

SUBJECT: Exempting fatality review teams from fees for birth and death certificates

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Delisi, Laubenberg, Coleman, Dawson, Jackson, McReynolds, Truitt, Zedler

0 nays

1 absent — Solis

WITNESSES: For — Jack Ellett; Denise Oncken, Harris County District Attorney's Office; (*Registered but did not testify:* Carrie Kroll, Texas Pediatric Society)

Against — None

On — Geraldine R. Harris, Department of State Health Services

BACKGROUND: Family Code, ch. 264, subch. F establishes child fatality review teams in an effort to decrease the high rate of child deaths in Texas. These teams investigate child fatalities and recommend changes to reduce the incidence of preventable deaths. These teams must obtain information from birth and death certificates as a part of their investigations. The cost of a death certificate is \$9, and the cost of a birth certificate is \$11.

The child fatality review team committee includes state and local officials, providers, and professionals involved with preventing child abuse and neglect. It identifies procedures and promotes public awareness to reduce the number of preventable child deaths.

DIGEST: CSHB 378 would require the state registrar to issue upon request a non-certified copy of a birth or death record at no charge to a child fatality review team or the child fatality review team committee.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS
SAY:

Child fatality review teams are a valuable asset in reducing the number of child fatalities in Texas. In 2004, there were more than 4,000 such fatalities. These review teams are comprised of volunteers and previously had access to grant funding or other state funding to pay for records pertinent to investigations. Given difficult financial times, funding was cut, and without it, many review teams have had to consider disbanding. Providing birth and death certificates at no charge would help ensure that child fatality review teams could continue to provide valuable services to promote the health and safety of Texas children.

Waiving the fee for child fatality review teams to obtain non-certified birth and death certificates would not open the door to other entities, such as law enforcement, requesting such a privilege. Non-certified copies of documents, for which the cost of materials is lower, are sufficient to meet the needs of fatality review teams, while law enforcement would need certified copies if they were used in court. In addition, when law enforcement uses such documents in the course of an investigation, they often are provided by the claimant, who can recover associated fees for the document through prosecution of the perpetrator. Finally, these teams are different from other entities – they are volunteer-driven bodies serving the interest of the whole state, not local entities paid to provide services and benefits at a local level.

OPPONENTS
SAY:

No apparent opposition

NOTES:

HB 378 as originally filed would have allowed law enforcement agencies, political subdivisions, and child fatality review teams to receive certified copies of death or birth certificates at no charge.

The companion bill, SB 239 by Janek, passed the Senate on the Local and Uncontested Calendar on March 17 and was reported favorably, without amendment, by the House Public Health Committee on April 14, making it eligible to be considered in lieu of HB 378.