

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0552.01 Clare Haffner x6137

HOUSE BILL 24-1088

HOUSE SPONSORSHIP

Winter T.,

SENATE SPONSORSHIP

Pelton R.,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE "CHILD FATALITY PREVENTION
102 ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The "Child Fatality Prevention Act" establishes state and local or regional child fatality prevention review teams to conduct multidisciplinary reviews of child abuse, neglect, and fatalities. The bill:

- Repeals the requirement that a local or regional review team conduct reviews of child fatalities related to motor vehicle incidents;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- Requires that members of a local or regional review team be appointed by a board of county commissioners;
- Repeals the requirement that a local or regional review team review the cause and manner of a child fatality, as determined by the local coroner, pathologist, or medical examiner;
- Requires a local or regional review team to provide the parent or guardian of a deceased child with written notice of a review, an opportunity to be heard, and an opportunity to obtain legal representation during the review process; and
- Repeals the requirement that a state review team review a child fatality case that has not been reviewed by a local or regional review team.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-20.5-402, **amend**
 3 (2)(a) as follows:

4 **25-20.5-402. Legislative declaration.** (2) It is, therefore, the
 5 intent of the general assembly in enacting this part 4 to establish state and
 6 local multidisciplinary, multi-agency child fatality prevention review
 7 teams. The purpose of these teams is:

8 (a) For local or regional review teams, to review specific cases of
 9 child fatalities in the team's service area that occur from birth through
 10 seventeen years of age and involve unintentional injury, violence, ~~motor~~
 11 ~~vehicle incidents~~, child abuse or neglect, sudden ~~unexpected~~ infant death,
 12 suicide, or undetermined causes and to provide the state with individual
 13 case findings to develop a community approach to the systemic issues
 14 surrounding child fatalities;

15 **SECTION 2.** In Colorado Revised Statutes, 25-20.5-404, **add**
 16 (3)(a.5) and (3)(b.5) as follows:

17 **25-20.5-404. Local and regional review teams - creation -**

1 **membership - authority.** (3) (a.5) THE BOARD OF COUNTY
2 COMMISSIONERS OF THE COUNTY IN WHICH A LOCAL OR REGIONAL REVIEW
3 TEAM IS LOCATED SHALL APPOINT THE REPRESENTATIVES TO THE LOCAL
4 OR REGIONAL REVIEW TEAM. IF THE LOCAL OR REGIONAL REVIEW TEAM IS
5 LOCATED IN MULTIPLE COUNTIES, THE BOARDS OF COUNTY
6 COMMISSIONERS OF THE COUNTIES SHALL COORDINATE TO APPOINT THE
7 REPRESENTATIVES TO THE LOCAL OR REGIONAL REVIEW TEAM.

8 (b.5) THE REPRESENTATIVES LISTED IN SUBSECTION (3)(b) OF THIS
9 SECTION SHALL ONLY BE INVITED TO JOIN THE LOCAL OR REGIONAL
10 REVIEW TEAM AT THE DISCRETION OF THE COMMISSIONERS OF THE COUNTY
11 OR COUNTIES IN WHICH THE REVIEW TEAM IS LOCATED.

12 **SECTION 3.** In Colorado Revised Statutes, 25-20.5-405, **amend**
13 (1)(f); **repeal** (1)(d), (2)(a), and (2)(b); and **add** (4) as follows:

14 **25-20.5-405. Local review teams - duties - authority.** (1) The
15 local or regional review team shall conduct individual, case-specific
16 reviews of fatalities of children from birth through seventeen years of age
17 occurring in the jurisdiction of the local or regional review team for the
18 purpose of identifying prevention recommendations related, at a
19 minimum, to the following causes of child fatality:

20 (d) ~~Motor vehicle incidents;~~

21 (f) Sudden ~~unexpected~~ infant death; or

22 (2) With respect to each child fatality reviewed, the local or
23 regional review team shall:

24 (a) ~~Review the cause and manner of the child fatality as~~
25 ~~determined by the local coroner, pathologist, or medical examiner, and~~
26 ~~determine whether the local or regional review team concurs with the~~
27 ~~coroner's, pathologist's, or medical examiner's findings. Any information~~

1 ~~requested from the local coroner must be in compliance with section~~
2 ~~30-10-606, C.R.S.~~

3 (b) ~~In cases in which the local or regional review team does not~~
4 ~~concur with the cause or manner of death as determined by the local~~
5 ~~coroner, pathologist, or medical examiner, forward a report of the local~~
6 ~~or regional review team's analysis of the cause and manner of the child~~
7 ~~fatality to the local coroner, pathologist, or medical examiner for his or~~
8 ~~her consideration;~~

9 (4) (a) NO LATER THAN FOURTEEN DAYS BEFORE CONDUCTING AN
10 INDIVIDUAL, CASE-SPECIFIC REVIEW OF A CHILD FATALITY PURSUANT TO
11 SUBSECTION (1) OF THIS SECTION, A LOCAL OR REGIONAL REVIEW TEAM
12 SHALL PROVIDE WRITTEN NOTICE OF THE REVIEW TO THE PARENT OR
13 GUARDIAN OF THE DECEASED CHILD.

