

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 1, 2006

AMENDED IN SENATE APRIL 18, 2006

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 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 also contain confidentiality provisions for child death review teams, as specified. 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, as specified.

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:

3 11174.32. (a) Each county may 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.
8 Interagency child death review teams have been used
9 successfully to ensure that incidents of child abuse or neglect are
10 recognized and other siblings and nonoffending family members
11 receive the appropriate services in cases where a child has
12 expired.

13 (b) Each county may develop a protocol that may be used as a
14 guideline by persons performing autopsies on children to assist
15 coroners and other persons who perform autopsies in the
16 identification of child abuse or neglect, in the determination of
17 whether child abuse or neglect contributed to death or whether
18 child abuse or neglect had occurred prior to but was not the
19 actual cause of death, and in the proper written reporting
20 procedures for child abuse or neglect, including the designation
21 of the cause and mode of death. ~~No record made available by a~~
22 ~~child death review team under this section may include names or~~
23 ~~other personal information regarding any child who was the~~
24 ~~subject of a review or regarding that child's siblings and~~
25 ~~nonoffending family members.~~

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

32 (1) Experts in the field of forensic pathology.

1 (2) Pediatricians with expertise in child abuse.

2 (3) Coroners and medical examiners.

3 (4) Criminologists.

4 (5) District attorneys.

5 (6) Child protective services staff.

6 (7) Law enforcement personnel.

7 (8) Representatives of local agencies which are involved with
8 child abuse or neglect reporting.

9 (9) County health department staff who deals with children's
10 health issues.

11 (10) Local professional associations of persons described in
12 paragraphs (1) to (9), inclusive.

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

16 (e) (1) No less than once each year, each child death review
17 team shall make available to the public findings, conclusions and
18 recommendations of the team, including aggregate statistical data
19 on the incidences and causes of child deaths.

20 (2) *In its report, the child death review team shall withhold the*
21 *last name of the child that is subject to a review or the name of*
22 *the deceased child's siblings unless the name has been publicly*
23 *disclosed or is required to be disclosed by state law, federal law,*
24 *or court order.*