

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 686 entitled “An act relating to establishing the Child Fatality Review Team”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 18 V.S.A. chapter 30A is added to read:

8 CHAPTER 30A. CHILD FATALITY REVIEW TEAM

9 § 1561. CHILD FATALITY REVIEW TEAM

10 (a) Creation. There is created the Child Fatality Review Team within the
11 Department of Health for the following purposes:

12 (1) to examine cases of child fatality in Vermont in which the fatality is
13 either unexpected, unexplained, or preventable;

14 (2) to identify system gaps and risk factors associated with child
15 fatalities that are either unexpected, unexplained, or preventable;

16 (3) to educate the public, service providers, and policymakers about
17 unexpected, unexplained, or preventable child fatalities and strategies for
18 intervention;

19 (4) to recommend legislation, rules, policies, practices, training, and
20 coordination of services that promote interagency collaboration and prevent
21 future unexpected, unexplained, or preventable child fatalities.

1 (b) Membership.

2 (1) The Team shall comprise the following members:

3 (A) the Chief Medical Examiner or designee;

4 (B) the Commissioner of Health or designee;

5 (C) the Commissioner for Children and Families or designee;

6 (D) the Commissioner of Mental Health or designee;

7 (E) the Commissioner of Public Safety or designee;

8 (F) the Secretary of Education or designee;

9 (G) the Attorney General or designee;

10 (H) a physician licensed to practice pursuant to 26 V.S.A. chapter 23
11 or 33 who specializes in the practice of pediatrics, appointed by the Vermont
12 chapter of the American Academy of Pediatrics;

13 (I) a physician licensed to practice pursuant to 26 V.S.A. chapter 23
14 or 33 who specializes in the practice of child psychiatry, appointed by the
15 Vermont Psychiatric Association;

16 (J) a municipal law enforcement officer, appointed by the Vermont
17 Association of Chiefs of Police; and

18 (K) any other professional specializing in child abuse or neglect,
19 health, social work, child care, education, or law enforcement and who is
20 appointed by the Secretary of Human Services.

1 (2)(A) The members of the Team specified in subdivision (1) of this
2 subsection shall serve three-year terms, except that of the members first
3 appointed pursuant to subdivisions (1)(J)–(K) of this subsection, one shall
4 serve a term of one year and the other shall serve a term of two years.

5 (B) Any vacancy on the Team shall be filled in the same manner as
6 the original appointment. The replacement member shall serve for the
7 remainder of the unexpired term.

8 (c) Meetings.

9 (1) The Team shall meet at such times as may reasonably be necessary
10 to carry out its duties, but at least once in each calendar quarter.

11 (2) The Commissioner of Health or designee shall call the first meeting
12 of the Team to occur on or before September 30, 2018.

13 (3) The Team shall select a chair and vice chair from among its
14 members at the first meeting, and biannually thereafter.

15 (d) Assistance. The Team shall have the administrative, technical, and
16 legal assistance of the Department of Health.

17 (e) Access to information and records.

18 (1) In any case under review by the Team, upon written request of the
19 Chair, a person who possesses information or records that are necessary and
20 relevant to the review of a child fatality that is either unexpected, unexplained,
21 or preventable shall, as soon as practicable, provide the Team with the

1 information and records. All requests for information or records by the Chair
2 related to a case under review shall be provided by the person possessing the
3 information or records to the Team at no cost.

4 (2) A person shall not be held criminally or civilly liable for disclosing
5 or providing information or records to the Team pursuant to this subsection.

6 (3) The Team shall not have access to the proceedings, reports, and
7 records of a peer review committee as defined in 26 V.S.A. § 1441.

8 **(f)** Limitations.

9 (1) The Team's review process shall not commence until:

10 (A) any criminal prosecution arising out of the child fatality is
11 concluded or the Attorney General and State's Attorney provide written notice
12 to the Team that no criminal charges shall be filed; and

13 (B) any investigation by the Department for Children and Families is
14 concluded.

15 (2) The Team shall seek to obtain information or records generated in
16 the course of an investigation from State agencies or law enforcement officials
17 before making a request to health care providers and educators.

18 **(g)**(1) Confidentiality. The records produced or acquired by the Team are
19 exempt from public inspection and copying under the Public Records Act and
20 shall be kept confidential. The records of the Team are not subject to
21 subpoena, discovery, or introduction into evidence in a civil or criminal action.

1 Nothing in this section shall be construed to limit or restrict the right to
2 discover or use in any civil or criminal proceedings information or records that
3 are available from another source and entirely outside the Team’s review. The
4 Team shall not use the information or records generated during the course of
5 its review for purposes other than those described in this section.

6 (2) The Team’s meetings are confidential and shall be exempt from
7 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law).

8 (3) Members of the Team and persons invited to testify before the Team
9 shall not disclose information, records, discussions, and opinions stated in
10 connection to the Team’s review. Members of the Team and persons invited to
11 testify before the Team shall execute a sworn statement honoring the
12 confidentiality of all information, records, discussions, and opinions related to
13 the Team’s review, which shall be maintained by the Chair.

14 (h) Report. Notwithstanding 2 V.S.A. § 20(d), the Team shall report its
15 conclusions and recommendations to the Governor and General Assembly, as
16 the Team deems necessary, but not less frequently than once per calendar year.
17 The report shall disclose individually identifiable information only to the
18 extent necessary to convey the Commission’s conclusions and
19 recommendations, and any such disclosures shall be limited to information
20 already known to the public. The report shall be available to the public
21 through the Department of Health.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2018.

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5 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE