

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0443.01 Jane Ritter

HOUSE BILL 11-1181

HOUSE SPONSORSHIP

Kefalas,

SENATE SPONSORSHIP

Newell,

House Committees
Health and Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY**
102 **REVIEW TEAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill codifies and modifies certain processes of the existing department of human services child fatality review team (team) and sets forth in statute its membership, duties, and reporting requirements. The department of human services is authorized to promulgate rules to reflect statutory modifications to the team.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 22, 2011

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 1 of article 1 of title 26, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **26-1-139. Child fatality prevention - legislative declaration -**
6 **process - department of human services child fatality review team -**
7 **reporting - rules.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND
8 DECLARES THAT:

9 (a) IT IS OF THE UTMOST IMPORTANCE AND A COMMUNITY
10 RESPONSIBILITY TO MITIGATE THE DEATHS OF CHILDREN IN THE STATE DUE
11 TO ABUSE OR NEGLECT. PROFESSIONALS FROM DISPARATE DISCIPLINES
12 SHARE RESPONSIBILITIES FOR THE SAFETY AND WELL-BEING OF CHILDREN
13 AS WELL AS EXPERTISE THAT CAN PROMOTE THAT SAFETY AND
14 WELL-BEING. MULTIDISCIPLINARY REVIEWS OF THE DEATHS OF CHILDREN
15 DUE TO ABUSE OR NEGLECT CAN LEAD TO A BETTER UNDERSTANDING OF
16 THE CAUSES OF SUCH TRAGEDIES AND, MORE IMPORTANTLY, METHODS OF
17 MITIGATING FUTURE DEATHS.

18 (b) THERE IS A NEED FOR A MULTIDISCIPLINARY TEAM TO CONDUCT
19 IN-DEPTH CASE REVIEWS AFTER A CHILD FATALITY THAT INVOLVES A
20 SUSPICION OF ABUSE OR NEGLECT AND WHERE THE CHILD OR FAMILY HAS
21 HAD PREVIOUS INVOLVEMENT, THAT WAS DIRECTLY RELATED TO THE
22 FATALITY, WITH A COUNTY DEPARTMENT WITHIN TWO YEARS PRIOR TO
23 THE FATALITY. THE MULTIDISCIPLINARY REVIEW WOULD COMPLEMENT
24 THAT OF THE REVIEW CONDUCTED BY THE COLORADO STATE CHILD
25 FATALITY PREVENTION REVIEW TEAM IN THE DEPARTMENT OF PUBLIC
26 HEALTH AND ENVIRONMENT PURSUANT TO ARTICLE 20.5 OF TITLE 25,

1 C.R.S. THE GOAL OF THE MULTIDISCIPLINARY REVIEW SHALL NOT BE TO
2 AFFIX BLAME, BUT RATHER TO IMPROVE UNDERSTANDING OF WHY THE
3 FATALITIES OCCUR AND DEVELOP RECOMMENDATIONS FOR MITIGATION OF
4 FUTURE FATALITIES.

5 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CODIFY THE
6 DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM AS
7 WELL AS MODIFY CERTAIN ASPECTS OF ITS PROCESSES TO PROMOTE AN
8 UNDERSTANDING OF THE CAUSES OF EACH CHILD'S DEATH DUE TO ABUSE
9 OR NEGLECT, IDENTIFY SYSTEMIC DEFICIENCIES IN THE DELIVERY OF
10 SERVICES AND SUPPORTS TO CHILDREN AND FAMILIES, AND RECOMMEND
11 CHANGES TO HELP MITIGATE FUTURE CHILD DEATHS.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "PREVIOUS INVOLVEMENT" MEANS A SITUATION IN WHICH THE
15 COUNTY DEPARTMENT HAS RECEIVED A REFERRAL, RESPONDED TO A
16 REPORT, OPENED AN ASSESSMENT, PROVIDED SERVICES, OR OPENED A CASE
17 IN THE COLORADO TRAILS SYSTEM; EXCEPT THAT THE FOLLOWING
18 SITUATIONS SHALL NOT BE CONSIDERED TO BE "PREVIOUS INVOLVEMENT":

