STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1593

BY: LARASON and SADLER of the HOUSE

and

BROWN of the SENATE

COMMITTEE SUBSTITUTE

AN ACT RELATING TO CHILDREN; CREATING THE CHILD DEATH REVIEW BOARD ACT; PROVIDING SHORT TITLE; DEFINING TERMS; STATING CERTAIN PURPOSES; CREATING THE CHILD DEATH REVIEW BOARD WITHIN THE OKLAHOMA COMMISSION ON CHILDREN AND YOUTH; PROVIDING POWERS AND DUTIES OF BOARD; ESTABLISHING THE DUTIES AND RESPONSIBILITIES; MAKING CERTAIN AUTHORIZATIONS AND LIMITATIONS; REQUIRING REPORT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR THE APPOINTMENT AND TERMS OF MEMBERS; PROVIDING FOR MEETINGS; PROVIDING FOR ADMINISTRATIVE ASSISTANCE AND SERVICES; ADDING TO THE POWERS AND DUTIES OF THE OFFICE OF CHIEF MEDICAL EXAMINER; REQUIRING DIRECTOR OF THE BUREAU OF VITAL STATISTICS TO FORWARD CERTAIN DEATH CERTIFICATES; MAKING CERTAIN REQUIREMENTS OF THE ENTITIES COMPRISING THE CHILD PROTECTION SYSTEM; SETTING DATE FOR THE TERMINATION OF THE BOARD; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1150 of Title 10, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 6 of this act shall be known and may be cited as the "Child Death Review Board Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1150.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

As used in the Child Death Review Board Act:

1. "Board" means the Child Death Review Board;

2. "Child protection system" means public and private agencies, medical personnel, courts, law enforcement agencies and legal, education and social service professionals with responsibilities related to child abuse and neglect; and

3. "Commission" means the Oklahoma Commission on Children and Youth.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Child Death Review Board within the Oklahoma Commission on Children and Youth. The Board shall have the power and duty to:

1. Conduct case reviews of child deaths in this state;

2. Develop accurate statistical information and identification of child deaths due to abuse and neglect;

3. Improve the ability to provide protective services to the siblings of abused or neglected children who may still be living in a dangerous environment; and

4. Improve policies, procedures and practices within the child protection system.

B. In carrying out its duties and responsibilities the Board shall:

1. Establish criteria for cases of child death subject to specific, in-depth review or investigation by the Board;

2. Conduct a specific case review of those cases referred by the Office of Chief Medical Examiner where the cause of death is or may be related to child abuse or neglect;

3. Establish and maintain statistical information related to child deaths resulting from child abuse and neglect including, but not limited to, demographic and medical diagnostic information;

4. Review the policies, practices and procedures of the child protection system and make specific recommendations to the entities comprising the child protection system for actions necessary for the improvement of said system;

5. As necessary and appropriate, for the protection of siblings of a child whose death is the result of child abuse or neglect, refer specific cases to the Department of Human Services or the appropriate district attorney for further investigation;

6. Request and obtain all records and reports pertaining to a child whose case is under review including, but not limited to, the medical examiner's report, hospital records, school records, court records and Department of Human Services' protective service files. Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law;

7. Conduct investigations of specific cases of child deaths and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second opinion autopsies. Second opinion autopsies shall be requested through the Office of the Chief Medical Examiner as otherwise provided by law;

8. Recommend alternate cause of death determinations in cases where abuse or neglect as the cause of death is documented but said cause is not shown on the death certificate; and

9. Subject to the approval of the Oklahoma Commission on Children and Youth, exercise all incidental powers necessary and proper for the implementation and administration of the Child Death Review Board Act.

C. The Child Death Review Board may receive, review and discuss, in executive session, information on individual child abuse investigations and prosecution; provided, however, that the Child Death Review Board shall assure compliance with confidentiality requirements of Section 846 of Title 21 of the Oklahoma Statutes. Except when discussing individual cases, the Board shall comply with the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. All discussions of individual cases and any writings produced by or created for the Board in the course of its review of any individual case, including any specific action or remedial measure recommended by the Board as the result of a review of an individual case, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the child protection system and such meetings shall be subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

D. The Board shall make an annual report of its findings and recommendations for the improvement of the child protection system to the Governor, the Oklahoma Public Welfare Commission, the Oklahoma Commission on Children and Youth, the President Pro Tempore

of the Senate, the Speaker of the House of Representatives and each agency or organization affected by the report. The Oklahoma Commission on Children and Youth shall review the report of the Board and, as appropriate, incorporate the findings and recommendations into the annual Commission report and State Plan for Services to Children and Youth.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1150.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Child Death Review Board shall be composed of twenty-one (21) members as follows:

1. Ten members shall be:

a. the Chief Medical Examiner or his designee,

b. the Director of the Department of Human Services or his designee. The designee of the Director of the Department of Human Services shall be a person assigned to the Child Welfare Division of the Department,

c. the Commissioner of Health or his designee,

d. the Director of the Office of Child Abuse Prevention or his designee,

e. the Director of the Oklahoma Commission on Children and Youth or his designee,

f. the Chief Child Abuse Examiner or his designee,

g. the Chief of Maternal and Child Health Services of the State Department of Health,

h. the Director of the Department of Mental Health and Substance Abuse Services or his designee,

i. the Chairman of the Child Protection Committee of the Children's Hospital of Oklahoma, and

j. the State Epidemiologist of the State Department of Health; and

2. Eleven members shall be appointed by the Director of the Oklahoma Commission on Children and Youth. They shall serve for a term of two (2) years and may be reappointed. Said members shall be persons having training and experience in matters related to child abuse or neglect. The appointed members shall include:

a. a law enforcement officer selected from a list submitted by the executive board of an organization representing sheriffs and peace officers in this state,

b. a member of the judiciary selected from a list submitted by the Chief Justice of the Supreme Court,

c. an attorney licensed in this state who is in private practice selected from a list submitted by the executive board of the Oklahoma Bar Association,

d. a district attorney selected from a list submitted by the District Attorney's Council,

e. a pediatric allopathic physician selected from a list submitted by a statewide organization representing physicians in this state,

f. a pediatric osteopathic physician selected from a list submitted by a statewide organization representing osteopathic physicians in this state,

g. a social worker licensed in this state who is not an employee of the Department of Human Services selected from a list submitted by each organization in this state representing social workers in this state,

h. a psychologist licensed in this state selected from a list submitted by each organization representing psychologists in this state,

i. a representative of the State Foster Care Review Board,

j. a representative of the Oklahoma Casa Association, and

k. a member of an American Indian Tribe who is a citizen of this state and is involved in the placement of Indian children under the Indian Child Welfare Act.

B. The Board shall annually elect from among its membership a Chairman and a Vice Chairman. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the Chairman. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Commission pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes; provided, that said reimbursement shall be paid in the case of state employee members by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the Commission shall provide administrative assistance and services to the Child Death Review Board.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1150.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Beginning November 1, 1991, the Director of the Bureau of Vital Statistics shall forward to the Office of the Chief Medical Examiner on a monthly basis copies of all death certificates of persons under eighteen (18) years of age received by the Bureau of Vital Statistics during the preceding month.

B. The Office of Chief Medical Examiner shall conduct an initial review of child death certificates in accordance with the criteria established by the Child Death Review Board and refer to the Board those cases that meet the criteria established by the Board for specific case review.

C. Upon the request of the Board, every entity within the child protection system shall provide to the Board any information requested by the Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1150.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Child Death Review Board created by this act shall cease to exist on September 1, 1993.

SECTION 7. This act shall become effective September 1, 1991.

43-1-1034 CJ