

Md. FAMILY LAW Code Ann. § 5-701 - § 5-709

FAMILY LAW
TITLE 5. CHILDREN
SUBTITLE 7. CHILD FATALITY REVIEW TEAMS

§ 5-701. Definitions

- (a) In general. -- In this subtitle the following words have the meanings indicated.
- (b) Child. -- "Child" means an individual under the age of 18 years.
- (c) Child death review case reporting system. -- "Child death review case reporting system" means a national, standardized, web-based reporting system for the confidential collection, analysis, aggregation, and reporting of child death data that is maintained and operated by a national center for child death review.
- (d) Data use agreement. -- "Data use agreement" means a contract between the Department and a national center for child death review that establishes the terms and conditions for the State and local child fatality review teams' participation in a child death review case reporting system.
- (e) Health care provider. -- "Health care provider" means:
- (1) An individual licensed or certified under the Health Occupations Article to provide health care; or
 - (2) A facility that provides health care to individuals.
- (f) Local team. -- "Local team" means the multidisciplinary and multiagency child fatality review team established for a county.
- (g) Meeting. -- "Meeting" includes meetings through telephone conferencing.
- (h) National center for child death review. -- "National center for child death review" means a public, private, nonprofit, or governmental organization or entity that is funded or otherwise recognized by the United States Department of Health and Human Services and is responsible for:
- (1) Developing a child death review case reporting system;
 - (2) Training and serving as a liaison to State agencies participating in the system; and
 - (3) Disseminating national child death review data generated by the system.

(i) State Team. -- "State Team" means the State Child Fatality Review Team.

(j) Unexpected child death. -- "Unexpected child death" means a death of a child investigated by the office of the Chief Medical Examiner as required by § 5-309 of this title.

§ 5-702. Established

(a) In general. -- There is a State Child Fatality Review Team.

(b) Affiliates. -- The State Team is part of the Department for budgetary and administrative purposes.

§ 5-703. Membership

(a) Multidisciplinary and multiagency. -- The State Team shall be a multidisciplinary and multiagency review team, composed of at least 25 members, including:

- (1) The Attorney General;
- (2) The Chief Medical Examiner;
- (3) The Secretary of Human Resources;
- (4) The Secretary of Health and Mental Hygiene;
- (5) The State Superintendent of Schools;
- (6) The Secretary of Juvenile Services;
- (7) The Special Secretary for Children, Youth, and Families;
- (8) The Secretary of State Police;
- (9) The president of the State's Attorneys' Association;
- (10) The chief of the Division of Vital Records of the Department;
- (11) A representative of the State SIDS Information and Counseling Program;
- (12) The Director of the Behavioral Health Administration of the Department;

(13) Two pediatricians with experience in diagnosing and treating injuries and child abuse and neglect, appointed by the Governor from a list submitted by the State Chapter of the American Academy of Pediatrics; and

(14) Eleven members of the general public with interest or expertise in child safety and welfare, appointed by the Governor, including child advocates, CASA volunteers, health and mental health professionals, and attorneys who represent children.

(b) Designation of representatives. -- The members described under subsection (a)(1) through (12) of this section may designate representatives from their departments or offices to represent them on the State Team.

(c) Staffing. -- The State Team may employ a staff in accordance with the State budget. Each member of the Team under subsection (a)(1) through (12) of this section shall provide sufficient staff support to complete the State Team's responsibilities.

(d) Expenses. -- Members of the State Team shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties in accordance with the Standard State Travel Regulations and as provided in the State budget.

(e) Chairperson. -- The State Team shall select a chairperson from among its members.

(f) Meetings. -- The State Team shall meet not less than once every 3 months.

§ 5-704. Legislative purpose

(a) Prevention of child deaths. -- The purpose of the State Team is to prevent child deaths by:

(1) Developing an understanding of the causes and incidence of child deaths;

(2) Developing plans for and implementing changes within the agencies represented on the State Team to prevent child deaths; and

(3) Advising the Governor, the General Assembly, and the public on changes to law, policy, and practice to prevent child deaths.

(b) Duties. -- To achieve its purpose, the State Team shall:

(1) Undertake annual statistical studies of the incidence and causes of child fatalities in the State, including an analysis of community and public and private agency involvement with the decedents and their families before and after the deaths;

(2) Review reports from local teams;

(3) Provide training and written materials to the local teams established under § 5-705 of this subtitle to assist them in carrying out their duties, including model protocols for the operation of local teams;

(4) In cooperation with local teams, develop a protocol for child fatality investigations, including procedures for local health departments, law enforcement agencies, local medical examiners, and local departments of social services, using best practices from other states and jurisdictions;

(5) Develop a protocol for the collection of data regarding child deaths and provide training to local teams and county health departments on the use of the protocol;

(6) Undertake a study of the operations of local teams, including the State and local laws, regulations, and policies of the agencies represented on the local teams, recommend appropriate changes to any regulation or policy needed to prevent child deaths, and include proposals for changes to State or local laws in the annual report required by paragraph (12) of this subsection;

(7) Consider local and statewide training needs, including cross-agency training and service gaps, and make recommendations to member agencies to develop and deliver these training needs;

