

AMENDMENTS TO SENATE BILL NO. 1026

Sponsor:

Printer's No. 1291

1 Amend Title, page 1, lines 2 through 8, by striking out
2 "further providing, in child protective" in line 2 and all of
3 lines 3 through 8 and inserting

4 providing for the definition of "children's advocacy centers";
5 further providing for immunity from liability, for release of
6 information in confidential reports, for studies of data in
7 records, for investigating performance of county agency, for
8 citizen review panels, for services for prevention,
9 investigation and treatment of child abuse and for reports to
10 department and coroner; and providing for release of reports.

11 Amend Sec. 1, page 1, line 12, by striking out "definitions"
12 and inserting

13 a definition

14 Amend Bill, page 2, lines 13 through 24, by striking out all
15 of said lines and inserting

16 Section 2. Section 6318(a) of Title 23 is amended to read:
17 § 6318. Immunity from liability.

18 (a) General rule.--A person, hospital, institution, school,
19 facility, agency or agency employee that participates in good
20 faith in the making of a report, whether required or not,
21 cooperating with an investigation, including providing
22 information to a child fatality or near fatality review team,
23 testifying in a proceeding arising out of an instance of
24 suspected child abuse, the taking of photographs or the removal
25 or keeping of a child pursuant to section 6315 (relating to
26 taking child into protective custody), and any official or
27 employee of a county agency who refers a report of suspected
28 abuse to law enforcement authorities or provides services under
29 this chapter, shall have immunity from civil and criminal
30 liability that might otherwise result by reason of those
31 actions.

32 * * *

33 Amend Sec. 2, page 2, line 25, by striking out "2" and

1 inserting

2 3

3 Amend Sec. 2, page 2, line 26, by striking out "a paragraph"

4 and inserting

5 paragraphs

6 Amend Sec. 2 (Sec. 6340), page 3, by inserting between lines

7 8 and 9

8 (18) A member of a local public health child death
9 review team.

10 Amend Sec. 3, page 3, lines 10 and 11, by striking out all of

11 said lines and inserting

12 Section 4. Section 6342 of Title 23 is amended to read:
13 § 6342. Studies of data in records.

14 (a) Studies.--The department may conduct or authorize the
15 conducting of studies of the data contained in the pending
16 complaint file and the Statewide central register and county
17 agencies and distribute the results of the studies. No study may
18 contain the name or other information by which a subject of a
19 report could be identified. The department may allow Federal
20 auditors access to nonidentifiable duplicates of reports in the
21 pending complaint file and the Statewide central register if
22 required for Federal financial participation in funding of
23 agencies.

24 (b) Data form.--The department shall develop a data form to
25 facilitate the collection of statistical and demographic
26 information from a child fatality or near fatality review team
27 and a county agency, which can be incorporated into a study
28 conducted by the department.

29 Section 5. Section 6343 of Title 23 is amended by adding a
30 subsection to read:

31 Amend Bill, page 3, lines 17 through 30; page 4, lines 1

32 through 30; page 5, lines 1 through 20, by striking out "An" in

33 line 17, all of lines 18 through 30, page 3, all of lines 1

34 through 30, page 4 and all of lines 1 through 20, page 5 and

35 inserting

36 The department shall summarize:

37 (i) the nature and extent of its review;

38 (ii) statutory and regulatory compliance by the
39 county agency in the county where:

40 (A) the fatality or near fatality occurred; and

41 (B) the child resided within the 16 months

42 preceding the fatality or near fatality;

43 (iii) its findings and recommendations for reducing

1 the likelihood of future child fatalities and near
2 fatalities, resulting from child abuse.

3 (2) The department's child fatality or near fatality
4 review shall be commenced immediately upon receipt of a
5 report to the department that a child died or nearly died as
6 a result of suspected child abuse. The department shall
7 provide assistance and relevant information to the child
8 fatality or near fatality review team and attempt to
9 coordinate its fact-finding efforts and interviews with the
10 team to avoid duplication. The department's child fatality or
11 near fatality review and report shall be completed as soon as
12 possible but no later than six months from receipt of the
13 initial report of the child fatality or near fatality.

14 Section 6. Section 6343.1(a) and (b)(2)(ii) of Title 23 are
15 amended to read:

16 § 6343.1. Citizen review panels.

17 (a) Establishment.--The department shall establish a minimum
18 of three citizen review panels. The department may designate a
19 child fatality or near fatality review team under section
20 6365(d) (relating to services for prevention, investigation and
21 treatment of child abuse) as a citizen review panel as long as
22 the team has the capacity to perform as a citizen review panel.

23 (b) Function.--The panels shall examine all of the
24 following:

25 * * *

26 (2) Other criteria the panel considers important to
27 ensure the protection of children, including:

28 * * *

29 (ii) a review of child fatalities and near
30 fatalities[.], including, but not limited to, a review of
31 any child fatality or near fatality involving a child in
32 the custody of a public or private agency where there is
33 no report of suspected child abuse and the cause of death
34 is neither the result of child abuse nor natural causes.

35 * * *

36 Section 7. Sections 6365 and 6367 of Title 23 are amended by
37 adding subsections to read:

38 Amend Sec. 3 (Sec. 6365), page 5, line 27, by inserting after
39 "convened"

40 by a county agency in accordance with a protocol
41 developed by the county agency, the department and
42 the district attorney

43 Amend Sec. 3 (Sec. 6365), page 6, line 5, by striking out
44 "12" and inserting

45 16

46 Amend Sec. 3 (Sec. 6365), page 6, lines 6 through 28, by
47 striking out all of said lines and inserting
48 fatality or near fatality. The team shall consist of at least
49 six individuals who are broadly representative of the county
50 where the team is established and who have expertise in