

1-1 By: Nichols S.B. No. 802
1-2 (In the Senate - Filed February 21, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 26, 2007, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the child fatality review process, including the
1-9 composition and functions of the child fatality review team
1-10 committee.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (a), (b), (c), (e), and (h), Section
1-13 264.502, Family Code, are amended to read as follows:

1-14 (a) The child fatality review team committee is composed of:

1-15 (1) a person appointed by and representing the state
1-16 registrar ~~[for the bureau]~~ of vital statistics;

1-17 (2) a person appointed by and representing the
1-18 commissioner ~~[director of protective services for families and~~
1-19 ~~children]~~ of the department;

1-20 (3) a person appointed by and representing the Title V
1-21 director of the ~~[bureau of epidemiology of the Texas]~~ Department of
1-22 State Health Services; and

1-23 (4) individuals selected under Subsection (b).

1-24 (b) The members of the committee who serve under Subsections
1-25 (a)(1) through (3) shall select the following additional committee
1-26 members:

1-27 (1) a criminal prosecutor involved in prosecuting
1-28 crimes against children;

1-29 (2) a sheriff;

1-30 (3) a justice of the peace;

1-31 (4) a medical examiner;

1-32 (5) a police chief;

1-33 (6) a pediatrician experienced in diagnosing and
1-34 treating child abuse and neglect;

1-35 (7) a child educator;

1-36 (8) a child mental health provider;

1-37 (9) a public health professional;

1-38 (10) a child protective services specialist;

1-39 (11) a sudden infant death syndrome family service
1-40 provider;

1-41 (12) a neonatologist;

1-42 (13) a child advocate;

1-43 (14) a chief juvenile probation officer; ~~and~~

1-44 (15) a child abuse prevention specialist;

1-45 (16) a representative of the Department of Public
1-46 Safety; and

1-47 (17) a representative of the Texas Department of
1-48 Transportation.

1-49 (c) Members of the committee selected under Subsection (b)
1-50 serve three-year ~~[two-year]~~ terms with the terms of five or six
1-51 members, as appropriate, expiring [that expire on] February 1 ~~[of]~~
1-52 each ~~[even-numbered]~~ year.

1-53 (e) An appointment to a vacancy on the committee shall be
1-54 made in the same manner as the original appointment. A member is
1-55 eligible for reappointment.

1-56 (h) A member of the committee is not entitled to
1-57 compensation for serving on the committee but is entitled to
1-58 reimbursement for the member's travel expenses as provided in the
1-59 General Appropriations Act. Reimbursement under this subsection
1-60 for a person serving on the committee under Subsection (a)(2)
1-61 ~~[(a)(1) or (3)]~~ shall be paid from funds appropriated to the
1-62 department ~~[Texas Department of Health]~~. Reimbursement for other
1-63 persons serving on the committee shall be paid from funds
1-64 appropriated to the Department of State Health Services

2-1 ~~[department].~~

2-2 SECTION 2. Subsections (c), (d), and (f), Section 264.503,
2-3 Family Code, are amended to read as follows:

2-4 (c) The department shall work cooperatively with:

2-5 (1) the Department of State Health Services [~~recognize~~
2-6 ~~the creation and participation of review teams~~]; [~~and~~]

2-7 (2) [~~work cooperatively with~~] the committee; and

2-8 (3) [~~with~~] individual child fatality review teams.

2-9 (d) The Department of State Health Services shall:

2-10 (1) recognize the creation and participation of review
2-11 teams;

2-12 (2) promote and coordinate training to assist the
2-13 review teams in carrying out their duties;

2-14 (3) [~~(2)~~] assist the committee in developing model
2-15 protocols for:

2-16 (A) the reporting and investigating of child
2-17 fatalities for law enforcement agencies, child protective
2-18 services, justices of the peace and medical examiners, and other
2-19 professionals involved in the investigations of child deaths;

2-20 (B) the collection of data regarding child
2-21 deaths; and

2-22 (C) the operation of the review teams;

2-23 (4) [~~(3)~~] develop and implement procedures necessary
2-24 for the operation of the committee; and

2-25 (5) [~~(4)~~] promote education of the public regarding
2-26 the incidence and causes of child deaths, the public role in
2-27 preventing child deaths, and specific steps the public can
2-28 undertake to prevent child deaths.

2-29 (f) The committee shall issue a report for each preventable
2-30 child death. The report must include findings related to the
2-31 child's death, recommendations on how to prevent similar deaths,
2-32 and details surrounding the department's involvement with the child
2-33 prior to the child's death. Not later than April [~~December~~] 1 of
2-34 each year, the committee shall publish a compilation of the reports
2-35 published under this subsection during the year, submit a copy of
2-36 the compilation to the governor, lieutenant governor, speaker of
2-37 the house of representatives, and department, and make the
2-38 compilation available to the public. Not later than October [~~June~~]
2-39 1 of each year, the department shall submit a written response on
2-40 the compilation from the previous year to the committee, governor,
2-41 lieutenant governor, and speaker of the house of representatives
2-42 describing which of the committee's recommendations regarding the
2-43 operation of the child protective services system the department
2-44 will implement and the methods of implementation.

2-45 SECTION 3. (a) The child fatality review team committee
2-46 member serving under Subdivision (3), Subsection (a), Section
2-47 264.502, Family Code, immediately before the effective date of this
2-48 Act shall continue to serve as a committee member on and after that
2-49 date until the date a new member is appointed by the Title V
2-50 director of the Department of State Health Services.

2-51 (b) The terms of the members of the child fatality review
2-52 team committee appointed under Subsection (b), Section 264.502,
2-53 Family Code, and serving immediately before the effective date of
2-54 this Act expire February 1, 2008. Not later than February 1, 2008,
2-55 the committee members appointed under Subdivisions (1), (2), and
2-56 (3), Subsection (a), Section 264.502, Family Code, as amended by
2-57 this Act, shall appoint committee members under Subsection (b),
2-58 Section 264.502, Family Code, as amended by this Act.

2-59 (c) The initial terms of the members appointed under
2-60 Subsection (b) of this section shall be determined by drawing lots
2-61 as follows:

2-62 (1) five members shall serve terms expiring February
2-63 1, 2009;

2-64 (2) six members shall serve terms expiring February 1,
2-65 2010; and

2-66 (3) six members shall serve terms expiring February 1,
2-67 2011.

2-68 SECTION 4. This Act takes effect September 1, 2007.

2-69 * * * * *