

## HOUSE BILL NO. HB0157

Child fatality review.

Sponsored by: Representative(s) Steward and Esquibel, K.  
and Senator(s) Landen and Ross

A BILL

for

1 AN ACT relating to child fatality reviews; providing for a  
2 child fatality and major injury review state team created  
3 within the attorney general's office; providing for  
4 confidentiality of review proceedings; creating protection  
5 for review team members and review findings; providing for  
6 local review teams to review all cases of preventable child  
7 fatalities and major injuries; providing mandatory  
8 responsibilities of review teams; providing for  
9 coordination between local review teams and the state team;  
10 granting rulemaking authority; and providing for an  
11 effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 9-1-641 through 9-1-646 are created  
16 to read:

1

2

## SUBARTICLE 1

3

## CHILD FATALITY AND MAJOR INJURY REVIEWS

4

5

**9-1-641. Definitions.**

6

7

(a) For purposes of this subarticle:

8

9

(i) "Child" means a person under eighteen (18) years of age;

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12

(ii) "Major injury" means sexual abuse or bodily injury which creates a substantial risk of death, severe disfigurement, protracted loss or impairment of the function of any bodily member or organ, second or third degree burns, fracture of any bone, subdural hematoma or substantial malnutrition which appears possibly to have been caused by trauma, suspicious or obscure circumstances or child abuse or neglect;

20

21

(iii) "Preventable death" means a death which reasonable medical, social, legal, psychological or educational intervention may have prevented and includes unexpected deaths;

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1

2 (iv) "Provider of medical care" means a health  
3 practitioner who provides, or a facility through which is  
4 provided, medical evaluation or treatment, including dental  
5 and mental health evaluation or treatment;

6

7 (v) "State team" means the state child fatality  
8 and major injury review team;

9

10 (vi) "Unexpected death" includes all child  
11 fatalities which appear possibly to have been caused by  
12 trauma, suspicious or obscure circumstances or child abuse  
13 or neglect;

14

15 (vii) "This subarticle" means W.S. 9-1-641  
16 through 9-1-646.

17

18 **9-1-642. State child fatality and major injury review**  
19 **team.**

20

21 (a) There is created within the attorney general's  
22 office the state child major injury and fatality review  
23 team. The state team shall be composed of the following  
24 members appointed by the governor and other than the

1 members in paragraphs (i) through (iv) of this subsection  
2 shall serve terms of three (3) years:

3

4 (i) The director of the department of family  
5 services;

6

7 (ii) The director of the department of health;

8

9 (iii) The state superintendent of public  
10 instruction;

11

12 (iv) The director of the division of criminal  
13 investigation;

14

15 (v) A representative of state health  
16 department's mental health and substance abuse services  
17 division;

18

19 (vi) A pediatrician with experience in  
20 diagnosing and treating child abuse and neglect;

21

22 (vii) A coroner or medical examiner;

23

1           (viii) A representative of the county and  
2 prosecuting attorney's association;

3

4           (ix) A representative of a local law enforcement  
5 agency;

6

7           (x) A representative of a county public health  
8 or local health department;

9

10           (xi) An emergency services provider;

11

12           (xii) A mental health provider;

13

14           (xiii) A member of the judiciary who regularly  
15 sits on both criminal and civil cases;

16

17           (xiv) A member of the defense bar;

18

19           (xv) A representative from a school district;

20

21           (xvi) A member of a victim's advocacy group or  
22 organization;

23

1           (xvii) A representative of the citizens review  
2 panel;

3

4           (xviii) A child advocate or member of a child  
5 advocacy organization;

6

7           (xix) A representative of a parent group or  
8 organization;

9

10           (xx) Two (2) members of the public at-large.

11

12           (b) The mandatory state team members may appoint up  
13 to six (6) other members to serve on the state team as  
14 follows:

15

16           (i) A guardian ad litem;

17

18           (ii) Representatives from other relevant  
19 professions;

20

21           (iii) Tribal representatives;

22

23           (iv) A military representative;

24

1           (v) Temporary members selected for the needs of  
2 a particular case.

3

4           (c) State agency members and the elected official  
5 designated in paragraphs (a)(i) through (v) of this section  
6 shall serve ex officio and may appoint a designee to serve  
7 in their place from their particular departments or  
8 agencies who have administrative or program  
9 responsibilities for children and families. Each ex  
10 officio member shall provide sufficient staff and  
11 administrative support to carry out the responsibilities of  
12 this subarticle.

13

14           (d) The governor may remove any member of the state  
15 team as provided in W.S. 9-1-202.

16

17           (e) A chairman, vice-chairman and secretary of the  
18 state team shall be elected from among the members by a  
19 majority vote of the membership for staggered terms of two  
20 (2) years.

21

22           (f) Meetings of the state team shall be held at least  
23 quarterly. A majority of the state team constitutes a  
24 quorum.

