

Senate Bill 383

By: Senators Kirkpatrick of the 32nd, Albers of the 56th, Hatchett of the 50th, Robertson of the 29th, Jackson of the 41st and others

AS PASSED SENATE

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 modify the review to be performed by local child fatality review committees;
3 to add members to such committees; to provide for required attendance for training; to
4 clarify the scope of child deaths subject to review; to modify deadlines and requirements for
5 reports relating to child deaths; to modify the procedures of the coroner or medical examiner
6 and the review committee in identifying child deaths that meet the statutory criteria for
7 review by the review committee; to make conforming changes; to provide for related matters;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is
12 amended by revising Code Section 19-15-3, relating to county review committee,
13 chairperson, eligible deaths for review, notification to coroner, reporting to chairperson, and
14 committee review, as follows:

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15 "19-15-3.

16 (a)(1) Each county shall establish a local review committee as provided in this Code
17 section. The review committee shall be charged with reviewing all deaths as set forth in
18 subsection (e) of this Code section to ~~determine manner and cause of death and if the~~
19 ~~death was preventable~~ identify opportunities for intervention and to make
20 recommendations for measures to prevent future deaths in similar incidents. The chief
21 superior court judge of the circuit in which the county is located shall establish a review
22 committee composed of, but not limited to, the following members:

- 23 (A) The county medical examiner or coroner;
24 (B) The district attorney or his or her designee;
25 (C) A county department of family and children services representative;
26 (D) A local law enforcement representative;
27 (E) The sheriff or county police chief or his or her designee;
28 (F) A juvenile court representative;
29 (G) A county public health department representative; ~~and~~
30 (H) A county mental health representative or local hospital representative; and
31 (I) A local school system representative.

32 (2) The district attorney or his or her designee shall serve as the chairperson to preside
33 over all meetings.

34 (b) Review committee members shall recommend whether to establish a review committee
35 for that county alone or establish a review committee with and for the counties within that
36 judicial circuit.

37 (c) The chief superior court judge shall appoint persons to fill any vacancies on the review
38 committee should the membership fail to do so.

39 (d) If any designated agency fails to carry out its duties relating to participation on the
40 review committee, including attendance of an agency representative at annual training, the
41 chief superior court judge of the circuit or any superior court judge who is a member of the

42 panel shall issue an order requiring the participation of such agency. Failure to comply
43 with such order shall be cause for punishment as for contempt of court.

44 (e) Deaths eligible for review by review committees are all deaths of children ages birth
45 through 17 as a result of:

46 (1) ~~Sudden Infant Death Syndrome~~ Sudden death when an infant is in apparent good
47 health, including sudden infant death syndrome, sudden unexplained infant death, and
48 sleep related infant death;

49 (2) Any unexpected or unexplained conditions;

50 (3) Unintentional injuries;

51 (4) Intentional injuries;

52 (5) Sudden death when the child is in apparent good health;

53 (6) Any manner that is suspicious or unusual;

54 (7) Medical conditions when unattended by a physician. For the purpose of this
55 paragraph, no person shall be deemed to have died unattended when the death occurred
56 while the person was a patient of a hospice licensed under Article 9 of Chapter 7 of
57 Title 31;

58 (8) Serving as an inmate of a state hospital or a state, county, or city penal institution; or

59 (9) Child abuse.

60 (f) It shall be the duty of any law enforcement officer, medical personnel, or other person
61 having knowledge of the death of a child to immediately notify the coroner or medical
62 examiner of the county wherein the body is found or death occurs.

63 (g) If the death of a child occurs outside the child's county of residence, it shall be the duty
64 of the medical examiner or coroner in the county where the child died to notify the medical
65 examiner or coroner in the county of the child's residence. ~~It shall be the duty of such~~
66 ~~medical examiner or coroner to provide the protocol committee of the county of such~~
67 ~~child's residence with copies of all information and reports required by subsections (i) and~~
68 ~~(j) of this Code section.~~

69 (h) When a county medical examiner or coroner receives a report regarding the death of
70 any child, he or she shall within ~~48 hours of the death~~ seven days of receiving notice
71 of the child's death send notification and a preliminary report containing all available
72 information to the chairperson of the review committee for the county or circuit in which
73 such child resided at the time of death.

