

2008 LEGISLATIVE ACTIVITIES¹⁶⁵

The Ombudsman facilitates improvements in the child welfare and protection system by identifying system-wide issues and recommending responses in its annual report to the Governor, Legislature, agency officials and the public. Many of the Ombudsman's findings and recommendations are the basis for legislative initiatives to improve the system.

The Ombudsman also reviews, analyzes, and comments on bills proposed each legislative session. During the 2008 session, the Ombudsman provided significant input to Legislators through written and oral testimony on numerous bills, which are summarized below.¹⁶⁶

LEGISLATION PASSED INTO LAW¹⁶⁷

2SSB 6206: Concerning agency reviews and reports regarding child abuse, neglect, and near fatalities. (*Effective June 12, 2008*)

This new law provides additional accountability measures for DSHS/CA and expands the Ombudsman's duties. 2SSB 6206 reflects the Ombudsman's recommendations that DSHS should pay closer attention to reports of child abuse and neglect from mandated reporters, scrutinize multiple reports of child abuse or neglect on the same child or family, and ensure that recommendations resulting from child fatality reviews are implemented effectively to improve the system.

2SSB 6206 requires the Ombudsman to:

- **Analyze a random sampling of child abuse and neglect referrals made by mandated reporters** to the DSHS/CA during 2006 and 2007. The Ombudsman must report to the Legislature no later than June 30, 2009, on the number and type of referrals, the disposition of the referrals by category of mandated reporter, any patterns established by DSHS in how it handled the referrals, whether the history of fatalities in 2006 and 2007 showed referrals by mandated reporters, and any other information OFCO deems relevant. The Ombudsman may contract to have all or some of the tasks completed by an outside entity.
- **Issue an annual report to the Legislature on the implementation of child fatality recommendations.**

2SSB 6206 requires DSHS to:

- **Promptly notify the Ombudsman** when a report of child abuse or neglect constitutes the third founded report on the same child or family within a twelve-month period. DSHS must also notify OFCO of the disposition of the report. (*Originally provided in SB 6209, which was not enacted.*)

¹⁶⁵ The Ombudsman's activities during the 2007 legislative session are summarized in its 2006 Annual Report. The 2006 Annual Report is available online at <http://www.governor.wa.gov/ofco/reports>.

¹⁶⁶ The Ombudsman's legislative testimony is available online at <http://www.governor.wa.gov/ofco/legislation>.

¹⁶⁷ More information on specific bills and accompanying legislative reports may be accessed at <http://www.leg.wa.gov/legislation>.

- **Promptly notify the Ombudsman in the event of a near-fatality** of a child who is in the care of or receiving services from DSHS within the last 12 months.
- Assemble a Child Fatality Review (CFR) comprised of individuals who have not been involved in the child's case, if the child fatality occurs as the result of apparent abuse by the child's parent or caretaker.
- At the conclusion of the CFR, DSHS must issue a report on the results of the review within 180 days of the death of the child. The Governor may extend the due date.
- DSHS must distribute the report to the appropriate legislative committees and must also create a public web site where all CFR reports are to be posted and maintained.

SB 6306: Providing an additional procedure for visitation rights for relatives of dependent children.
(Effective June 12, 2008)

This legislation reflects the Ombudsman's recommendation to provide relatives who have an established relationship with a child, in which the relatives and child wish to continue, with ongoing contact after the child has been removed from parental care pursuant to a dependency action.¹⁶⁸ SB 6306 allows a dependent child's relative, other than a parent, to petition the juvenile court in a dependency matter for reasonable visitation with the child under specific circumstances. (See page 46 for a description of the provisions of this new law.)

LEGISLATION INTRODUCED BUT NOT ENACTED

The Ombudsman testified in support of the intent behind the following bills that were not enacted during the 2008 legislative session:

HB 2760: Establishing children's rights in dependency matters.

HB 2846: Establishing a process for entering voluntary out-of-home placement agreements for adoptive children in crisis.

HB 3061: Creating a department to elevate the importance of child well-being as an essential outcome of an effective child welfare system.

HB 3187: Establishing systems to support families who have adopted children from foster care.

SB 6207: Requiring notification of a child's guardian ad litem of allegations of abuse or neglect. *(The entirety of this bill was incorporated into 2SSB 6206.)*

SB 6209: Requiring notification of the Office of the Family and Children's Ombudsman in cases involving multiple reports of child abuse or neglect. *(Although this bill was not enacted, its provisions are substantially similar to those in 2SSB 6206.)*

¹⁶⁸ This recommendation was issued in the Ombudsman's 2004-05 Annual Report, which is available online at <http://www.governor.wa.gov/ofco/reports>.