1

2 (g) Members of the state team shall not receive  
3 compensation for their services, but when actually engaged  
4 in the performance of their duties, they shall receive  
5 travel expenses, per diem and mileage expenses in the same  
6 manner and amount as employees of the state.

7

8 **9-1-643. Review of preventable child fatalities and**  
9 **major injuries; purpose; duties.**

10

11 (a) The purpose of the state team is to decrease the  
12 incidence of preventable child fatalities and major  
13 injuries by:

14

15 (i) Developing an understanding of the causes  
16 and incidence of child fatalities and major injuries;

17

18 (ii) Recommending and assisting in the  
19 development of plans for and implementation of changes  
20 within the agencies represented on the team which will  
21 prevent child fatalities and major injuries; and

22

1           (iii) Advising the governor and the legislature  
2 on statutory, policy and practice changes which will  
3 prevent child fatalities and major injuries.

4

5           (b) To achieve its purpose, the state team's duties  
6 include, but are not limited to, the following:

7

8           (i) Undertaking annual statistical studies of  
9 the incidence and causes of child fatalities and major  
10 injuries in this state. The studies shall include a  
11 summary of community and public and private agency  
12 involvement with the decedents or victims and their  
13 families before and subsequent to the fatalities or major  
14 injuries;

15

16           (ii) Reviewing the circumstances of the death or  
17 major injury by sharing information regarding the child and  
18 family contained in the records of agencies represented on  
19 the team at the state team's next scheduled meeting. The  
20 responsibilities for members of the team and dates for  
21 subsequent meetings regarding the child or family shall be  
22 established at the meeting;

23

1           (iii) Developing a protocol for child fatality  
2 and major injury reviews;

3

4           (iv) Developing a protocol for the collection of  
5 data regarding child fatalities and major injuries;

6

7           (v) Developing partnerships with the local  
8 review teams. The state team shall assist the further  
9 development of case reviews by the local teams. If the  
10 state team in its works believes that changes to any  
11 statute or agency regulation, policy or procedure are  
12 needed to decrease the incidence of preventable child  
13 fatalities or major injuries, the team shall take steps to  
14 recommend the development and implementation of these  
15 changes to regulations, policies and procedures and shall  
16 include proposals for changes to statutes in the team's  
17 annual report;

18

19           (vi) Examining confidentiality and access to  
20 information, statutes, regulations, policies and procedures  
21 for agencies with responsibilities for children including,  
22 but not limited to, health, public welfare, education,  
23 social services, mental health, alcohol and other substance  
24 abuse and law enforcement agencies and determining whether

1 those statutes, regulations, policies or procedures impede  
2 the exchange of information necessary to protect children  
3 from preventable fatalities and major injuries. If the  
4 state team identifies a statute, regulation, policy or  
5 procedure that impedes the necessary exchange of  
6 information, the team shall notify the relevant state  
7 agencies for the purpose of development and implementation  
8 of the recommended changes to regulations, policies and  
9 procedures and the state team shall include proposals for  
10 changes to statutes in the team's annual report;

11

12 (vii) Developing and implementing policies and  
13 procedures for its own governance and operation;

14

15 (viii) Submitting to the governor, the joint  
16 judiciary interim committee and the joint labor, health and  
17 social services interim committee an annual written report  
18 by October 1 of each year and any other reports prepared by  
19 the state team including, but not limited to, the state  
20 team's findings and recommendations. Annual reports shall  
21 be made available to the public.

22

23 **9-1-644. Access to information.**

24

1           (a) Unless otherwise prohibited by law, upon request  
2 of the chairman of the state team and as necessary to carry  
3 out the state team's purpose and duties, the state team  
4 shall be provided:

5

6           (i) By a provider of medical care, access to  
7 information and records regarding a child whose death or  
8 major injury is being reviewed by the state team, including  
9 information on prenatal care;

10

11           (ii) Access to all information and records  
12 maintained by any state, county or local government agency  
13 including, but not limited to, birth certificates, death  
14 certificates, law enforcement investigation data, county  
15 coroner or medical examiner investigation data, parole and  
16 probation information and records and information and  
17 records of social services and health agencies that  
18 provided services to the child or family.

19

20           **9-1-645. Confidentiality of records and proceedings.**

21

22           (a) Meetings of the state team are closed to the  
23 public and are not subject to W.S. 16-4-401 through

1 16-4-408 when the state team is discussing individual cases  
2 of child fatalities or major injuries.

3

4 (b) Except as provided in subsection (a) of this  
5 section, meetings of the state team are open to the public  
6 and subject to W.S. 16-4-401 through 16-4-408 when the  
7 state team is not discussing individual cases of child  
8 fatalities or major injuries.

