

HOUSE BILL NO. HB0255

Child fatality and major injury reviews.

Sponsored by: Representative(s) Iekel, Berger, Diercks and
Goggles and Senator(s) Aullman, Massie, Ross
and Scott

A BILL

for

1 AN ACT relating to child protective services; providing for
2 local child protection teams to review all cases of
3 preventable child deaths and major injuries; providing
4 mandatory responsibilities of child protection teams;
5 providing for confidentiality of review proceedings;
6 providing for a child fatality and major injury review
7 state team within the department of health; providing for
8 coordination between local child protection teams and the
9 state team; granting rulemaking authority; providing an
10 appropriation; authorizing an additional position; and
11 providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 35-1-629 is created to read:

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1 **35-1-629. Child protection teams; review of**
2 **preventable child fatalities and major injuries; records**
3 **confidential; child fatality and major injury review state**
4 **team.**

5

6 (a) The department shall encourage and assist in the
7 role of child protection teams created pursuant to W.S.
8 14-3-212 within the communities in the state in reviewing
9 all cases involving a preventable child fatality or major
10 injury to a child.

11

12 (b) The department of health shall create a child
13 fatality and major injury review state team. The state
14 team shall be composed of:

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16 (i) The state coordinator;

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18 (ii) A representative from the department of
19 family services; and

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21 (iii) Members selected by the department from
22 any or all of the following:

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1 (A) A representative of the district
2 attorney's office;

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4 (B) A representative of a law enforcement
5 agency;

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7 (C) A coroner or medical examiner;

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9 (D) A representative of a county public
10 health or local health department;

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12 (E) A pediatrician or family practice
13 physician;

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15 (F) An emergency services provider;

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17 (G) A mental health provider;

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19 (H) A representative from a school
20 district;

21

22 (J) A child advocate or member of a child
23 advocacy organization;

24

1 (K) A representative from a local
2 government;

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4 (M) Representatives from other relevant
5 professions; and

6

7 (N) Temporary members selected for the
8 needs of a particular case as determined by the team.

9

10 (c) The state team shall develop and implement
11 procedures to ensure that child deaths and major injuries
12 are reviewed and analyzed in a systematic way. The state
13 team shall:

14

15 (i) Adopt standards and protocols for child
16 death and major injury reviews;

17

18 (ii) Assist local child protection teams with
19 case reviews;

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21 (iii) Work with and make recommendations to
22 state and private entities in addressing issues of
23 causation of child fatalities and major injuries;

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1 (iv) Maintain a statistical database of child
2 deaths and major injuries to show prevalence, trends and
3 risk factors, including but not limited to information on
4 demographics, health, substance use, causation and other
5 related factors, without personal identifying information.
6 The state team is authorized to participate in a multi-
7 state death review case reporting system;

8

9 (v) Promote public awareness and make
10 recommendations to the governor and the legislature to
11 reduce the incidence of preventable child death and major
12 injury. The state team shall make an annual report to the
13 joint labor, health and social services interim committee
14 regarding the statistical trends in preventable child
15 deaths and major injuries and recommendations for
16 preventing child deaths and major injuries;

17

18 (vi) Work with a state coordinator, hired by the
19 department, to implement this section.

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21 (d) The department of health shall promulgate rules
22 and regulations to define the role and procedures of local
23 child protection teams in reviewing child death and major

1 injuries and the role and procedures of the state team in
2 the review process.

3

4 (e) All records and proceedings of the child
5 protection teams in reviewing preventable child fatalities
6 and major injuries to a child and the child fatality and
7 major injury review state team are subject to W.S.
8 14-3-214, shall not be subject to discovery in any criminal
9 or civil proceeding and shall not be admissible in evidence
10 in any civil or criminal proceeding. All members of a
11 child protection team and all persons presenting
12 information or records to a child protection team when
13 reviewing preventable child fatalities and major injuries
14 to a child shall execute a sworn statement that all
15 information, records and discussions before a child
16 protection team shall be confidential. Meetings of child
17 protection teams when reviewing preventable child
18 fatalities and major injuries to a child shall not be
19 subject to W.S. 16-4-401 through 16-4-408 and proceedings,
20 reports and documents submitted to child protection teams
21 shall not be subject to review under W.S. 16-4-201 through
22 16-4-205.

