#### GENERAL ASSEMBLY OF NORTH CAROLINA

#### **SESSION 1993**

S 2 SENATE BILL 490\* Children and Human Resources Committee Substitute Adopted 4/19/93 Short Title: Child Fatality Priv. System. (Public) Sponsors: Referred to: Appropriations. March 16, 1993 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE CHILD FATALITY TASK FORCE TO PHASE IN A MULTIDISCIPLINARY STATE CHILD FATALITY PREVENTION SYSTEM BY ESTABLISHING COMMUNITY CHILD PROTECTION TEAMS IN EACH COUNTY, TO ADD ONE MEMBER TO THE CHILD FATALITY TASK FORCE, TO DIRECT THE STATE CENTER FOR HEALTH STATISTICS TO STUDY CHILDHOOD DEATHS IN THE

STATE, AND TO MAKE AN APPROPRIATION. The General Assembly of North Carolina enacts:

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Section 1. Article 62 of Chapter 143 of the General Statutes reads as rewritten:

#### "ARTICLE 62.

# "NORTH CAROLINA CHILD FATALITY REVIEW TEAM; NORTH CAROLINA CHILD FATALITY TASK FORCE AND STUDY. PREVENTION SYSTEM. "§ 143-571. Declaration of public policy.

The General Assembly finds that it is the public policy of this State to prevent the abuse and neglect of children and child deaths. The General Assembly further finds that the prevention of the abuse and neglect of children and child deaths is a community responsibility; that professionals from disparate disciplines have responsibilities for children and have expertise that can promote child safety and well-being; and that multidisciplinary reviews of the abuse and neglect of children and child deaths can lead to a greater understanding of the causes and methods of preventing these deaths. It is, therefore, the intent of the General Assembly, through this Article, to establish a

1 multidisciplinary task force to study the incidence and causes of child deaths and to develop a mechanism for multidisciplinary child death reviews. It is further the intent of the General 2 3 Assembly that the task force, based upon its study and its expertise, make recommendations to 4 the General Assembly and the Governor for changes to law, rule, and policy that will support the safe and healthy development of our children. It is also the intent of the General Assembly 5 to establish a State Child Fatality Review Team to review certain child deaths. a statewide 6 7 multidisciplinary, multiagency child fatality prevention system, to be phased in by July 8 1, 1995, consisting of the State Team established in G.S. 143-575 and the Local Teams established in G.S. 143-576.1. The purpose of the system is to assess selected cases in 9 which children are being served by child protective services and all deaths of children in 10 North Carolina from birth to age 18 in order to (i) understand the 11 childhood deaths, (ii) identify opportunities for prevention of childhood deaths, (iii) 12 foster accountability among public agencies, and (iv) make and implement 13 recommendations for changes to laws, rules, and policies that will support the safe and 14 healthy development of our children and prevent future deaths. 15

# "§ 143-572. Definitions.

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The following definitions apply in this Article:

- (1) Local team. A local multidisciplinary child abuse and neglect review team established for a county. Team. A Community Child Protection Team.
- (2) State Team. The North Carolina Child Fatality Review Prevention Team.
- (3) Task Force. The North Carolina Child Fatality Task Force.
- (4) <u>Team Coordinator. The Child Fatality Prevention Team Coordinator.</u>
  "§ 143-573. Task Force creation; membership; vacancies.
- (a) There is created the North Carolina Child Fatality Task Force within the Department of Environment, Health, and Natural Resources for budgetary purposes only.
- (b) The Task Force shall be composed of <u>29-30</u> members, 12 of whom shall be ex officio members, three-four of whom shall be appointed by the Governor, seven of whom shall be appointed by the Speaker of the House of Representatives, and seven of whom shall be appointed by the President Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner may designate representatives from their particular departments, divisions, or offices to represent them on the Task Force. The members shall be as follows:
  - (1) The Chief Medical Examiner;
  - (2) The Attorney General;
  - (3) The Director of the Division of Social Services;
  - (4) The Director of the State Bureau of Investigation;
  - (5) The Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources:
  - (6) The Director of the Governor's Youth Advocacy and Involvement Office:
  - (7) The Superintendent of Public Instruction;

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A county or municipal law enforcement officer appointed by the (19)

