

Texas Legislation Moving Child Death Review from Social Services to Public Health

Bill: SB 6 - Legislative Session: 79(R)

Council Document: 79R 01984

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Relating to protective services and certain family law matters; providing penalties.

Author: Nelson

Coauthor: Janek | Shapiro | Shapleigh | Van de Putte

Sponsor: Hupp | Uresti | Reyna | Goodman | Naishtat

Cosponsor: Allen, Alma | Davis, John | Dutton | Edwards | Eissler | Gonzalez Toureilles | Laubenberg | Paxton

Subjects: Aging
Family--Child Protection
Human Services--Child Services
Human Services--Direct Assistance
SOCIAL WORK & SOCIAL WORKERS
FOSTER CARE
CHILD ABUSE
HEALTH & HUMAN SERVICES COMMISSION
FAMILY & PROTECTIVE SERVICES, DEPARTMENT OF
AGING & DISABILITY SERVICES, DEPARTMENT OF
PROTECTIVE SERVICES LEGISLATIVE OVERSIGHT COMMITTEE
ADULT PROTECTIVE SERVICES DIV, FAMILY & PROTECTIVE SERVICES
GUARDIANSHIP ALLIANCE OFFICE, OFFICE OF COURT ADMINISTRATION

Senate Committee: [Health & Human Services](#)

Status: Out of committee

Vote: Ayes=6 Nays=0 Present Not Voting=0 Absent=3

House Committee: [Human Services](#)

Status: Out of committee

Vote: Ayes=7 Nays=0 Present Not Voting=0 Absent=2

Senate Conferees: 04/26/2005 Nelson , Chair | Janek | Lindsay | Shapleigh | Zaffirini

House Conferees: 04/27/2005 Hupp , Chair | Davis, John | Goodman | Talton | Uresti

SECTION 1.56. Subsection (b), Section 264.502, Family Code,
is amended to read as follows:

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

- (1) a criminal prosecutor involved in prosecuting crimes against children;
- (2) a sheriff;
- (3) a justice of the peace;
- (4) a medical examiner;
- (5) a police chief;
- (6) a pediatrician experienced in diagnosing and treating child abuse and neglect;
- (7) a child educator;
- (8) a child mental health provider;
- (9) a public health professional;
- (10) a child protective services specialist;
- (11) a sudden infant death syndrome family service provider;
- (12) a neonatologist;
- (13) a child advocate; ~~and~~
- (14) a chief juvenile probation officer; and
- (15) a child abuse prevention specialist.

SECTION 1.57. Section 264.503, Family Code, is amended by amending Subsections (b) through (f) and adding Subsections (d-1) and (g) to read as follows:

(b) To ensure that the committee achieves its purpose, the department and the ~~[Texas]~~ Department of State Health Services shall perform the duties specified by this section.

(c) The department shall:

- (1) recognize the creation and participation of review teams; and
- (2) work cooperatively with the committee and with individual child fatality review teams ~~[promote and coordinate training to assist the review teams in carrying out their duties;~~
- ~~(3) assist the committee in developing model protocols for:~~

~~[(A) the reporting and investigating of child fatalities for law enforcement agencies, child protective~~

services, justices of the peace and medical examiners, and other professionals involved in the investigations of child deaths;

~~[(B) the collection of data regarding child deaths; and~~

~~[(C) the operation of the review teams; and
[(4) develop and implement procedures necessary for the operation of the committee].~~

(d) The Department of State Health Services ~~[department]~~ shall:

(1) promote and coordinate training to assist the review teams in carrying out their duties;

(2) assist the committee in developing model protocols for:

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

(B) the collection of data regarding child deaths; and

(C) the operation of the review teams;
(3) develop and implement procedures necessary for the operation of the committee; and

(4) promote education of the public regarding the incidence and causes of child deaths, the public role in preventing child deaths, and specific steps the public can undertake to prevent child deaths.

(d-1) The committee shall enlist the support and assistance of civic, philanthropic, and public service organizations in the performance of the duties imposed under Subsection (d) [this subsection].

(e) In addition to the duties under Subsection (d), the [The Texas] Department of State Health Services shall:

(1) collect data under this subchapter and coordinate the collection of data under this subchapter with other data collection activities; and

(2) perform annual statistical studies of the incidence and causes of child fatalities using the data collected

under this subchapter.

(f) The committee shall issue a report for each preventable child death. The report must include [annual reports on the committee's activities, including] findings related to the child's death, [and] recommendations on how to prevent similar deaths, and details surrounding the department's involvement with the child prior to the child's death [relating to each purpose and duty of the committee described by this section]. Not later than December 1 of each ~~[even-numbered]~~ year, the committee shall publish a compilation of the reports published under this subsection during the year, [the report and] submit a copy of the compilation [report] to the governor, lieutenant governor, ~~[and]~~ speaker of the house of representatives, and department, and make the compilation available to the public. Not later than June 1 of each year, the department shall submit a written response on the compilation from the previous year to the committee, governor, lieutenant governor, and speaker of the house of representatives describing which of the committee's recommendations regarding the operation of the child protective services system the department will implement and the methods of implementation.

(g) The committee shall perform the functions and duties required of a citizen review panel under 42 U.S.C. Section 5106a(c)(4)(A).

SECTION 1.58. Subsection (c), Section 264.504, Family Code, is amended to read as follows:

(c) Information identifying a deceased child, a member of the child's family, a guardian or caretaker of the child, or an alleged or suspected perpetrator of abuse or neglect of the child may not be disclosed during a public meeting. On a majority vote of the committee members, the members shall remove from the committee any member who discloses information described by this subsection in a public meeting.

SECTION 1.59. Subsection (c), Section 264.505, Family Code, is amended to read as follows:

(c) A review team may include:

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

- (2) a sheriff;
- (3) a justice of the peace or medical examiner;
- (4) a police chief;
- (5) a pediatrician experienced in diagnosing and treating child abuse and neglect;
- (6) a child educator;
- (7) a child mental health provider;
- (8) a public health professional;
- (9) a child protective services specialist;
- (10) a sudden infant death syndrome family service provider;
- (11) a neonatologist;
- (12) a child advocate; ~~and~~
- (13) a chief juvenile probation officer; and
- (14) a child abuse prevention specialist.

SECTION 1.60. Subsection (b), Section 264.509, Family Code, is amended to read as follows:

(b) On request of the presiding officer of a review team, the custodian of the relevant information and records relating to a deceased child shall provide those records to the review team at no cost to the review team.