14 (b) DURING A REVIEW OF A CHILD FATALITY, A LOCAL OR
15 REGIONAL REVIEW TEAM SHALL PROVIDE THE PARENT OR GUARDIAN AN
16 OPPORTUNITY TO BE HEARD AND TO HAVE AN ATTORNEY PRESENT DURING
17 THE REVIEW PROCESS.

18 (c) BEFORE ENTERING INFORMATION REGARDING A CHILD
19 FATALITY INTO THE WEB-BASED DATA-COLLECTION SYSTEM PURSUANT TO
20 SUBSECTION (2)(e.5) OF THIS SECTION, A LOCAL OR REGIONAL REVIEW
21 TEAM SHALL PROVIDE THE PARENT OR GUARDIAN:

22 (I) WRITTEN NOTICE THAT INCLUDES A CLEAR STATEMENT OF THE
23 TEAM'S FINDINGS THAT WILL BE ENTERED INTO THE WEB-BASED
24 DATA-COLLECTION SYSTEM; AND

25 (II) AN OPPORTUNITY TO DISPUTE THE TEAM'S FINDINGS.

26 **SECTION 4.** In Colorado Revised Statutes, 25-20.5-407, **amend**
27 (1)(h); and **repeal** (1)(a) as follows:

1 **25-20.5-407. State review team - duties - definitions.** (1) The
2 state review team shall:

3 ~~(a) Form committees to review a child fatality case, if a local or~~
4 ~~regional child fatality review team has not conducted such a review of the~~
5 ~~case, if the child fatality occurred in the state of Colorado and was related~~
6 ~~to one or more of the following causes:~~

7 ~~(I) Undetermined causes;~~

8 ~~(II) Unintentional injury;~~

9 ~~(III) Violence;~~

10 ~~(IV) Motor vehicle incidents;~~

11 ~~(V) Child abuse or neglect, as defined in section 19-1-103 (1),~~
12 ~~C.R.S.;~~

13 ~~(VI) Sudden unexpected infant death; and~~

14 ~~(VII) Suicide.~~

15 (h) Provide an annual summary to the state department of human
16 services outlining the trends and patterns of child abuse and neglect
17 fatalities, including information regarding the findings from cases known
18 and unknown to the county departments of human or social services;
19 EXCEPT THAT THE STATE REVIEW TEAM SHALL NOT PROVIDE INFORMATION
20 REGARDING FINDINGS FROM A CASE UNLESS THE PARENT OR GUARDIAN
21 HAS BEEN PROVIDED WRITTEN NOTICE AND AN OPPORTUNITY TO BE HEARD
22 AND TO HAVE AN ATTORNEY PRESENT DURING THE REVIEW PROCESS IN
23 ACCORDANCE WITH SECTION 25-20.5-405 (4)(b);

24 **SECTION 5.** In Colorado Revised Statutes, 25-20.5-408, **amend**
25 **(2)(c)(I); and add (2)(c)(V) as follows:**

26 **25-20.5-408. Access to records. (2) Public access to records**
27 **and information. (c) Release of information. (I) SUBJECT TO THE**

1 REQUIREMENTS OF SUBSECTION (2)(c)(V) OF THIS SECTION, members of
2 the state review team, members of the local or regional review teams, a
3 person who attends a review team meeting, and a person who presents
4 information to a review team may release information to governmental
5 agencies as necessary to fulfill the requirements of this part 4, including
6 section 25-20.5-405 (2)(d), and section 19-3.3-103 (1)(a)(II)(D).

7 (V) INFORMATION, DOCUMENTS, AND RECORDS OF THE STATE
8 REVIEW TEAM AND A LOCAL OR REGIONAL REVIEW TEAM SHALL NOT BE
9 RELEASED UNLESS THE PARENT OR GUARDIAN OF THE DECEASED CHILD
10 HAS BEEN PROVIDED WRITTEN NOTICE AND AN OPPORTUNITY TO BE HEARD
11 AND TO HAVE AN ATTORNEY PRESENT DURING THE REVIEW PROCESS IN
12 ACCORDANCE WITH SECTION 25-20.5-405 (4)(b).

13 **SECTION 6. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly; except that, if a referendum petition is filed pursuant
17 to section 1 (3) of article V of the state constitution against this act or an
18 item, section, or part of this act within such period, then the act, item,
19 section, or part will not take effect unless approved by the people at the
20 general election to be held in November 2024 and, in such case, will take
21 effect on the date of the official declaration of the vote thereon by the
22 governor.

23 (2) This act applies to conduct occurring on or after the applicable
24 effective date of this act.