

State of Virginia Child Death Review Legislation

Virginia Statute § 32.1-238.1 (1995)

Link: http://opengovva.org/foia_acts/32_1_283_1-3.htm

32.1-283.1. State Child Fatality Review Team established; membership; access to and maintenance of records; confidentiality; etc

This provision creates the State Child Fatality Review Team, which develops and implements procedures to ensure that child deaths occurring in Virginia are analyzed in a systematic way. "The Chief Medical Examiner may inspect and copy from any Virginia health care provider, on behalf of the Team, (i) without obtaining consent, the health and mental health records of the child and those perinatal medical records of the child's mother that related to such child and (ii) upon obtaining consent from each adult regarding his personal records, or from a parent regarding the records of a minor child, the health and mental health records of the child's family. All such information and records shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.1-340 et seq.) pursuant to subdivision 54 of subsection A of § 2.1-342.01. Upon the conclusion of the child death review, all information and records concerning the child and the child's family shall be shredded or otherwise destroyed by the Chief Medical Examiner in order to ensure confidentiality. Such information or records shall not be subject to subpoena or discovery or be admissible in any criminal or civil proceeding. ... All team members, persons attending closed team meetings, and persons presenting information and records on specific child deaths to the Team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific child death. Violations of this subsection shall be punishable as a Class 3 misdemeanor."

This provision is repeated in § 32.1-283.3. Family violence fatality review teams established; model protocol and data management; membership; authority; confidentiality, etc.

§ 32.1-283.2. Local and regional child fatality review teams established; membership; authority; confidentiality; immunity

"All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.1-340 et seq.) pursuant to subdivision 59 of subsection B of § 2.1-342. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum, or discovery or be admissible in any criminal or civil proceeding."

§ 32.1-283.3. Family violence fatality review teams established; model protocol and data management; membership; authority; confidentiality, etc

"All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.1-340 et seq.) pursuant to subdivision 59 of subsection B of § 2.1-342. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum or discovery or be admissible in any criminal or civil proceeding."