74 ~~(i) The coroner or county medical examiner shall review the findings regarding the cause~~
75 ~~and manner of death for each child death report received and respond as follows:~~

76 ~~(1) If the death does not meet the criteria for review pursuant to subsection (e) of this~~
77 ~~Code section, the coroner or county medical examiner shall sign the form designated by~~
78 ~~the panel stating that the death does not meet the criteria for review. He or she shall~~
79 ~~forward the form and findings, within seven days of the child's death, to the chairperson~~
80 ~~of the review committee for the county or circuit of the child's residence; or~~

81 ~~(2) If the death meets the criteria for review pursuant to subsection (e) of this Code~~
82 ~~section, the coroner or county medical examiner shall complete and sign the form~~
83 ~~designated by the panel stating the death meets the criteria for review. He or she shall~~
84 ~~forward the form and findings, within seven days of the child's death, to the chairperson~~
85 ~~of the review committee for the county or circuit of the child's residence.~~

86 ~~(j) When the chairperson of a review committee receives a report from the coroner or~~
87 ~~medical examiner regarding the death of a child, such chairperson shall review the report~~
88 ~~and findings regarding the cause and manner of the child's death and respond as follows:~~

89 ~~(1) If the report indicates the child's death does not meet the criteria for review and the~~
90 ~~chairperson agrees with this decision, the chairperson shall sign the form designated by~~
91 ~~the panel stating that the death does not meet the criteria for review. He or she shall~~
92 ~~forward the form and findings to the panel within seven days of receipt;~~

93 ~~(2) If the report indicates the child's death does not meet the criteria for review and the~~
94 ~~chairperson disagrees with this decision, the chairperson shall follow the procedures for~~
95 ~~deaths to be reviewed pursuant to subsection (k) of this Code section;~~

96 ~~(3) If the report indicates the child's death meets the criteria for review and the~~
97 ~~chairperson disagrees with this decision, the chairperson shall sign the form designated~~
98 ~~by the panel stating that the death does not meet the criteria for review. The chairperson~~
99 ~~shall also attach an explanation for this decision; or~~

100 ~~(4) If the report indicates the child's death meets the criteria for review and the~~
101 ~~chairperson agrees with this decision, the chairperson shall follow the procedures for~~
102 ~~deaths to be reviewed pursuant to subsection (k) of this Code section.~~

103 ~~(k)(i) When a child's death meets the criteria for review, the chairperson shall convene the~~
104 ~~review committee within 30 days after receipt of the report for a meeting to review and~~
105 ~~investigate the cause and circumstances of the death. The chairperson shall convene the~~
106 ~~review committee every 30 days to review reports received pursuant to subsection (h) of~~
107 ~~this Code section and investigate the circumstances of all such child deaths which meet the~~
108 ~~criteria for review under subsection (e) of this Code section. If it is unclear to the review~~
109 ~~committee whether a case meets the criteria under subsection (e) of this Code section, the~~
110 ~~review committee may request consultation from the Georgia Bureau of Investigation for~~
111 ~~clarification and guidance in the use of such criteria; provided, however, that the final~~
112 ~~determination as to whether a case meets such criteria shall be made by the review~~
113 ~~committee. Review committee members shall provide information as specified in this~~
114 ~~subsection, except where otherwise protected by law:~~

115 (1) The providers of medical care and the medical examiner or coroner shall provide
116 pertinent health and medical information regarding a child whose death is being reviewed
117 by the review committee;

118 (2) State, county, or local government agencies shall provide all of the following data on
119 forms designated by the panel for reporting child fatalities:

120 (A) Birth information for children who died at less than one year of age, including
121 confidential information collected for medical and health use;

122 (B) Death information for children who have not reached their eighteenth birthday;

123 (C) Law enforcement investigative data, medical examiner or coroner investigative
 124 data, and parole and probation information and records;

125 (D) Medical care, including dental, mental, and prenatal ~~health care~~ healthcare; and

126 (E) Pertinent information from any social services agency that provided services to the
 127 child or family; and

128 (3) The review committee may obtain from any superior court judge of the county or
 129 circuit for which the review committee was created a subpoena to compel the production
 130 of documents or attendance of witnesses when that judge has made a finding that such
 131 documents or witnesses are necessary for the review committee's review. Service of,
 132 objection to, and enforcement of subpoenas authorized by this Code section shall be
 133 governed by the procedures set forth in Chapter 13 of Title 24. However, this Code
 134 section shall not modify or impair the privileged communications as provided by law
 135 except as otherwise provided in Code Section 19-7-5.