35 36 President Pro Tempore of the Senate upon recommendation of organizations that represent local law enforcement officers;

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A district attorney appointed by the President Pro Tempore of the (20)Senate upon recommendation of the President of the North Carolina Conference of District Attorneys;

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A representative from the North Carolina Association of County (21) Commissioners appointed by the President Pro Tempore of the Senate upon recommendation of the Association;

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Two public members appointed by the President Pro Tempore of the (22)Senate: and

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- Two members of the Senate appointed by the President Pro Tempore (23)of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives.
- All members of the Task Force are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment. The Speaker of the House of Representatives shall call the first meeting no later than October 1, 1991. At the first meeting the members shall elect a chair who shall preside for the duration of the Task Force.

### "§ 143-574. Task Force – duties.

The Task Force shall:

- Undertake a statistical study of the incidence and causes of child (1) deaths in this State during 1988 and 1989, and establish a profile of child deaths. The study shall include (i) an analysis of all community and private and public agency involvement with the decedents and their families prior to death, and (ii) an analysis of child deaths by age, cause, and geographic distribution;
- (2) Develop a system for multidisciplinary review of child deaths. developing such a system, the Task Force shall study the operation of existing local teams. The Task Force shall also consider the feasibility and desirability of local or regional review teams and, should it determine such teams to be feasible and desirable, develop guidelines for the operation of the teams. The Task Force shall also examine the laws, rules, and policies relating to confidentiality of and access to information that affect those agencies with responsibilities for children, including State and local health, mental health, social services, education, and law enforcement agencies, to determine whether those laws, rules, and policies inappropriately impede the exchange of information necessary to protect children from preventable deaths, and, if so, recommend changes to them;
- Receive and consider reports from the State Team; and (3)
- Perform any other studies, evaluations, or determinations the Task **(4)** Force considers necessary to carry out its mandate.

# "§ 143-575. State Team – creation; membership; vacancies.

- There is created the North Carolina Child Fatality Review-Prevention Team within the Department of Environment, Health, and Natural Resources for budgetary purposes only.
- The State Team shall be composed of nine-11 members of whom eight-nine members are ex officio and one is two are appointed. The ex officio members other than the Chief Medical Examiner may designate a representative from their departments, divisions, or offices to represent them on the State Team.
  - The Chief Medical Examiner, who shall chair the State Team; (1)
  - **(2)** The Attorney General;
  - The Director of the Division of Social Services; Services, Department (3) of Human Resources;

- 1 (4) The Director of the State Bureau of Investigation;
  - (5) The Director of the <u>Division of Maternal and Child Health Division</u> of the Department of Environment, Health, and Natural Resources;
    - (6) The Superintendent of Public Instruction;
    - (7) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services; and Services, Department of Human Resources;
    - (7.1) The Director of the Administrative Office of the Courts;
    - (8) The pediatrician appointed pursuant to G.S. 143-573(b)(16) to the Task Force:
    - (9) A public member, appointed by the Governor; and
    - (10) The Team Coordinator.
    - (c) All members of the State Team are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment.

# "§ 143-576. State Team – duties.

The State Team shall:

- (1) Review current deaths of children when those deaths are attributed to child abuse or neglect or when the decedent was reported as an abused or neglected juvenile pursuant to G.S. 7A-543 at any time before death; and
- (2) Report to the Task Force during the existence of the Task Force, in the format and at the time required by the Task Force, on the State Team's activities and its recommendations for changes to any law, rule, and policy that would promote the safety and well-being of children; and
- (3) Upon request of a local team, Local Team that reviews cases of child fatalities, provide technical assistance to the team. Team;
- (4) Periodically assess the operations of the multidisciplinary child fatality prevention system, and make recommendations for changes as needed;
- (5) Work with the Team Coordinator to develop guidelines for selecting child deaths to receive detailed, multidisciplinary death reviews by Local Teams; and
- (6) Receive reports of findings and recommendations from Local Teams that review cases of child fatalities, and work with the Team Coordinator to implement recommendations.