9

10 (c) Information identifying a deceased child or child  
11 sustaining a major injury, or a family member, guardian or  
12 caretaker of a deceased child or child sustaining a major  
13 injury, or an alleged or suspected perpetrator of abuse or  
14 neglect upon a child shall not be disclosed during a public  
15 meeting and information regarding the involvement of any  
16 agency with the deceased child or child sustaining a major  
17 injury or the child's family shall not be disclosed during  
18 a public meeting.

19

20 (d) Nothing in this section shall be construed to  
21 prevent the state team from requesting the attendance at a  
22 team meeting of a person who has information relevant to  
23 the team's exercise of its purpose and duties.

24

1           (e) Except as otherwise provided in this section, all  
2 information and records acquired by and compiled by the  
3 state team in the exercise of its purpose and duties  
4 pursuant to this subarticle are confidential, exempt from  
5 disclosure under the Wyoming Public Records Act and may  
6 only be disclosed as necessary to carry out the team's  
7 duties and purpose.

8

9           (f) Statistical compilations of data which do not  
10 contain information that would permit the identification of  
11 a person to be ascertained are public records.

12

13           (g) Reports of the state team which do not contain  
14 information that would permit the identification of a  
15 person to be ascertained are public records.

16

17           (h) Except as necessary to carry out the state team's  
18 purpose and duties, members of the team and persons  
19 attending the team meeting may not disclose what transpired  
20 at a meeting or information disclosed at a meeting except  
21 as otherwise allowed under this section or required by law  
22 and shall sign a confidentiality agreement at the opening  
23 of each meeting.

24

1           (j) Members of the state team, persons attending a  
2 team meeting and persons who present information to the  
3 state team shall not be required to disclose in any civil  
4 or criminal proceeding information presented in or opinions  
5 formed as a result of a meeting. Nothing in this  
6 subsection shall be construed to prevent a person from  
7 testifying to information obtained independently of the  
8 team or which is public information.

9

10           (k) Information, documents and records of the state  
11 team are not subject to subpoena, discovery or introduction  
12 into evidence in any civil or criminal proceeding, except  
13 that information, documents and records otherwise available  
14 from other sources are not immune from subpoena, discovery  
15 or introduction into evidence through those sources solely  
16 because they were presented during proceedings of the team  
17 or are maintained by the team.

18

19           (m) Violation of this section is a misdemeanor  
20 punishable by a fine of not more than five hundred dollars  
21 (\$500.00), imprisonment for not more than six (6) months,  
22 or both.

23

1           **9-1-646. Local child fatality and major injury review**  
2 **teams; creation; composition; duties; records confidential.**

3

4           (a) The state team and local agencies shall encourage  
5 the creation of local child fatality and major injury  
6 review teams within each of the fifteen (15) judicial  
7 districts of the state. The purposes of the local review  
8 teams shall be to review all cases involving a preventable  
9 child death or major injury to a child, to advocate for  
10 improved services or procedures for children and to provide  
11 case information and recommendations to the state team.  
12 The state team may assist local teams in the promulgation  
13 of reasonable rules and regulations to define the roles and  
14 procedures of local review teams.

15

16           (b) A local review team may be composed of:

17

18                   (i) A member of the district or prosecuting  
19 attorney's office;

20

21                   (ii) A designated representative from the school  
22 district or districts within the area served by the team;

23

1           (iii) A representative from the local field  
2 office of the department of family services;

3

4           (iv) A representative from the county  
5 government;

6

7           (v) A representative from each city and town in  
8 the judicial district;

9

10           (vi) A coroner or medical examiner;

11

12           (vii) A representative of a county public health  
13 office or local health department;

14

15           (viii) A pediatrician or family practice  
16 physician;

17

18           (ix) An emergency services provider;

19

20           (x) A mental health provider;

21

22           (xi) Representatives from other relevant  
23 professions;

24

1           (xii) Temporary members selected for the needs  
2 of a particular case as determined by the team.

3

4           (c) A local review team may:

5

6           (i) Assist and coordinate with the state team,  
7 the local child protective agency and all available  
8 agencies and organizations dealing with children;

9

10           (ii) Identify or develop community resources to  
11 serve and advocate for improved services and procedures for  
12 children;

13

14           (iii) Identify training needs, sponsor training  
15 and raise community awareness of child protection issues;

16

17           (iv) Assist and make recommendations of  
18 appropriate services in individual cases brought to it by  
19 the state team; and

20

21           (v) Review all incidents within the area served  
22 by the review team involving a preventable child death or  
23 major injury to a child.

24

1           (d) All records and proceedings of the local review  
2 teams are confidential and local team members and  
3 proceedings shall have the same protections provided to the  
4 state team in W.S. 9-1-645 and the same access to  
5 information as the state team in W.S. 9-1-644.

6

7           **Section 2.** This act is effective July 1, 2009.

8

9

(END)