

FIRST REGULAR SESSION

# HOUSE BILL NO. 877

## 100TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE KELLY (141).

1932H.011

DANA RADEMAN MILLER, Chief Clerk

---

### AN ACT

To repeal sections 210.192, 210.194, and 210.195, RSMo, and to enact in lieu thereof three new sections relating to child fatality review panels.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 210.192, 210.194, and 210.195, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 210.192, 210.194, and 210.195, to read as follows:

210.192. 1. The prosecuting attorney or the circuit attorney shall impanel a child fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth. The panel shall be formed and shall operate according to the rules, guidelines and protocols provided by the department of social services.

2. The panel shall include, but shall not be limited to, the following:

(1) The prosecuting or circuit attorney;

(2) The coroner or medical examiner for the county or city not within a county;

(3) Law enforcement personnel in the county or city not within a county;

(4) A representative from the children's division;

(5) A provider of public health care services;

(6) A representative of the juvenile court;

(7) A provider of emergency medical services.

3. The prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairman who shall convene the panel to meet to review all deaths of children under the age of eighteen years, who are eligible

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 to receive a certificate of live birth, which meet guidelines for review as set forth by the  
18 department of social services. In addition, the panel may review at its own discretion any child  
19 death reported to it by the medical examiner or coroner, even if it does not meet criteria for  
20 review as set forth by the department. The panel shall issue a final report, which shall be a  
21 public record, of each investigation to the department of social services, state technical assistance  
22 team and to the director of the department of health and senior services. The final report shall  
23 include a completed summary report form. The form shall be developed by the director of the  
24 department of social services in consultation with the director of the department of health and  
25 senior services. ~~[The department of health and senior services shall analyze the child fatality  
26 review panel reports and periodically prepare epidemiological reports which describe the  
27 incidence, causes, location and other factors pertaining to childhood deaths.]~~ The department of  
28 health and senior services and department of social services shall make recommendations and  
29 develop programs to prevent childhood injuries and deaths.

30 4. The child fatality review panel shall enjoy such official immunity as exists at common  
31 law.

210.194. 1. The director of the department of social services, in consultation with the  
2 director of the department of health and senior services, shall promulgate rules, guidelines and  
3 protocols for child fatality review panels established pursuant to section 210.192 and for state  
4 child fatality review panels.

5 2. The director shall promulgate guidelines and protocols for coroner and medical  
6 examiners to use to help them to identify suspicious deaths of children under the age of eighteen  
7 years, who are eligible to receive a certificate of live birth.

8 3. No rule or portion of a rule promulgated under the authority of sections 210.192 to  
9 210.196 shall become effective unless it has been promulgated pursuant to the provisions of  
10 section 536.024.

11 4. All meetings conducted~~[, all reports and records]~~ **and work product, including**  
12 **internal memoranda, summaries or minutes of meetings, and written, audio, or electronic**  
13 **records and communications**, made and maintained pursuant to sections 210.192 to 210.196  
14 by the department of social services and department of health and senior services and its  
15 divisions, including the state technical assistance team, or other appropriate persons, officials,  
16 or state child fatality review panel and local child fatality review panel shall be confidential ~~[and~~  
17 ~~shall not be open to the general public except for the annual report pursuant to section 210.195]~~  
18 **, unless otherwise provided in this subsection, section 210.150, section 210.195, or section**  
19 **660.520. The state technical assistance team shall make nonidentifiable, aggregate data on**  
20 **child fatalities publicly available. Identifiable data shall be released at the discretion of the**  
21 **director of the department of social services.**

210.195. 1. The director of the department of social services shall establish a special  
2 team which shall:

3 (1) Develop and implement protocols for the evaluation and review of child fatalities;

4 (2) Provide training, expertise and assistance to county child fatality review panels for  
5 the review of child fatalities;

6 (3) When required and unanimously requested by the county fatality review panel, assist  
7 in the review and prosecution of specific child fatalities; and

8 (4) The special team may be known as the department of social services, state technical  
9 assistance team.

10 2. The director of the department of social services shall appoint regional coordinators  
11 to serve as resources to child fatality review panels established pursuant to section 210.192.

12 3. The director of the department of social services shall appoint a state child fatality  
13 review panel which shall meet at least biannually to provide oversight and make  
14 recommendations to the department of social services, state technical assistance team. The  
15 department of social services, state technical assistance team shall gather data from local child  
16 fatality review panels to identify systemic problems and shall submit findings and  
17 recommendations to the director of the department of social services, the governor, the speaker  
18 of the house of representatives, the president pro tempore of the senate, the children's services  
19 commission, juvenile officers, and the chairman of the local child fatality review panel, at least  
20 once a year, on ways to prevent further child abuse and injury deaths. **The report shall include**  
21 **a summary of compliance with the provisions of sections 210.192 to 210.196 for each county**  
22 **or city not within a county.**

✓