

House Bill 479

By: Representatives Fleming of the 79th, Oliver of the 56th, Post 2 and Sinkfield of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child
2 abuse, so as to change provisions relating to the county multiagency child fatality review
3 committee and chairperson thereof; to change provisions relating to the membership and
4 powers of the Georgia Child Fatality Panel; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is
9 amended by striking subsections (a), (c), and (d) of Code Section 19-15-3, relating to the
10 county multiagency child fatality review committee, and inserting in their respective places
11 the following:

12 "(a)(1) Each county shall establish a local multidisciplinary, multiagency child fatality
13 review committee as provided in this Code section. The chief superior court judge of the
14 circuit in which the county is located shall establish a child fatality review committee
15 composed of, but not limited to, the following members:

- 16 (A) The county medical examiner or coroner;
- 17 (B) The district attorney or his or her designee;
- 18 (C) A county department of family and children services representative;
- 19 (D) A local law enforcement representative;
- 20 (E) The sheriff or county police chief or his or her designee;
- 21 (F) A juvenile court representative;
- 22 (G) A county board of health representative; and
- 23 (H) A county mental health representative;

24 (2) ~~The chief superior court judge shall appoint an interim district attorney or his or her~~
25 designee shall serve as the chairperson to preside over the first meeting all meetings."

1 ~~"(c) After the local review committee is established, it shall elect a chairperson from its~~
 2 ~~membership.~~ The chief superior court judge shall appoint persons to fill any vacancies on
 3 the review committee should the membership fail to do so.

4 (d) If any designated agency fails to carry out its duties relating to participation on the
 5 local review committee, the chief superior court judge of the circuit or any superior court
 6 judge who is a member of the Georgia Child Fatality Review Panel shall issue an order
 7 requiring the participation of such agency. Failure to comply with such order shall be cause
 8 for punishment as for contempt of court."

9 **SECTION 2.**

10 Said article is further amended by striking subsections (c) and (i) and inserting new
 11 subsections (c) and (i) and a new subsection at the end of Code Section 19-15-4, relating to
 12 the Georgia Child Fatality Review Panel, to read as follows:

13 "(c) The panel shall be composed as follows:

- 14 (1) One district attorney appointed by the Governor;
- 15 (2) One juvenile court judge appointed by the Governor;
- 16 (3) Two citizen members who shall be appointed by the Governor, who are not employed
 17 by or officers of the state or any political subdivision thereof and one of whom shall come
 18 from each of the following: (A) a state-wide child abuse prevention organization; and (B)
 19 a state-wide childhood injury prevention organization;
- 20 (4) One forensic pathologist appointed by the Governor;
- 21 (5) The chairperson of the Board of Human Resources;
- 22 (6) The director of the Division of Family and Children Services of the Department of
 23 Human Resources;
- 24 (7) The director of the Georgia Bureau of Investigation;
- 25 (8) The chairperson of the Criminal Justice Coordinating Council;
- 26 (9) A member of the Georgia Senate appointed by the Lieutenant Governor;
- 27 (10) A member of the Georgia House of Representatives appointed by the Speaker of the
 28 House of Representatives;
- 29 (11) A local law enforcement official appointed by the Governor;
- 30 (12) A superior court judge appointed by the Governor;
- 31 (13) A coroner appointed by the Governor;
- 32 (14) ~~The director of the Office of the Child Advocate for the Protection of Children; and~~
- 33 (15) The director of the Division of Public Health of the Department of Human
 34 Resources; and
- 35 (16) The director of the Division of Mental Health of the Department of Human
 36 Resources."

1 "(i) By ~~December~~ January 1 of each calendar year, the panel shall submit a report to the
2 Governor, the Lieutenant Governor, and the Speaker of the House of Representatives
3 regarding the prevalence and circumstances of child fatalities in the state; recommend
4 measures to reduce such fatalities caused by other than natural causes; and address in the
5 report the following issues:

6 (1) Whether the deaths could have been prevented;

7 (2) Whether the children were known to any state or local agency;

8 (3) The actions, if any, taken by any state or local agency or court;

9 (4) Whether agency or court intervention could have prevented their deaths;

10 (5) Whether policy, procedural, regulatory, or statutory changes are called for as a result
11 of these findings; and

12 (6) Whether any referral should have been made to a law enforcement agency which was
13 not made."

14 "(k) The panel shall have the authority to obtain from any superior court judge of the
15 county or circuit for which the matter is pending a subpoena to compel the production of
16 documents or attendance of witnesses if the county multiagency child fatality review
17 committee has not exercised its authority to subpoena the documents or witnesses as
18 provided in paragraph (3) of subsection (k) of Code Section 19-15-3; provided, however,
19 if a superior court judge has previously ruled that the records or witnesses are not necessary
20 to the fatality review at issue, such finding shall be conclusive on the issuance of the
21 subpoena."

22 SECTION 3.

23 All laws and parts of laws in conflict with this Act are repealed.