23

1 (f) The state health officer, on behalf of the state
2 or local teams when they are reviewing cases involving a
3 preventable child fatality or major injury to a child, may
4 inspect and copy from any Wyoming health care provider the
5 health and mental health records of a child's family upon
6 obtaining consent from each adult regarding his personal
7 records, or from a parent or guardian regarding the records
8 of a minor child. All records obtained under this section
9 are subject to the confidentiality provisions of subsection
10 (e) of this section and shall be shredded or otherwise
11 destroyed by the state health officer upon the conclusion
12 of the child death or major injury review.

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14 **Section 2.** W.S. 14-3-212(a), (b)(vi), (vii), by
15 creating a new paragraph (viii), (c)(intro), (v), (vi) and
16 by creating a new paragraph (vii) and 14-3-214(a),
17 (b)(intro) and (c) are amended to read:

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19 **14-3-212. Child protection teams; creation;**
20 **composition; duties; records confidential.**

21

22 (a) The state agency and the local child protective
23 agency shall encourage and assist in the creation of child
24 protection teams within the communities in the state. The

1 purposes of the child protection teams shall be to identify
2 or develop community resources to serve abused and
3 neglected children within the community, to advocate for
4 improved services or procedures for such children, to
5 review all cases involving a preventable child fatality or
6 major injury to a child as provided in W.S. 35-1-629 and to
7 provide information and assistance to the state agency,
8 local child protection agency and multidisciplinary teams,
9 if a multidisciplinary team has been appointed. The
10 department may promulgate reasonable rules and regulations
11 in accordance with the Wyoming Administrative Procedure Act
12 to define the roles and procedures of child protection
13 teams.

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15 (b) The local child protection team shall be composed
16 of:

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18 (vi) Representatives from other relevant
19 professions; ~~and~~

20

21 (vii) Temporary members selected for the needs
22 of a particular case as determined by the team; ~~and~~ and

23

1 (viii) When reviewing cases involving a
2 preventable child fatality or major injury to a child, the
3 coordinator of the child fatality and major injury review
4 state team, who shall lead the local team meetings.

5
6 (c) The local child protection team ~~may~~ shall:

7
8 (v) Identify training needs, sponsor training
9 and raise community awareness of child protection issues;
10 ~~and~~

11
12 (vi) Assist and make recommendations of
13 appropriate services in individual cases brought to it by
14 the state agency or the local child protection agency; ~~and~~ and

15
16 (vii) Review all cases in the community
17 involving a preventable child fatality or major injury to a
18 child.

19
20 **14-3-214. Confidentiality of records; penalties;**
21 **access to information; attendance of school officials at**
22 **interviews; access to central registry records pertaining**
23 **to child protection cases.**

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1 (a) All records concerning reports and investigations
2 of child abuse or neglect or child death or major injury
3 are confidential except as provided by W.S. 14-3-201
4 through 14-3-215. Any person who willfully violates this
5 subsection is guilty of a misdemeanor and upon conviction
6 shall be fined not more than five hundred dollars (\$500.00)
7 or imprisoned in the county jail not more than six (6)
8 months, or both.

9
10 (b) Applications for access to records concerning
11 child abuse or neglect or child death or major injury
12 contained in the state agency, the department of health or
13 local child protective agency shall be made in the manner
14 and form prescribed by the state agency or the department
15 of health. Upon appropriate application, the state agency
16 or the department of health shall give access to any of the
17 following persons or agencies for purposes directly related
18 with the administration of W.S. 14-3-201 through 14-3-216
19 and 35-1-629:

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21 (c) A physician or person in charge of an
22 institution, school, facility or agency making the report
23 shall receive, upon written application to the state agency

1 or the department of health, a summary of the records
2 concerning the subject of the report.

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4 **Section 3.** There is appropriated one hundred forty-
5 eight thousand dollars (\$148,000.00) for the period
6 beginning July 1, 2007 and ending June 30, 2008 from the
7 general fund to the department of health for the purposes
8 of this act. The department of health is authorized one
9 (1) additional full-time equivalent position for purposes
10 of this act.

11

12 **Section 4.** This act is effective July 1, 2007.

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(END)