- 19 (I) THE SITUATION DID NOT INVOLVE ABUSE OR NEGLECT;
- 20 (II) THE SITUATION OCCURRED WHEN THE PARENT WAS SEVENTEEN
21 YEARS OF AGE OR YOUNGER AND BEFORE HE OR SHE WAS THE PARENT OF
22 THE DECEASED CHILD; OR
- 23 (III) THE SITUATION OCCURRED WITH A DIFFERENT FAMILY
24 COMPOSITION AND A DIFFERENT ALLEGED PERPETRATOR.

25 (b) "SUSPICIOUS FATALITY" MEANS A FATALITY THAT IS MORE
26 LIKELY THAN NOT TO HAVE BEEN CAUSED BY ABUSE OR NEGLECT.

27 (c) "TEAM" MEANS THE DEPARTMENT OF HUMAN SERVICES CHILD

1 FATALITY REVIEW TEAM ESTABLISHED IN RULES PROMULGATED PURSUANT
2 TO SECTION 26-1-111 AND CODIFIED PURSUANT TO SUBSECTION (3) OF THIS
3 SECTION.

4 (3) THERE IS HEREBY ESTABLISHED IN THE STATE DEPARTMENT
5 THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM.
6 THE TEAM SHALL HAVE THE FOLLOWING OBJECTIVES:

7 (a) TO ASSESS THE RECORDS OF EACH CASE IN WHICH A SUSPICIOUS
8 CHILD FATALITY OCCURRED AND THE CHILD OR FAMILY HAD PREVIOUS
9 INVOLVEMENT WITH A COUNTY DEPARTMENT THAT WAS DIRECTLY
10 RELATED TO THE FATALITY WITHIN TWO YEARS PRIOR TO THE FATALITY;

11 (b) TO UNDERSTAND THE CAUSES OF THE REVIEWED CHILD
12 FATALITIES;

13 (c) TO IDENTIFY ANY GAPS OR DEFICIENCIES THAT MAY EXIST IN
14 THE DELIVERY OF SERVICES TO CHILDREN AND THEIR FAMILIES BY PUBLIC
15 AGENCIES THAT ARE DESIGNED TO MITIGATE FUTURE CHILD ABUSE,
16 NEGLECT, OR DEATH; AND

17 (d) TO MAKE RECOMMENDATIONS FOR CHANGES TO LAWS,
18 RULES, AND POLICIES THAT WILL SUPPORT THE SAFE AND HEALTHY
19 DEVELOPMENT OF COLORADO'S CHILDREN.

20 (4) THE TEAM SHALL HAVE THE FOLLOWING DUTIES:

21 (a) TO REVIEW THE CIRCUMSTANCES AROUND THE CHILD
22 FATALITY;

23 (b) TO REVIEW THE SERVICES PROVIDED TO THE CHILD, THE
24 CHILD'S FAMILY, AND THE PERPETRATOR BY THE COUNTY DEPARTMENT
25 FOR ANY COUNTY WITH WHICH THE FAMILY HAS HAD PREVIOUS
26 INVOLVEMENT THAT WAS DIRECTLY RELATED TO THE FATALITY IN THE
27 TWO YEARS PRIOR TO THE FATALITY;

1 (c) TO REVIEW RECORDS AND INTERVIEW INDIVIDUALS, AS DEEMED
2 NECESSARY AND NOT OTHERWISE PROHIBITED BY LAW, INVOLVED WITH OR
3 HAVING KNOWLEDGE OF THE FACTS OF THE CASE OR FATALITY, INCLUDING
4 BUT NOT LIMITED TO ALL OTHER STATE AND LOCAL AGENCIES HAVING
5 PREVIOUS INVOLVEMENT WITH THE CHILD OR FAMILY THAT WAS DIRECTLY
6 RELATED TO THE FATALITY WITHIN TWO YEARS PRIOR TO THE FATALITY;

