

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

TESTIMONY ON SB 6206

Senate Committee on Human Services & Corrections

January 18, 2008

Olympia, WA

Good morning Chairman Hargrove, and members of the committee. My name is Mary Meinig and I am the Director of the Office of the Family & Children's Ombudsman. We welcome this opportunity to provide testimony on SB 6206, a bill sponsored by Senator Zarelli, which relates to the review and reporting of child fatalities and near-fatalities.

- Currently, we receive immediate notice of child deaths and near-fatalities known to DSHS via the CA CAMIS data system. This provides the date of the critical incident and sufficient identifying information so that we are able to conduct further investigation on the child by way of DSHS records, law enforcement reports, medical records, and autopsy reports to create a profile of the fatality. OFCO records this profile in its child fatality data base. It includes information such as the circumstance of the death; age; gender; race of the child; family history; family's history of involvement with CPS/CWS; and legal status of the child at the time of death.
- Under current law, the Department of Social and Health Services (DSHS) is not required to review near-fatalities, but only fatalities. This bill would broaden mandated reviews by the DSHS to include near-fatalities of children in the state who have been under the supervision of DSHS within one year of the near-fatality. We strongly support the review of near-fatalities as they can provide important clues to risk factors that compromise the child's safety and system safeguards that must be put in place.
- Presently under DSHS policy, there are two main types of fatality reviews conducted by DSHS: 1) a Child Fatality Review (CFR) which may be participated in by local staff including those who had involvement with the child's case; or 2) an Executive Child Fatality Review (ECFR), which is conducted by individuals who had no involvement in the case but have professional expertise that would be useful to the review. Currently an Executive Review only occurs in select cases if convened by the Children's Administration's Assistant Secretary. This bill would trigger an Executive Review if recommended by OFCO or whenever the fatality or near-fatality appears to have resulted from abuse by the child's parent or caretaker. We support this.
- This bill provides for the legislature to hold public hearings within 30 days on the findings of fatality and near-fatality reviews, and have the review findings

posted to a public website. We support these provisions as we believe they contribute to increased transparency and accountability by DSHS. Furthermore they provide a mechanism for improving the child protection system.

- The purpose of a review of a critical incident is to identify what went wrong – how a death or a devastating injury could have been prevented. This leads to recommendations that are typically the result of countless hours of reviewing and analyzing DSHS case records, medical reports, law enforcement reports, and records from other service providers and community professionals. This bill requires OFCO to issue an annual report to the legislature on the status of the Department’s implementation of child fatality and near-fatality review recommendations. We have been very vocal in prior testimony to the legislature and through our work on the Child Safety Task Force, established by the legislature in 2005, that well thought out recommendations are virtually meaningless if they are not implemented by DSHS. As many of you know from prior briefings on this subject, many of the same recommendations keep re-appearing in child fatality reviews because the recommendations are not being fully or adequately implemented. This provision of the bill will require additional resources for our office but it is certainly consistent with our legislative mandate to monitor the child welfare system and to bring about systemic reform. We believe there should be an added requirement that DSHS report to OFCO on a semi-annual basis as to the status of implementation of recommendations. This provides OFCO with a baseline from which to analyze the agency’s work and subsequently report to the legislature.

We thank Senator Zarelli for his sponsorship of this measure and thank the committee for this opportunity to comment.