

ASSEMBLY BILL

No. 1737

Introduced by Assembly Member McCarty

February 1, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1737, as introduced, McCarty. Child death investigations: review teams.

Existing law authorizes each county to establish an interagency child death review team to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases. Existing law also authorizes each county to develop a protocol to be used as a guideline by persons performing autopsies on children to assist coroners and other persons who perform autopsies in the identification of child abuse or neglect, in the determination of whether child abuse or neglect contributed to death or whether child abuse or neglect had occurred prior to but was not the actual cause of death, and in the proper written reporting procedures for child abuse or neglect, including the designation of the cause and mode of death.

This bill would make the provisions described above mandatory for each county. By increasing the duties of counties, the bill would impose 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: yes.
State-mandated local program: yes.

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~~ *shall* establish an interagency
4 child death review 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. Interagency
8 child death review teams have been used successfully to ensure
9 that incidents of child abuse or neglect are recognized and other
10 siblings and nonoffending family members receive the appropriate
11 services in cases where a child has expired.

12 (b) Each county ~~may~~ *shall* develop a protocol that may be used
13 as a 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 actual
18 cause of death, and in the proper written reporting procedures for
19 child abuse or neglect, including the designation of the cause and
20 mode of death.

21 (c) In developing an interagency child death review team and
22 an autopsy protocol, each county, working in consultation with
23 local members of the California State Coroner’s Association and
24 county child abuse prevention coordinating councils, may solicit
25 suggestions and final comments from persons, including, but not
26 limited to, the following:

- 27 (1) Experts in the field of forensic pathology.
- 28 (2) Pediatricians with expertise in child abuse.
- 29 (3) Coroners and medical examiners.
- 30 (4) Criminologists.
- 31 (5) District attorneys.

- 1 (6) Child protective services staff.
2 (7) Law enforcement personnel.
3 (8) Representatives of local agencies which are involved with
4 child abuse or neglect reporting.
5 (9) County health department staff who deals with children's
6 health issues.
7 (10) Local professional associations of persons described in
8 paragraphs (1) to (9), inclusive.
9 (d) Records exempt from disclosure to third parties pursuant to
10 state or federal law shall remain exempt from disclosure when
11 they are in the possession of a child death review team.
12 (e) (1) No less than once each year, each child death review
13 team shall make available to the public findings, ~~conclusions~~
14 *conclusions*, and recommendations of the team, including aggregate
15 statistical data on the incidences and causes of child deaths.
16 (2) In its report, the child death review team shall withhold the
17 last name of the child that is subject to a review or the name of the
18 deceased child's siblings unless the name has been publicly
19 disclosed or is required to be disclosed by state law, federal law,
20 or court order.
21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

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