7 (d) TO REVIEW THE COUNTY DEPARTMENT'S COMPLIANCE WITH
8 STATUTES, REGULATIONS, AND RELEVANT POLICIES AND PROCEDURES
9 THAT ARE DIRECTLY RELATED TO THE FATALITY;

10 (e) TO IDENTIFY STRENGTHS AND BEST PRACTICES OF SERVICE
11 DELIVERY TO THE CHILD AND THE CHILD'S FAMILY;

12 (f) TO IDENTIFY FACTORS THAT MAY HAVE CONTRIBUTED TO
13 CONDITIONS LEADING TO THE FATALITY, INCLUDING, BUT NOT LIMITED TO,
14 LACK OF OR UNSAFE HOUSING, FAMILY AND SOCIAL SUPPORTS,
15 EDUCATIONAL LIFE, PHYSICAL HEALTH, EMOTIONAL AND PSYCHOLOGICAL
16 HEALTH, AND OTHER SAFETY, CRISIS, AND CULTURAL OR ETHNIC ISSUES;

17 (g) TO REVIEW SUPPORTS AND SERVICES PROVIDED TO SIBLINGS,
18 FAMILY MEMBERS, AND AGENCY STAFF AFTER THE FATALITY;

19 (h) TO IDENTIFY THE QUALITY AND SUFFICIENCY OF COORDINATION
20 BETWEEN STATE AND LOCAL AGENCIES;

21 (i) TO DEVELOP AND DISTRIBUTE THE FOLLOWING REPORTS, THE
22 CONTENT OF WHICH SHALL BE DETERMINED BY RULES PROMULGATED BY
23 THE STATE DEPARTMENT PURSUANT TO SUBSECTION (7) OF THIS SECTION:

24 (I) ON OR BEFORE APRIL 30, 2013, AND EACH APRIL 30
25 THEREAFTER, AN ANNUAL CHILD FATALITY REVIEW REPORT, ABSENT
26 CONFIDENTIAL INFORMATION, SUMMARIZING THE CHILD FATALITY
27 REVIEWS CONDUCTED BY THE TEAM DURING THE PREVIOUS YEAR. THE

1 TEAM SHALL POST THE ANNUAL CHILD FATALITY REVIEW REPORT ON THE
2 STATE DEPARTMENT'S WEB SITE AND DISTRIBUTE IT TO THE COLORADO
3 STATE CHILD FATALITY PREVENTION REVIEW TEAM ESTABLISHED IN THE
4 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
5 SECTION 25-20.5-406, C.R.S., THE GOVERNOR, THE HEALTH AND HUMAN
6 SERVICES COMMITTEE OF THE SENATE, AND THE HEALTH AND
7 ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
8 SUCCESSOR COMMITTEES. THE ANNUAL CHILD FATALITY REVIEW REPORT
9 SHALL BE PREPARED WITHIN EXISTING RESOURCES.

10 (II) THE FINAL CONFIDENTIAL, CASE-SPECIFIC CHILD FATALITY
11 REVIEW REPORT REQUIRED PURSUANT TO SUBSECTION (5) OF THIS SECTION.
12 THE FINAL CONFIDENTIAL, CASE-SPECIFIC CHILD FATALITY REVIEW REPORT
13 SHALL BE SUBMITTED TO THE COLORADO STATE CHILD FATALITY
14 PREVENTION REVIEW TEAM ESTABLISHED IN THE DEPARTMENT OF PUBLIC
15 HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-20.5-406, C.R.S.

16 (III) A CASE-SPECIFIC EXECUTIVE SUMMARY, ABSENT
17 CONFIDENTIAL INFORMATION, OF EACH CHILD FATALITY REVIEWED. THE
18 TEAM SHALL POST THE CASE-SPECIFIC EXECUTIVE SUMMARY ON THE STATE
19 DEPARTMENT'S WEB SITE.

