

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1668

Introduced by Senator Bowen

February 24, 2006

An act to amend Section 11174.32 of the Penal Code, relating to child death investigations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1668, as amended, Bowen. Child death: review teams.

Existing law permits counties to establish interagency child death review teams to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication between persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases.

Existing law also allows interagency child death *review* teams to develop protocol for performing autopsies on children to assist coroners, as specified and identifies the persons who may be consulted in developing the protocol.

This bill would provide that ~~an oral or written communication or a document shared within or produced by a child death review team related to a child death review, provided by a third party to the child death review team, or between a third party and a child review death team is confidential and not subject to disclosure or discoverable by a third party. This bill also would provide an exception to these rules of nondisclosure for recommendations of a child review death team at the discretion of a majority of the members of the team~~ *interagency child death review team records that are exempt from disclosure to third parties pursuant to state or federal law remain exempt from disclosure when they are in the possession of a child death review*

team. The bill would further provide that no less than once each year, each child death review team shall make available to the public findings, conclusions and recommendations of the team, including aggregate statistical data on the incidences and causes of child.

Because this bill would impose new duties on a local entity it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11174.32 of the Penal Code is amended
2 to read:

3 11174.32. (a) Each county may establish an interagency
4 child death team to assist local agencies in identifying and
5 reviewing suspicious child deaths and facilitating communication
6 among persons who perform autopsies and the various persons
7 and agencies involved in child abuse or neglect cases.
8 Interagency child death teams have been used successfully to
9 ensure that incidents of child abuse or neglect are recognized and
10 other siblings and nonoffending family members receive the
11 appropriate services in cases where a child has expired.

12 (b) Each county may develop a protocol that may be used as a
13 guideline by persons performing autopsies on children to assist
14 coroners and other persons who perform autopsies in the
15 identification of child abuse or neglect, in the determination of
16 whether child abuse or neglect contributed to death or whether
17 child abuse or neglect had occurred prior to but was not the
18 actual cause of death, and in the proper written reporting
19 procedures for child abuse or neglect, including the designation
20 of the cause and mode of death.

1 (c) In developing an interagency child death team and an
2 autopsy protocol, each county, working in consultation with local
3 members of the California State Coroner’s Association and
4 county child abuse prevention coordinating councils, may solicit
5 suggestions and final comments from persons, including, but not
6 limited to, the following:

- 7 (1) Experts in the field of forensic pathology.
- 8 (2) Pediatricians with expertise in child abuse.
- 9 (3) Coroners and medical examiners.
- 10 (4) Criminologists.
- 11 (5) District attorneys.
- 12 (6) Child protective services staff.
- 13 (7) Law enforcement personnel.
- 14 (8) Representatives of local agencies which are involved with
15 child abuse or neglect reporting.
- 16 (9) County health department staff who deals with children’s
17 health issues.
- 18 (10) Local professional associations of persons described in
19 paragraphs (1) to (9), inclusive.

20 ~~(d) An oral or written communication or a document shared
21 within or produced by a child death review team related to a
22 child death review is confidential and not subject to disclosure or
23 discoverable by a third party. An oral or written communication
24 or a document provided by a third party to a child death review
25 team, or between a third party and a child death review team, is
26 confidential and not subject to disclosure or discoverable by a
27 third party. Notwithstanding the foregoing, recommendations of
28 a child death review team upon the completion of a review may
29 be disclosed at the discretion of a majority of the members of the
30 child death review team.~~

31 *(d) Records exempt from disclosure to third parties pursuant
32 to state or federal law shall remain exempt from disclosure when
33 they are in the possession of a child death review team.*

34 *(e) No less than once each year, each child death review team
35 shall make available to the public findings, conclusions and
36 recommendations of the team, including aggregate statistical
37 data on the incidences and causes of child deaths.*

38 *SEC. 2. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made*

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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