

By: Nichols

S.B. No. 802

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

16 (4) individuals selected under Subsection (b).

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

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

22 (2) a sheriff;

23 (3) a justice of the peace;

24 (4) a medical examiner;

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

18 (c) Members of the committee selected under Subsection (b)
19 serve three-year ~~[two-year]~~ terms with the terms of five or six
20 members, as appropriate, expiring ~~[that expire on]~~ February 1 ~~[of]~~
21 each ~~[even-numbered]~~ year.

22 (e) An appointment to a vacancy on the committee shall be
23 made in the same manner as the original appointment. A member is
24 eligible for reappointment.

25 (h) A member of the committee is not entitled to
26 compensation for serving on the committee but is entitled to
27 reimbursement for the member's travel expenses as provided in the

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

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

10 (c) The department shall work cooperatively with:

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

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

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

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

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

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

20 (3) [~~(2)~~] assist the committee in developing model
21 protocols for:

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

26 (B) the collection of data regarding child
27 deaths; and

1 (C) the operation of the review teams;
2 (4) [~~(3)~~] develop and implement procedures necessary
3 for the operation of the committee; and
4 (5) [~~(4)~~] promote education of the public regarding
5 the incidence and causes of child deaths, the public role in
6 preventing child deaths, and specific steps the public can
7 undertake to prevent child deaths.

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

24 SECTION 3. (a) The child fatality review committee member
25 serving under Section 264.502(a)(3), Family Code, immediately
26 before the effective date of this Act shall continue to serve as a
27 committee member on and after that date until the date a new member

1 is appointed by the Title V director of the Department of State
2 Health Services.

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

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

13 (1) five members shall serve terms expiring February
14 1, 2009;

15 (2) six members shall serve terms expiring February 1,
16 2010; and

17 (3) six members shall serve terms expiring February 1,
18 2011.

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