20 (5) (a) EACH COUNTY DEPARTMENT SHALL REPORT TO THE STATE
21 DEPARTMENT ANY SUSPICIOUS FATALITY OF A CHILD WITHIN
22 TWENTY-FOUR HOURS OF THE FATALITY. IF THE COUNTY DEPARTMENT
23 HAS HAD PREVIOUS INVOLVEMENT THAT WAS DIRECTLY RELATED TO THE
24 CHILD FATALITY WITHIN TWO YEARS PRIOR TO THE FATALITY, THE COUNTY
25 DEPARTMENT SHALL PROVIDE THE STATE DEPARTMENT WITH ALL
26 RELEVANT REPORTS AND DOCUMENTATION REGARDING ITS PREVIOUS
27 INVOLVEMENT WITH THE CHILD WITHIN SIXTY CALENDAR DAYS AFTER THE

1 FATALITY. THE STATE DEPARTMENT MAY GRANT, AT ITS DISCRETION, AN
2 EXTENSION TO A COUNTY DEPARTMENT FOR DELAYS OUTSIDE OF THE
3 COUNTY DEPARTMENT'S CONTROL REGARDING THE RECEIPT OF ALL
4 RELEVANT REPORTS AND INFORMATION CRITICAL TO AN EFFECTIVE
5 FATALITY REVIEW, INCLUDING BUT NOT LIMITED TO THE FINAL AUTOPSY
6 AND LAW ENFORCEMENT REPORTS, UNTIL SUCH DOCUMENTS CAN BE MADE
7 AVAILABLE FOR REVIEW BY THE TEAM.

8 (b) THE FATALITY REVIEW SHALL BE COMPLETED AND THE DRAFT
9 CONFIDENTIAL, CASE-SPECIFIC CHILD FATALITY REVIEW REPORT PREPARED
10 AND SUBMITTED TO ANY COUNTY DEPARTMENT WITH PREVIOUS
11 INVOLVEMENT WITHIN ONE HUNDRED TWENTY CALENDAR DAYS AFTER ALL
12 NECESSARY INFORMATION IS AVAILABLE TO INITIATE THE REVIEW. ANY
13 COUNTY DEPARTMENT WITH PREVIOUS INVOLVEMENT SHALL HAVE THIRTY
14 CALENDAR DAYS AFTER THE COMPLETION OF THE DRAFT CONFIDENTIAL,
15 CASE-SPECIFIC CHILD FATALITY REVIEW REPORT TO REVIEW THE DRAFT
16 CONFIDENTIAL, CASE-SPECIFIC CHILD FATALITY REVIEW REPORT AND
17 PROVIDE A WRITTEN RESPONSE TO BE INCLUDED IN THE FINAL
18 CONFIDENTIAL, CASE-SPECIFIC CHILD FATALITY REVIEW REPORT. A
19 CONFIDENTIAL, CASE-SPECIFIC CHILD FATALITY REVIEW REPORT SHALL BE
20 FINALIZED AND SUBMITTED PURSUANT TO PARAGRAPH (d) OF THIS
21 SUBSECTION (5) NO MORE THAN THIRTY CALENDAR DAYS AFTER THE
22 COUNTY DEPARTMENT'S RESPONSE IS RECEIVED BY THE TEAM OR UPON
23 CONFIRMATION IN WRITING FROM THE COUNTY DEPARTMENT THAT A
24 WRITTEN RESPONSE WILL NOT BE PROVIDED.

25 (c) THE PROCEEDINGS, RECORDS, OPINIONS, AND DELIBERATIONS
26 OF THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM
27 SHALL BE PRIVILEGED AND SHALL NOT BE SUBJECT TO DISCOVERY,

1 SUBPOENA, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL ACTION IN ANY
2 MANNER THAT WOULD DIRECTLY OR INDIRECTLY IDENTIFY SPECIFIC
3 PERSONS OR CASES REVIEWED BY THE STATE DEPARTMENT OR COUNTY
4 DEPARTMENT. NOTHING IN THIS PARAGRAPH (c) SHALL BE CONSTRUED TO
5 RESTRICT OR LIMIT THE RIGHT TO DISCOVER OR USE IN ANY CIVIL ACTION
6 ANY EVIDENCE THAT IS DISCOVERABLE INDEPENDENT OF THE
7 PROCEEDINGS OF THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY
8 REVIEW TEAM.

