of a child identified under subsection (1) of this section
25 whose fatality or near fatality is the result of apparent abuse by his
26 or her parent or caretaker, or upon the recommendation of the office of
27 the family and children's ombudsman, the review team shall be comprised
28 of individuals who had no involvement in the case but whose
29 professional expertise is pertinent to the dynamics of the case.

30 **Sec. 3.** RCW 74.13.505 and 1997 c 305 s 3 are each amended to read
31 as follows:

32 For purposes of RCW 74.13.500, the following information shall be
33 disclosable:

- 34 (1) The name of the abused or neglected child;
- 35 (2) The determination made by the department of the referrals, if
36 any, for abuse or neglect;

1 (3) Identification of child protective or other services provided
2 or actions, if any, taken regarding the child named in the report and
3 his or her family as a result of any such report or reports. These
4 records include but are not limited to administrative reports of
5 fatality, fatality or near fatality review reports, case files,
6 inspection reports, and reports relating to social work practice
7 issues; and

8 (4) Any actions taken by the department in response to reports of
9 abuse or neglect of the child.

10 NEW SECTION. **Sec. 4.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

- 12 (1) "Child" means a person less than eighteen years of age.
13 (2) "Near fatality" has the same meaning as defined in RCW
14 74.13.500(4).

15 NEW SECTION. **Sec. 5.** Upon conclusion of a child fatality or near
16 fatality review required under RCW 74.13.640 (as recodified by this
17 act), the department shall issue a report on the results of the review
18 within one hundred eighty days following the unexpected death or near
19 fatality of the child, unless an extension has been granted by the
20 governor.

21 NEW SECTION. **Sec. 6.** (1) Reports issued pursuant to section 5 of
22 this act shall be distributed to the appropriate committees of the
23 legislature, and the department shall create a public web site where
24 all child fatality and near fatality review reports required by section
25 5 of this act shall be posted and maintained.

26 (2) Within thirty days after a child fatality or near fatality
27 review report is issued in response to a child's death or near fatality
28 that resulted from abuse by the child's parent or caretaker, the
29 appropriate committees of the legislature shall hold a joint public
30 hearing to consider the findings.

31 NEW SECTION. **Sec. 7.** The office of the family and children's
32 ombudsman shall issue an annual report to the legislature on the status
33 of the implementation of child fatality and near fatality review
34 recommendations.

1 NEW SECTION. **Sec. 8.** Sections 4 through 7 of this act constitute
2 a new chapter in Title 74 RCW.

3 NEW SECTION. **Sec. 9.** RCW 74.13.640 is recodified in the new
4 chapter created in section 8 of this act.

--- END ---