

By: Nichols

S.B. No. 802

A BILL TO BE ENTITLED

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AN ACT

relating to the child fatality review process, including the composition and functions of the child fatality review team committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a), (b), (c), (e), and (h), Section 264.502, Family Code, are amended to read as follows:

(a) The child fatality review team committee is composed of:

(1) a person appointed by and representing the state registrar [~~for the bureau~~] of vital statistics;

(2) a person appointed by and representing the commissioner [~~director of protective services for families and children~~] of the department;

(3) a person appointed by and representing the Title V director of the [~~bureau of epidemiology of the Texas~~] Department of State Health Services; and

(4) individuals selected under Subsection (b).

(b) The members of the committee who serve under Subsections (a)(1) through (3) shall select the following additional committee members:

(1) a criminal prosecutor involved in prosecuting crimes against children;

(2) a sheriff;

(3) a justice of the peace;

- 1 (4) a medical examiner;
- 2 (5) a police chief;
- 3 (6) a pediatrician experienced in diagnosing and
- 4 treating child abuse and neglect;
- 5 (7) a child educator;
- 6 (8) a child mental health provider;
- 7 (9) a public health professional;
- 8 (10) a child protective services specialist;
- 9 (11) a sudden infant death syndrome family service
- 10 provider;
- 11 (12) a neonatologist;
- 12 (13) a child advocate;
- 13 (14) a chief juvenile probation officer; ~~and~~
- 14 (15) a child abuse prevention specialist;
- 15 (16) a representative of the Department of Public
- 16 Safety; and
- 17 (17) a representative of the Texas Department of
- 18 Transportation.

19 (c) Members of the committee selected under Subsection (b)

20 serve three-year ~~[two-year]~~ terms with the terms of five or six

21 members, as appropriate, expiring ~~[that expire on]~~ February 1 ~~[of]~~

22 each ~~[even-numbered]~~ year.

23 (e) An appointment to a vacancy on the committee shall be

24 made in the same manner as the original appointment. A member is

25 eligible for reappointment.

26 (h) A member of the committee is not entitled to

27 compensation for serving on the committee but is entitled to

1 reimbursement for the member's travel expenses as provided in the
2 General Appropriations Act. Reimbursement under this subsection
3 for a person serving on the committee under Subsection (a)(2)
4 [~~(a)(1) or (3)~~] shall be paid from funds appropriated to the
5 department [~~Texas Department of Health~~]. Reimbursement for other
6 persons serving on the committee shall be paid from funds
7 appropriated to the Department of State Health Services
8 [~~department~~].

9 SECTION 2. Subsections (c), (d), and (f), Section 264.503,
10 Family Code, are amended to read as follows:

11 (c) The department shall work cooperatively with:

12 (1) the Department of State Health Services [~~recognize~~
13 ~~the creation and participation of review teams~~]; [~~and~~]

14 (2) [~~work cooperatively with~~] the committee; and

15 (3) [~~with~~] individual child fatality review teams.

16 (d) The Department of State Health Services shall:

17 (1) recognize the creation and participation of review
18 teams;

19 (2) promote and coordinate training to assist the
20 review teams in carrying out their duties;

21 (3) [~~(2)~~] assist the committee in developing model
22 protocols for:

23 (A) the reporting and investigating of child
24 fatalities for law enforcement agencies, child protective
25 services, justices of the peace and medical examiners, and other
26 professionals involved in the investigations of child deaths;

27 (B) the collection of data regarding child

1 deaths; and

2 (C) the operation of the review teams;

3 (4) [~~(3)~~] develop and implement procedures necessary
4 for the operation of the committee; and

5 (5) [~~(4)~~] promote education of the public regarding
6 the incidence and causes of child deaths, the public role in
7 preventing child deaths, and specific steps the public can
8 undertake to prevent child deaths.

9 (f) The committee shall issue a report for each preventable
10 child death. The report must include findings related to the
11 child's death, recommendations on how to prevent similar deaths,
12 and details surrounding the department's involvement with the child
13 prior to the child's death. Not later than April [~~December~~] 1 of
14 each year, the committee shall publish a compilation of the reports
15 published under this subsection during the year, submit a copy of
16 the compilation to the governor, lieutenant governor, speaker of
17 the house of representatives, and department, and make the
18 compilation available to the public. Not later than October [~~June~~]
19 1 of each year, the department shall submit a written response on
20 the compilation from the previous year to the committee, governor,
21 lieutenant governor, and speaker of the house of representatives
22 describing which of the committee's recommendations regarding the
23 operation of the child protective services system the department
24 will implement and the methods of implementation.

25 SECTION 3. (a) The child fatality review team committee
26 member serving under Subdivision (3), Subsection (a), Section
27 264.502, Family Code, immediately before the effective date of this

1 Act shall continue to serve as a committee member on and after that
2 date until the date a new member is appointed by the Title V
3 director of the Department of State Health Services.

4 (b) The terms of the members of the child fatality review
5 team committee appointed under Subsection (b), Section 264.502,
6 Family Code, and serving immediately before the effective date of
7 this Act expire February 1, 2008. Not later than February 1, 2008,
8 the committee members appointed under Subdivisions (1), (2), and
9 (3), Subsection (a), Section 264.502, Family Code, as amended by
10 this Act, shall appoint committee members under Subsection (b),
11 Section 264.502, Family Code, as amended by this Act.

12 (c) The initial terms of the members appointed under
13 Subsection (b) of this section shall be determined by drawing lots
14 as follows:

15 (1) five members shall serve terms expiring February
16 1, 2009;

17 (2) six members shall serve terms expiring February 1,
18 2010; and

19 (3) six members shall serve terms expiring February 1,
20 2011.

21 SECTION 4. This Act takes effect September 1, 2007.