136 (4) Disclosure of protected health information pursuant to this subsection shall be
 137 considered to be for a law enforcement purpose, and the review committee shall be
 138 considered to be a law enforcement official within the meaning of the rules and
 139 regulations adopted pursuant to the federal Health Insurance Portability and
 140 Accountability Act of 1996. Disclosure of confidential or privileged matter to the review
 141 committee pursuant to this Code section shall not serve to destroy or in any way abridge
 142 the confidential or privileged character thereof, except for the purpose for which such
 143 disclosure is made.

144 ~~(H)~~(j) The review committee shall complete its review and prepare a report of the child's
 145 death within ~~20~~ 90 days, weekends and holidays excluded, following the first meeting held
 146 after receipt of the county medical examiner or coroner's report. The review committee's
 147 report shall:

148 (1) State the circumstances leading up to death and ~~cause of death~~ identify opportunities
 149 for intervention and prevention;

- 150 (2) Detail any agency involvement prior to death, including the beginning and ending
 151 dates and kinds of services delivered, the reasons for initial agency activity, and the
 152 reasons for any termination of agency activities;
- 153 (3) State whether any agency services had been delivered to the family or child prior to
 154 the circumstances leading to the child's death;
- 155 (4) State whether court intervention had ever been sought;
- 156 (5) State whether there have been any acts or reports of violence between past or present
 157 spouses, persons who are parents of the same child, parents and children, stepparents and
 158 stepchildren, foster parents and foster children, or other persons living or formerly living
 159 in the same household;
- 160 (6) Conclude whether services or agency activities delivered prior to death were
 161 appropriate ~~and whether the child's death could have been prevented;~~
- 162 (7) Make recommendations for possible ~~prevention of~~ interventions that may prevent
 163 future deaths of similar incidents for children who are at risk for such deaths; and
- 164 (8) Include other findings as requested by the panel.
- 165 ~~(m) The review committee shall transmit a copy of its report within 15 days of completion~~
 166 ~~to the panel.~~
- 167 ~~(m)~~(k) The review committee shall transmit a copy of its report within 15 days following
 168 its completion to the district attorney of the county or circuit for which the review
 169 committee was created if the report concluded that the child named therein died as a result
 170 of:
- 171 (1) Sudden death when an infant is in apparent good health, including sudden infant
 172 death syndrome, sudden unexplained infant death, and sleep related infant death, Sudden
 173 ~~Infant Death Syndrome~~ when no autopsy was performed to confirm the diagnosis;
- 174 (2) Accidental death when it appears that the death could have been prevented through
 175 intervention or supervision;
- 176 (3) Any sexually transmitted disease;

- 177 (4) Medical causes which could have been prevented through intervention by an agency
 178 or by seeking medical treatment;
- 179 (5) Suicide of a child in custody or known to the Department of Human Services or when
 180 the finding of suicide is suspicious;
- 181 (6) Suspected or confirmed child abuse;
- 182 (7) Trauma to the head or body; or
- 183 (8) Homicide.
- 184 ~~(1)~~(1) Each review committee shall issue an annual report no later than ~~the first day~~
 185 ~~of July~~ July 1 each year. The report shall:
- 186 ~~(1)~~(A) Specify the numbers of reports received by such review committee from a
 187 county medical examiner or coroner pursuant to subsection (h) of this Code section for
 188 the preceding calendar year;
- 189 ~~(2)~~(B) Specify the number of reports of child fatality reviews prepared by the review
 190 committee during such period; and
- 191 ~~(3)~~(C) Be published at least once annually in the legal organ of the county or counties
 192 for which the review committee was established or a publicly available website with
 193 the expense of such publication paid each by such county; ~~and~~
- 194 ~~(4) Be transmitted, no later than the fifteenth day of July each year, to the panel.~~
- 195 (2) Each review committee shall transmit a copy of its annual report to the panel no later
 196 than July 15 each year."

197 **SECTION 2.**

198 Said chapter is further amended by revising subsection (k) of Code Section 19-15-4, relating
 199 to Georgia Fatality Review Panel, as follows:

200 "(k) The panel shall have the authority to obtain from any superior court judge of the
 201 county or circuit for which the matter is pending a subpoena to compel the production of
 202 documents or attendance of witnesses if the county multiagency child fatality review

203 committee has not exercised its authority to subpoena the documents or witnesses as
204 provided in paragraph (3) of subsection ~~(k)~~(i) of Code Section 19-15-3; provided, however,
205 that, if a superior court judge has previously ruled that the records or witnesses are not
206 necessary to the fatality review at issue, such finding shall be conclusive on the issuance
207 of the subpoena."

208

SECTION 3.

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