

FIRST REGULAR SESSION

# SENATE BILL NO. 305

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 24, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1296S.02I

## AN ACT

To repeal section 210.192, 210.194, and 210.195, RSMo, and to enact in lieu thereof three new sections relating to child fatality review panels.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 210.192, 210.194, and 210.195, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 210.192,  
3 210.194, and 210.195, to read as follows:

210.192. 1. The prosecuting attorney or the circuit attorney shall impanel  
2 a child fatality review panel for the county or city not within a county in which  
3 he or she serves to investigate the deaths of children under the age of eighteen  
4 years, who are eligible to receive a certificate of live birth. The panel shall be  
5 formed and shall operate according to the rules, guidelines and protocols provided  
6 by the department of social services.

7 2. The panel shall include, but shall not be limited to, the following:

- 8 (1) The prosecuting or circuit attorney;  
9 (2) The coroner or medical examiner for the county or city not within a  
10 county;  
11 (3) Law enforcement personnel in the county or city not within a county;  
12 (4) A representative from the children's division;  
13 (5) A provider of public health care services;  
14 (6) A representative of the juvenile court;  
15 (7) A provider of emergency medical services.

16 3. The prosecuting or circuit attorney shall organize the panel and shall  
17 call the first organizational meeting of the panel. The panel shall elect a  
18 chairman who shall convene the panel to meet to review all deaths of children

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 under the age of eighteen years, who are eligible to receive a certificate of live  
20 birth, which meet guidelines for review as set forth by the department of social  
21 services. In addition, the panel may review at its own discretion any child death  
22 reported to it by the medical examiner or coroner, even if it does not meet criteria  
23 for review as set forth by the department. The panel shall issue a final report,  
24 which shall be a public record, of each investigation to the department of social  
25 services, state technical assistance team and to the director of the department of  
26 health and senior services. The final report shall include a completed summary  
27 report form. The form shall be developed by the director of the department of  
28 social services in consultation with the director of the department of health and  
29 senior services. [The department of health and senior services shall analyze the  
30 child fatality review panel reports and periodically prepare epidemiological  
31 reports which describe the incidence, causes, location and other factors pertaining  
32 to childhood deaths.] The department of health and senior services and  
33 department of social services shall make recommendations and develop programs  
34 to prevent childhood injuries and deaths.

35 4. The child fatality review panel shall enjoy such official immunity as  
36 exists at common law.

210.194. 1. The director of the department of social services, in  
2 consultation with the director of the department of health and senior services,  
3 shall promulgate rules, guidelines and protocols for child fatality review panels  
4 established pursuant to section 210.192 and for state child fatality review panels.

5 2. The director shall promulgate guidelines and protocols for coroner and  
6 medical examiners to use to help them to identify suspicious deaths of children  
7 under the age of eighteen years, who are eligible to receive a certificate of live  
8 birth.

9 3. No rule or portion of a rule promulgated under the authority of sections  
10 210.192 to 210.196 shall become effective unless it has been promulgated  
11 pursuant to the provisions of section 536.024.

12 4. All meetings conducted[, all reports and records] **and work product,**  
13 **including internal memoranda, summaries or minutes of meetings, and**  
14 **written, audio, or electronic records and communications,** made and  
15 maintained pursuant to sections 210.192 to 210.196 by the department of social  
16 services and department of health and senior services and its divisions, including  
17 the state technical assistance team, or other appropriate persons, officials, or  
18 state child fatality review panel and local child fatality review panel shall be

19 confidential [and shall not be open to the general public except for the annual  
20 report pursuant to section 210.195], **unless otherwise provided in this**  
21 **subsection, section 210.150, section 210.195, or section 660.520. The**  
22 **state technical assistance team shall make nonidentifiable, aggregate**  
23 **data on child fatalities publicly available. Identifiable data shall be**  
24 **released at the discretion of the director of the department of social**  
25 **services.**

210.195. 1. The director of the department of social services shall  
2 establish a special team which shall:

3 (1) Develop and implement protocols for the evaluation and review of child  
4 fatalities;

5 (2) Provide training, expertise and assistance to county child fatality  
6 review panels for the review of child fatalities;

7 (3) When required and unanimously requested by the county fatality  
8 review panel, assist in the review and prosecution of specific child fatalities; and

9 (4) The special team may be known as the department of social services,  
10 state technical assistance team.

11 2. The director of the department of social services shall appoint regional  
12 coordinators to serve as resources to child fatality review panels established  
13 pursuant to section 210.192.

14 3. The director of the department of social services shall appoint a state  
15 child fatality review panel which shall meet at least biannually to provide  
16 oversight and make recommendations to the department of social services, state  
17 technical assistance team. The department of social services, state technical  
18 assistance team shall gather data from local child fatality review panels to  
19 identify systemic problems and shall submit findings and recommendations to the  
20 director of the department of social services, the governor, the speaker of the  
21 house of representatives, the president pro tempore of the senate, the children's  
22 services commission, juvenile officers, and the chairman of the local child fatality  
23 review panel, at least once a year, on ways to prevent further child abuse and  
24 injury deaths. **The report shall include a summary of compliance with**  
25 **the provisions of sections 210.192 to 210.196 for each county or city not**  
26 **within a county.**