#### "§ 143-576.1. Child Protection Teams; creation and duties.

(a) Community Child Protection Teams are established in every county of the State. Each Local Team shall consist of (i) representatives of public and nonpublic agencies in the community that provide services to children and their families and (ii) other individuals who represent the community. No single team shall encompass a geographic or governmental area larger than one county. The director of the county department of social services and the director of the county department of health may establish more than one Local Team when needed (i) due to caseload size, (ii) to access the special expertise of existing groups, or (iii) to conduct the reviews of child fatalities.

1	<u>(b)</u>	Each	Local Team, or any combination of Local Teams, in a county shall:
2		(1)	Review all cases of child fatalities.
3		<u>(2)</u>	Review, in accordance with the procedures established by the director
4			of the county department of social services under G.S. 143-576.4,
5			selected active cases in which children are being served by child
6			protective services.
7		<u>(3)</u>	Recommend, and advocate for, system improvements and needed
8		<del></del>	resources where gaps and deficiencies exist.
9		<u>(4)</u>	Report findings in connection with the reviews of cases of child
0		<del></del>	fatalities to the Team Coordinator. These reports shall include:
1			a. A listing of the system problems identified through the review
2			process, and recommendations for preventive actions;
3			b. Any changes that resulted from the recommendations made by
4			the Local Team;
5			<u>c.</u> <u>Information about each death reviewed; and</u>
6			d. Any additional information requested by the Team Coordinator.
7	" <u>§ 143-5</u>	<b>76.2.</b> (	Community Child Protection Teams; composition.
8	<u>(a)</u>	Each	Local Team shall consist of the following persons:
9		<u>(1)</u>	The director of the county department of social services, and a member
20			of the director's staff;
21		<u>(2)</u>	A local law enforcement officer, appointed by the board of county
22			commissioners;
21 22 23		<u>(3)</u>	An attorney from the district attorney's office, appointed by the district
24			attorney;
24 25 26		<u>(4)</u>	The executive director of the local community action agency, as
26			defined by the Division of Economic Opportunity, Department of
27			Human Resources, or the executive director's designee;
28		<u>(5)</u>	The superintendent of each local school administrative unit located in
29			the county, or the superintendent's designee;
30		<u>(6)</u>	A member of the county board of social services, appointed by the
31			chair of that board;
32		<u>(7)</u>	A local mental health professional, appointed by the director of the
33			area authority established under Chapter 122C of the General Statutes;
34		<u>(8)</u>	The local guardian ad litem coordinator, or the coordinator's designee;
35		<u>(9)</u>	The director of the county department of public health; and
36		<u>(10)</u>	A local health care provider, appointed by the county board of health.
37			Local Team that reviews cases of child fatalities shall include the
88	<u>followin</u>	g four a	additional members:
39		<u>(1)</u>	An emergency medical services provider or firefighter, appointed by
10			the board of county commissioners;
11		<u>(2)</u>	A district court judge, appointed by the chief district judge in that
12			district;
13		<u>(3)</u>	A county medical examiner, appointed by the Chief Medical
14			Examiner: and

- 1 (4) A representative of a local day care facility or Head Start program, appointed by the director of the county department of social services.
  - The Team Coordinator shall serve as an ex officio member of each Local Team that reviews cases of child fatalities. The board of county commissioners may appoint a maximum of five additional members to represent county agencies or the community at large to serve on any Local Team. Vacancies on a Local Team shall be filled by the original appointing authority.
  - (b) Each Local Team shall elect a member to serve as chair at the Team's pleasure.
    - (c) Each Local Team shall meet at least four times each year.
  - (d) The director of the county department of social services and the director of the county department of health shall jointly call the first meeting. Thereafter, the chair shall schedule the time and place of meetings, in consultation with these directors, and shall prepare the agenda. The chair shall schedule Team meetings no less often than once per quarter and often enough to allow adequate review of the cases selected for review. Within three months of election, the chair shall participate in the appropriate training developed under this Article.

