

SUBJECT: Establishing child facility review team committee and local review teams

COMMITTEE: Public Health — favorable, without amendment

VOTE: 6 ayes — Berlanga, Hirschi, Glaze, Janek, Maxey, McDonald
0 nays
3 absent — Coleman, Delisi, Rodriguez

SENATE VOTE: On final passage, April 24 — voice vote

WITNESSES: None

DIGEST: SB 1485 would establish the child fatality review team committee and local child fatality review teams.

Composition of the committee. The child fatality review team committee would be composed of four persons: one appointed by and representing the state registrar of vital statistics, one appointed by and representing the director of protective services for families and children of the Department of Protective and Regulatory Services (DPRS), one appointed by and representing the director of the bureau of epidemiology of the Texas Department of Health, and one appointed by and representing the executive director of the Children’s Trust Fund of Texas Council.

The four initial appointees would select an additional 14 members from various fields such as law enforcement, prosecutors, child educators, child mental health providers and providers of children’s services. The additional 14 members would serve two-year terms that would expire on February 1 of each even-numbered year. The additional members would be required to reflect the geographical, cultural, racial and ethnic diversity of the state.

The committee would select its presiding officer and hold quarterly meetings. Members would receive no compensation but would be reimbursed for travel expenses through either the Texas Department of Health for the first four members or evenly between DPRS and the Council for the other members.

SB 1485 would require the executive directors of the Children's Trust Fund of the Texas Council and DPRS to jointly call a meeting of the initial four committee members not later than October 1, 1995. Those members would then select the additional 14 members not later than February 1, 1996. The first meeting of the committee would be required to be held not later than January 1, 1996.

Certain information, including the identity of a deceased child, the child's family or an alleged perpetrator could not be disclosed at public meetings of the committee. The bill sets out requirements for open and closed meetings, notice requirements, and use of teleconferencing.

The committee's role. The purpose of the committee would be to:

- develop an understanding of the causes and incidence of child deaths in Texas;
- identify procedures within the agencies represented on the appointed committee to reduce the number of preventable child deaths;
- promote public awareness and make recommendations to the governor and the Legislature for changes in law, policy, and practice to reduce the number of preventable child deaths.

DPRS would be required to promote and coordinate training to assist the review teams in carrying out their duties.

DPRS would also be required to assist the committee in developing model protocols for reporting and investigating child fatalities for law enforcement, child protective services, justice of the peace and medical examiners, and other professionals involved in the investigation of child deaths and data collection regarding these deaths.

The Department of Health would be required to collect data and coordinate the collection of data with other data collection activities and perform annual statistical studies of the incidence and causes of child fatalities using the data collected.

The committee would be required to issue annual reports on the committee's activities, including findings and recommendations relating to each purpose and duty of the committee. Not later than December 1 of each even-numbered year, the committee would be required to publish a report and submit it to the governor, lieutenant governor and speaker of the House.

The committee would be required to enlist the support and assistance of civil, philanthropic and public service organizations in the performance of its duties.

Establishment of county review teams. A multi-disciplinary and multi-agency child fatality review team could be established for a county to review child deaths within the county. Review teams in counties with populations of less than 50,000 could join with an adjacent county or counties to establish a combined review team. Meetings of the review team would be closed to the public and not subject to the Open Meetings Act. Members and persons attending a closed team meeting could not disclose what occurred at the meeting.

Members of the review team participating in the review of a child death would be immune from civil or criminal liability arising from information presented in or opinions formed as a result of a meeting.

The review team of the county where the injury, illness or event that was the cause of the child occurred, as stated on the child's death certificate, would review the death.

A review team could request information and records regarding a deceased child as necessary to carry out the review team's purpose and duties including:

- medical, dental and mental health care information;
- information and records maintained by any state or local government, including a birth certificate, law enforcement investigative data; medical examiner investigative data; juvenile court records; parole and probation

information and records; and child protective services information and records.

SB 1485 authorizes certain individuals as possible members of a review team, such as law enforcement officials, prosecutors, medical professionals, and professionals that have expertise with children.

