

**ASSEMBLY BILL**

**No. 2083**

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**Introduced by Assembly Member Chu**

February 17, 2016

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An act to amend Section 11174.32 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2083, as introduced, Chu. Interagency child death review.

Existing law authorizes a 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 requires records that are exempt from disclosure to 3rd parties pursuant to state or federal law to remain exempt from disclosure when they are in the possession of a child death review team.

This bill would authorize the voluntary disclosure of specified information, including mental health records, criminal history information, and child abuse reports, by an individual or agency to an interagency child death review team.

Vote: majority. Appropriation: no. Fiscal committee: no. 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:

1 11174.32. (a) Each county may establish an interagency child  
2 death review team to assist local agencies in identifying and  
3 reviewing suspicious child deaths and facilitating communication  
4 among persons who perform autopsies and the various persons  
5 and agencies involved in child abuse or neglect cases. Interagency  
6 child death review teams have been used successfully to ensure  
7 that incidents of child abuse or neglect are recognized and other  
8 siblings and nonoffending family members receive the appropriate  
9 services in cases where a child has expired.

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

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

- 25 (1) Experts in the field of forensic pathology.
- 26 (2) Pediatricians with expertise in child abuse.
- 27 (3) Coroners and medical examiners.
- 28 (4) Criminologists.
- 29 (5) District attorneys.
- 30 (6) Child protective services staff.
- 31 (7) Law enforcement personnel.
- 32 (8) Representatives of local agencies which are involved with  
33 child abuse or neglect reporting.
- 34 (9) County health department staff who deals with children's  
35 health issues.
- 36 (10) Local professional associations of persons described in  
37 paragraphs (1) to (9), inclusive.

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

1 (e) Written and oral information may be disclosed to a child  
2 death review team established pursuant to this section. The team  
3 may make a request, in writing, for the information sought and  
4 any person with information of the kind described in paragraph  
5 (2) may rely on the request in determining whether information  
6 may be disclosed to the team.

7 (1) An individual or agency that has information governed by  
8 this subdivision shall not be required to disclose information. The  
9 intent of this subdivision is to allow the voluntary disclosure of  
10 information by the individual or agency that has the information.

11 (2) The following information may be disclosed pursuant to this  
12 subdivision:

13 (A) Notwithstanding Section 56.10 of the Civil Code, medical  
14 information, unless disclosure is prohibited by federal law.

15 (B) Notwithstanding Section 5328 of the Welfare and Institutions  
16 Code, mental health information.

17 (C) Notwithstanding Section 11167.5, information from child  
18 abuse reports and investigations, except the identity of the person  
19 making the report, which shall not be disclosed.

20 (D) State summary criminal history information, criminal  
21 offender record information, and local summary criminal history  
22 information, as defined in Sections 11105, 11075, and 13300,  
23 respectively.

24 (E) Notwithstanding Section 11163.2, information pertaining  
25 to reports by health practitioners of persons suffering from physical  
26 injuries inflicted by means of a firearm or of persons suffering  
27 physical injury where the injury is a result of assaultive or abusive  
28 conduct.

29 (F) Notwithstanding Section 10850 of the Welfare and  
30 Institutions Code, records of in-home supportive services, unless  
31 disclosure is prohibited by federal law.

32 (e)

33 (f) (1) No less than once each year, each child death review  
34 team shall make available to the public findings, conclusions and  
35 recommendations of the team, including aggregate statistical data  
36 on the incidences and causes of child deaths.

37 (2) In its report, the child death review team shall withhold the  
38 last name of the child that is subject to a review or the name of the  
39 deceased child's siblings unless the name has been publicly

- 1 disclosed or is required to be disclosed by state law, federal law,
- 2 or court order.

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