

WACO Affiliate Submitting Proposal: Coroners/Medical Examiners

Brief Description of Issue: RCW 74.13.640 and 2009 c 520 s 91 were amended by Substitute House Bill 1105 the new language does not define the roll and jurisdiction on who determines the cause and manner of death or the nature of the investigation.

Please describe, in as much detail as necessary, the problem that has been identified, the suggested solution, and the expected outcome should the issue be taken up. Please also include legislative drafting language. Please include relevant facts, figures and statistics as appropriate.

The 2011 amendment allows the secretary of the Department of Social and Health Services or his or her designee to obtain post-mortem records for the purpose of a child fatality review. The amendment limits this access to those deaths that are a result of child abuse or neglect. However, the vagueness of the amendment allows this department to be the deciding agency on if the death will be determined as child abuse or neglect. This determination is within the investigative duties of the coroner/medical examiner and law enforcement having jurisdiction of the death. See recommended changes below:

Sec. 2 RCW 74.13.640 and 2009 c 520 s 91 are each amended to read as follows: (Changes per Substitute House Bill 1105) (1) (a) The department shall conduct a child fatality review in the event of ~~((an unexpected death)) a fatality suspected to be caused by child abuse or neglect of ((a)) any minor ~~((in the state))~~ who is in the care of the department or a supervising agency or receiving services described in this chapter ~~((74.13 RCW from the department or a supervising agency))~~ or who has been in the care of the department or a supervising agency or received services described in this chapter ~~((74.13 RCW from the department or a supervising agency))~~ within one year preceding the minor's death. ~~((2))~~ (b) The department shall consult with the office of the family and children's ombudsman to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect. **Cleaned version** (1) (a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect of any minor who is in the care of the department or a supervising agency or receiving services described in this chapter or who has been in the care of the department or a supervising agency or received services described in this chapter within one year preceding the minor's death. (b) The department shall consult with the office of the family and children's ombudsman to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.~~

Recommended WACME changes (1) (a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect, as determined through a coroner/medical examiner and law enforcement investigation, of any minor who is in the care of the department or a supervising agency or receiving services described in this chapter or who has been in the care of the department or a supervising agency or received services described in this chapter within one year preceding the minor's death. (b) The department shall consult with the office of the family and children's ombudsman to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect. The office of the family and children's ombudsman will consult with the presiding coroner/medical examiner and law enforcement having jurisdiction to evaluate the need for a child fatality review.

Impact on WACO Affiliates:

Assessor:

Auditor:

Clerk:

Coroner:

Prosecutor:

Sheriff:

Treasurer:

Impact on the public:

Does this issue have a fiscal impact on counties? *(Check all that apply)*

Increased revenue to counties

Decreased revenue to counties

Increased costs to counties

Decreased costs to counties

No county fiscal impact

Does this issue require state expenditure of funds?

If Yes, approximately how much, and provide from what source: [Click here to enter text.](#)

Does this issue require a change to the RCW?

If Yes, please provide the appropriate RCW Title, Chapter and Section to be created, amended or deleted: RCW 74.13.640

Has this issue been presented to the Legislature before?

If Yes, please provide as much detail as is available, including year, bill number, result, etc.:
Substitute House Bill 1105 in 2011

If this issue is taken up by WACO, are there specific legislators that WACO should contact regarding the issue?

If Yes, please list which legislators and their position on the issue:

[Click here to enter text.](#)

Has this issue been presented to other WACO Members?

If Yes, please list which WACO members and their position on the issue:

[Click here to enter text.](#)

If your affiliate willing and able to spend time in Olympia during the session to meet with legislators, and testify to this issue in Legislative committee hearings?

If WACO acts on the request, what individuals/entities are likely to agree with WACO's position on the issue:

If WACO acts on the request, what individuals/entities are likely to disagree with WACO's position on the issue, and why?

Submitted by,

NAME:

AFFILIATE TITLE:

DATE SUBMITTED:

THIS SECTION FOR WACO LEGISLATIVE COMMITTEE USE ONLY

Legislative Committee Action: _____

Date: _____

Approved by: _____

(Changes per Substitute House Bill 1105)

(1) (a) The department shall conduct a child fatality review in the event of ~~((an unexpected death))~~ a fatality suspected to be caused by child abuse or neglect of ~~((a))~~ any minor ~~((in the state))~~ who is in the care of the department or a supervising agency or receiving services described in this chapter ~~((74.13 RCW from the department or a supervising agency))~~ or who has been in the care of the department or a supervising agency or received services described in this chapter ~~((74.13 RCW from the department or a supervising agency))~~ within one year preceding the minor's death.

~~((2))~~ (b) The department shall consult with the office of the family and children's ombudsman to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.

Cleaned version

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

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

Recommended WACME changes

(1) (a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect, **as determined through a coroner/medical examiner and law enforcement investigation**, of any minor who is in the care of the department or a supervising agency or receiving services described in this chapter or who has been in the care of the department or a supervising agency or received services described in this chapter within one year preceding the minor's death.

(b) The department shall consult with the office of the family and children's ombudsman to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect. **The office of the family and children's ombudsman will consult with the presiding coroner/medical examiner and law enforcement having jurisdiction to evaluate the need for a child fatality review.**