#### "§ 143-576.3. Child Fatality Prevention Team Coordinator; duties.

The Child Fatality Prevention Team Coordinator shall serve as liaison between the State Team and the Local Teams that review cases of child fatalities and shall provide technical assistance to these Local Teams. The Team Coordinator shall:

- (1) Develop a plan to establish Local Teams that review cases of child fatalities in each county by July 1, 1995.
- (2) Develop model operating procedures for these Local Teams that address when public meetings should be held, what items should be addressed in public meetings, what information may be released in written reports, and any other information the Team Coordinator considers necessary.
- (3) Provide structured training for these Local Teams at the time of their establishment and continuing technical assistance thereafter.
- (4) Provide statistical information on all child deaths occurring in each county to the appropriate Local Team, and assure that all child deaths in a county are assessed through the multidisciplinary system.
- (5) Monitor the work of these Local Teams.
- (6) Receive reports of findings, and other reports that the Team Coordinator may require, from these Local Teams.
- (7) Report the aggregated findings of these Local Teams to each Local Team that reviews cases of child fatalities and to the State Team.
- (8) Evaluate the impact of local efforts to identify problems and make changes.

# "§ 143-576.4. Community Child Protection Teams; duties of the director of the county department of social services.

In addition to any other duties as a member of the Local Team, and in connection with reviews of (i) active cases in which children are being served by child protective

services and (ii) child fatalities due to abuse or neglect and known to child protective 1 2 services, the director of the county department of social services shall: 3 Assure the development of written operating procedures in connection (1) with these reviews, including frequency of meetings, confidentiality 4 5 policies, training of members, and duties and responsibilities of 6 members: 7 Assure that the Local Team defines the categories of cases that are <u>(2)</u> 8 subject to its review: 9 (3) Determine and initiate the cases for review: 10 (4) Provide staff support for these reviews; Maintain records, including minutes of all official meetings, lists of 11 (5) participants for each meeting of the Local Team, and signed 12 confidentiality statements required under G.S. 143-578, in compliance 13 14 with applicable rules and law; 15 (6) Implement the Local Team's recommendations, if any, for changes to the department's procedures for providing services to children and 16 17 their families, including evaluating allegations of abuse or neglect, or 18 advocate for the implementation of these recommendations; and Report quarterly to the county board of social services, as required by 19 <u>(7)</u> 20 the board, on the activities of the Local Team. 21 "§ 143-576.5 Community Child Protection Teams; duties of the director of the 22 county department of health. In addition to any other duties as a member of the Local Team, and in connection 23 24 with reviews of child fatalities, the director of the county department of health shall: Distribute copies of the written procedures developed by the Team 25 (1) Coordinator under G.S. 143-576.3 to the administrators of all agencies 26 27 represented on a Local Team that reviews cases of child fatalities and to all members of this Team; 28 29 Maintain records, including minutes of all official meetings, lists of (2) 30 31

- participants for each meeting of the Local Team, and signed confidentiality statements required under G.S. 143-578, in compliance with applicable rules and law; and
- Report quarterly to the county board of health, as required by the (3) board, on the activities of the Local Team.

# "§ 143-576.6. Community Child Protection Teams; responsibility for training of team members.

The Division of Social Services, Department of Human Resources, shall develop and make available, on an ongoing basis, for the members of Local Teams that review active cases in which children are being served by child protective services, training materials that address the role and function of the Local Team, confidentiality requirements, an overview of child protective services law and policy, and Team record keeping.

# "§ 143-577. Task Force – reports.

(a) The Task Force shall provide a preliminary report to the Governor and General Assembly, within the first week of the convening of the 1992 Session of the

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- 1991 General Assembly. This preliminary report shall contain at least a summary of preliminary conclusions and recommendations for each of the Task Force's duties, as well as any other recommendations for changes to any law, rule, and policy that it has determined will promote the safety and well-being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State.
- Assembly within the first week of the convening of the 1993 General Assembly and within the first week of the convening of the 1994 Session of the 1993 General Assembly. The Task Force shall provide a final report to the Governor and General Assembly within the first week of the convening of the 1995 General Assembly. The final report shall include final conclusions and recommendations for each of the Task Force's duties, as well as any other recommendations for changes to any law, rule, and policy that it has determined will promote the safety and well-being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State.
- (c) After the Task Force provides its final report to the Governor and General Assembly, the Task Force shall cease to be in existence.