The review team, in an effort to decrease the incidence of preventative child deaths, would be authorized to provide assistance, direction and coordination to investigations of child deaths; promote cooperation, communication, and coordination among agencies involved in responding to child fatalities; develop an understanding of the causes and incidence of child deaths in the county or counties in which the review team is located; recommend changes to agencies through the agencies representative member, that will reduce the number of preventable child deaths; and advise the committee on changes to law, policy or practice that will assist the team and the agency represented on the team in fulfilling their duties.

The review team would be required to adapt and implement according to local needs and resources, the model protocols developed by DPRS and the committee.

The review team would be required to meet on a regular basis to review child fatality cases and recommend methods to improve coordination of services and investigations between agencies that are represented on the team, collect and maintain data required by the committee and submit to the Bureau of Vital Statistics data reports on deaths reviewed as specified by the committee.

A review team would initiate prevention measures as indicated by the review team's findings.

Duties of the presiding officer. The presiding officer of the review team would be required to send notices of meetings to review a child fatality, provide agenda of child fatalities to be reviewed, submit reports to the Bureau of Vital Statistics within 30 days after the date the review took place, and ensure that the review team operates according to protocols

developed by the department and the committee, as adapted by the review team.

Provisions affecting the committee and review team.

Information and records acquired by the committee or by a review team in the exercise of its purpose and duties under the provisions of this bill, would be confidential and exempt from the Open Records Act and could be disclosed as necessary to carry out the committee's or review team's purpose and duties.

Reports by the committee or team or statistical compilation of data reports would be a public record subject to the Open Records Act, as if the committee or review team were a governmental body under that act, if the report or statistical compilation did not contain any information that would permit the identification of an individual.

Information, documents and records of the committee or review team that are considered confidential would not be subject to subpoena or discovery and could not be introduced into evidence in any criminal or civil proceeding, except that information that would otherwise be available from other sources would not be immune from subpoena, discovery or introduction into evidence solely because they were presented during or are maintained by the committee or a review team.

SB 1485 provides that a review team would be a unit of local government.

This bill would take effect September 1, 1995 only if HB 655 (recodification of the Family Code) is enacted and becomes law.

**SUPPORTERS
SAY:**

SB 1485 would establish the child fatality review team committee and local child fatality review teams to confront the problem of child deaths in Texas. Almost 5,000 Texas children 18 years of age or younger died in 1991, nearly half of them under the age of one. Although death certificates record a cause of death, often the cause is characterized simply as an accident. By providing a state coordinating system to investigate child fatalities, these deaths could be handled with thoroughness and further investigations could be conducted where appropriate.

Texas law does not require the routine reporting of all sudden and unexpected child deaths to Child Protective Services (CPS) and to appropriate law enforcement. When deaths are reported, the lack of specific training in child deaths often renders CPS workers and law enforcement officials incapable of adequately investigating such cases. As a result, many deaths of small children resulting from neglect or maltreatment can go undetected. SB 1485 would provide an important framework for ensuring that no child's death due to neglect or abuse goes unnoticed.

SB 1485 would formalize what already occurs throughout much of the state. Multi-disciplinary, multi-agency teams already exist in many parts of the state, reviewing all child deaths that are sudden or unexpected or for which the cause of death is unclear. Questions often arise relative to liability of members of the team, open meeting and open records law, and the sharing of information. SB 1485 would provide guidelines for these teams in their day-to-day operation.

The Children's Justice Act (CJA) Grant to Texas has as one of its project's goals to promote the development of child fatality review teams in the state of Texas. Child fatality review teams currently exist in more than 40 states. SB 1485 will serve an important function in meeting the goals of CJA. By developing a team approach, members can share information and discover the circumstances surrounding a child's death. The teams could identify gaps or breakdowns in agency services designed to protect child, and work to revise agency procedures and professional investigation protocols. Because of the team's efforts, child fatalities can be more accurately recorded and needed prevention initiatives could be developed.

OPPONENTS
SAY:

No apparent opposition

NOTES:

HB 655 by Goodman, the recodification of the Family Code, was signed by the governor on April 20 and was effective immediately.

According to the fiscal note, the bill would require DPRS to provide staff to assist the committee in performing its duties. Members of the committee would also be reimbursed for their travel expenses. The LBB estimates that SB 1485 would cost \$254,193 out of general revenue in fiscal 1996 to implement, and \$237,207 each year for the subsequent four fiscal years.