9 (d) THE FINAL CONFIDENTIAL, CASE-SPECIFIC CHILD FATALITY
10 REVIEW REPORT SHALL BE PROVIDED TO THE EXECUTIVE DIRECTOR, THE
11 DIRECTOR FOR ANY COUNTY OR COMMUNITY AGENCY REFERENCED IN THE
12 REPORT, THE COUNTY COMMISSIONERS OF ANY COUNTY DEPARTMENT
13 WITH PREVIOUS INVOLVEMENT, AND THE DEPARTMENT OF PUBLIC HEALTH
14 AND ENVIRONMENT.

15 (e) THE STATE DEPARTMENT SHALL POST ON ITS WEB SITE A
16 CASE-SPECIFIC EXECUTIVE SUMMARY OF THE FINAL CONFIDENTIAL,
17 CASE-SPECIFIC CHILD FATALITY REVIEW REPORT, ABSENT CONFIDENTIAL
18 INFORMATION, OF EACH CHILD FATALITY REVIEWED PURSUANT TO THIS
19 SECTION.

20 (f) IF AT ANY POINT IN THE REVIEW PROCESS IT IS DETERMINED
21 THAT THE FATALITY IS NOT THE RESULT OF ABUSE OR NEGLIGENCE, THE
22 REVIEW SHALL CEASE.

23 (6) THE TEAM SHALL CONSIST OF UP TO EIGHTEEN MEMBERS,
24 APPOINTED ON OR BEFORE SEPTEMBER 30, 2011, AS FOLLOWS:

25 (a) THREE MEMBERS FROM THE STATE DEPARTMENT, APPOINTED
26 BY THE EXECUTIVE DIRECTOR;

27 (b) TWO MEMBERS FROM THE DEPARTMENT OF PUBLIC HEALTH

1 AND ENVIRONMENT, APPOINTED BY THE EXECUTIVE DIRECTOR OF SAID
2 DEPARTMENT;

3 (c) THREE MEMBERS REPRESENTING COUNTY DEPARTMENTS,
4 APPOINTED BY A STATEWIDE ORGANIZATION REPRESENTING COUNTY
5 COMMISSIONERS;

6 (d) AT LEAST EIGHT ADDITIONAL MULTIDISCIPLINARY MEMBERS,
7 TO BE APPOINTED BY THE MEMBERS DESCRIBED IN PARAGRAPHS (a) TO (c)
8 OF THIS SUBSECTION (6), INCLUDING BUT NOT LIMITED TO
9 REPRESENTATIVES FROM THE OFFICE OF THE CHILD PROTECTION
10 OMBUDSMAN AND FROM THE FIELDS OF CHILD PROTECTION, PHYSICAL
11 MEDICINE, MENTAL HEALTH, EDUCATION, LAW ENFORCEMENT, DISTRICT
12 ATTORNEYS, CHILD ADVOCACY, AND ANY OTHERS AS DEEMED
13 APPROPRIATE;

14 (e) FOR THE PURPOSES OF PARTICIPATING IN A SPECIFIC CASE
15 REVIEW, ADDITIONAL MEMBERS MAY BE APPOINTED AT THE DISCRETION
16 OF THE MEMBERS DESCRIBED IN PARAGRAPHS (a) TO (c) OF THIS
17 SUBSECTION (6) TO REPRESENT AGENCIES INVOLVED WITH THE CHILD OR
18 THE CHILD'S FAMILY IN THE TWELVE MONTHS PRIOR TO THE FATALITY.

19 (7) THE STATE DEPARTMENT SHALL PROMULGATE ADDITIONAL
20 RULES, AS NECESSARY, FOR THE IMPLEMENTATION OF THIS SECTION,
21 INCLUDING BUT NOT LIMITED TO THE CONFIDENTIALITY OF INFORMATION.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.