#### "§ 143-578. Access to records.

- The Task Force and State Team (a) The State Team, the Local Teams, and the Task Force, during its existence, shall have access to all medical records, hospital records, and records maintained by this State, any county, or any local agency as necessary to carry out the purposes of this Article, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. Task Force and State Team meetings—During an official meeting of a Local Team, any member of that Team may share any information available to that member that the Local Team needs to carry out its duties.
- (b) Meetings of the State Team and the Local Teams are not subject to the provisions of Article 33C of Chapter 143 of the General Statutes. However, the Local Teams may hold periodic public meetings to discuss, in a general manner not revealing confidential information about children and families, the findings of their reviews and their recommendations for preventive actions. Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any executive session shall be sealed from public inspection.
- (c) All otherwise confidential information and records acquired by the Task Force or State Team State Team, the Local Teams, and the Task Force during its existence, in the exercise of their duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the State Team, the Local Teams, and the Task Force. In addition, all otherwise confidential information and records created by a Local Team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of

- the Local Team. No member of the Task Force, State Team, or person who attends such a meeting State Team, a Local Team, nor any person who attends a meeting of the State Team or a Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This section does—subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.
  - (d) Each member of a Local Team and invited participant shall sign a statement indicating an understanding of and adherence to confidentiality requirements, including the possible civil or criminal consequences of any breach of confidentiality.
  - (e) Cases receiving child protective services at the time of review by a Local Team shall have an entry in the child's protective services record to indicate that the case was received by that Team. Additional entry into the record shall be at the discretion of the director of the county department of social services.
  - (f) The Social Services Commission shall adopt rules to implement this section in connection with Local Teams that review active cases in which children are being served by child protective services. The Health Services Commission shall adopt rules to implement this section in connection with Local Teams that review child fatalities. In particular, these rules shall allow information generated by an executive session of a Local Team to be accessible for administrative or research purposes only.

#### "§ 143-579. Administration; funding.

- (a) To the extent of funds available, the Chairs of the Task Force and State Team may hire staff or consultants to assist the Task Force and the State Team in completing their duties.
- (b) Members, staff, and consultants of the Task Force or State Team shall receive travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be, paid from funds appropriated to implement this Article and within the limits of those funds.
- (c) With the approval of the Legislative Services Commission, legislative staff and space in the Legislative Building and the Legislative Office Building may be made available to the Task Force."
- Sec. 2. (a) The State Center for Health Statistics, Department of Environment, Health, and Natural Resources, shall:
  - (1) Determine the availability of databases maintained by State agencies that indicate governmental agency involvement with the family of a child before the child's death;
  - (2) Determine the feasibility of linking service delivery databases maintained by State agencies;
  - (3) Link State agency databases annually in order to examine agency involvement with children who subsequently died;
  - (4) Evaluate periodically the completeness of the computer match of records kept by State agencies;

- Use information provided by the data linkage to examine the relationship between delivery of services by State agencies and child death; and
  - (6) Provide ongoing statistical support to the State Fatality Prevention Team and, where feasible, to the Community Child Protection Teams established in Section 1 of this act. Statistical support shall include, but is not limited to, statistical consultation, and preparation of lists of child deaths for review by the Teams.
  - (b) The State Center for Health Statistics, Department of Environment, Health, and Natural Resources, shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the Legislative Services Office not later than March 1, 1994, on its progress in providing the data and support required under this section.
    - Sec. 3. G.S. 143-573 is repealed.
    - Sec. 4. G.S. 143-574 is repealed.
    - Sec. 5. G.S. 143-577 is repealed.
  - Sec. 6. (a) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of one hundred twelve thousand six hundred eighty-five dollars (\$112,685) for the 1993-94 fiscal year and the sum of one hundred forty-six thousand nine hundred eighty-seven dollars (\$146,987) for the 1994-95 fiscal year to implement Section 1 of this act, which shall include the funding of the position of Team Coordinator and associated costs.
  - (b) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources, the State Center for Health Statistics, the sum of thirty-one thousand two hundred forty-two dollars (\$31,242) for fiscal year 1993-94 and the sum of forty-five thousand five hundred fourteen dollars (\$45,514) for fiscal year 1994-95 to implement Section 2 of this act.
- Sec. 7. Sections 3, 4, and 5 of this act become effective February 1, 1995.
- 30 The remaining sections of this act are effective upon ratification.