(8) Examine confidentiality and access to information laws, regulations, and policies for agencies with responsibilities for children, including health, public welfare, education, social services, mental health, and law enforcement agencies, recommend appropriate changes to any regulations and policies that impede the exchange of information necessary to protect children from preventable deaths, and include proposals for changes to statutes in the annual report required by paragraph (12) of this subsection;

(9) Examine the policies and procedures of State and local agencies and specific cases that the State Team considers necessary to perform its duties under this section, in order to evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with:

(i) The State plan under 42 U.S.C. § 5106a(b);

(ii) The child protection standards set forth in 42 U.S.C. § 5106a(b); and

(iii) Any other criteria that the State Team considers important to ensure the protection of children;

(10) Educate the public regarding the incidence and causes of child deaths, the public role in preventing child deaths, and specific steps the public can undertake to prevent child deaths;

(11) Recommend to the Secretary any regulations necessary for its own operation and the operation of the local teams;

(12) Provide the Governor, the public, and subject to § 2-1246 of the State Government Article, the General Assembly, with annual written reports, which shall include the State Team's findings and recommendations; and

(13) In consultation with local teams:

(i) Define "near fatality"; and

(ii) Develop procedures and protocols that local teams and the State Team may use to review cases of near fatality.

(c) Coordinated activities. -- The State Team shall coordinate its activities under this section with the State Citizens Review Board for Children, local citizens review panels, and the State Council on Child Abuse and Neglect in order to avoid unnecessary duplication of effort.

(d) Prohibitions; disclosure of information. --

(1) Except as provided in paragraph (2) of this subsection, members and staff of the State Team:

(i) May not disclose to any person or government official any identifying information about any specific child protection case about which the State Team is provided information; and

(ii) May make public other information unless prohibited by law.

(2) (i) In carrying out the responsibilities under this section and subject to subparagraph (ii) of this paragraph, the members and staff of the State Team may provide identifying information to a national center for child death review in accordance with a data use agreement that:

1. Authorizes access to identifiable information only to the members and staff of the State Team;

2. Authorizes the national center for child death review to access only de-identified information; and

3. Requires the national center for child death review to act as a fiduciary agent of the State and local teams.

(ii) Information provided to a national center for child death review in accordance with this subsection is confidential and subject to the same confidentiality and discovery protections that apply to the State and local teams as set forth in § 5-709 of this subtitle.

(e) Penalties. -- In addition to any other penalties provided by law, the Secretary may impose on any person who violates subsection (d) of this section a civil penalty not exceeding \$ 500 for each violation.

§ 5-705. Local child fatality review teams -- Established

(a) Establishing teams. --

(1) Except as provided in paragraph (2) of this subsection, there shall be a multidisciplinary and multiagency child fatality review team in each county.

(2) Instead of a local team in each county, two or more counties may agree to establish a single multicounty local team.

(3) A multicounty local team shall execute a memorandum of understanding on membership, staffing, and operation.

(b) Multidisciplinary and multiagency membership. -- The local team membership shall be drawn from the following individuals, organizations, agencies, and areas of expertise, when available:

(1) The county health officer;

(2) The director of the local department of social services;

(3) The State's Attorney;

(4) The superintendent of schools;

(5) A State, county, or municipal law enforcement officer;

(6) The director of the county substance abuse treatment program;

(7) The chief attorney who represents the local department of social services in child welfare proceedings;

(8) The Early Childhood Development Division in the State Department of Education;

(9) The director of the county mental health agency or core service agency;

(10) A pediatrician with experience in diagnosing and treating injuries and child abuse and neglect, appointed by the county health officer;

(11) A psychiatrist or psychologist with experience in child abuse and neglect or child injury, appointed by the director of the county mental health agency or core service agency;

(12) A member of the general public with interest or expertise in the prevention and treatment of child abuse and neglect, appointed by the county health officer; and

(13) Any other individual necessary to the work of the local team, recommended by the local team and appointed by the county health officer.

(c) Designation of representatives. -- The members described under subsection (b)(1) through (9) of this section may designate representatives from their departments or offices to represent them on the local team.

(d) Chairperson. -- From among its members, each local team shall elect a chairperson by majority vote.

§ 5-706. Local child fatality review teams -- Purpose; duties

(a) Local teams. -- The purpose of the local team is to prevent child deaths by:

(1) Promoting cooperation and coordination among agencies involved in investigations of child deaths or in providing services to surviving family members;

(2) Developing an understanding of the causes and incidence of child deaths in the county;

(3) Developing plans for and recommending changes within the agencies the members represent to prevent child deaths; and

(4) Advising the State Team on changes to law, policy, or practice to prevent child deaths.

(b) Duties. -- To achieve its purpose, the local team shall:

(1) In consultation with the State Team, establish and implement a protocol for the local team;

(2) Set as its goal the investigation of child deaths in accordance with national standards;

(3) Meet at least quarterly to review the status of child fatality cases, recommend actions to improve coordination of services and investigations among member agencies, and recommend actions within the member agencies to prevent child deaths;

(4) Collect and maintain data as required by the State Team;

(5) Provide requested reports to the State Team, including discussion of individual cases, steps taken to improve coordination of services and investigations, steps taken to implement changes recommended by the local team within member agencies, and recommendations on needed changes to State and local law, policy, and practice to prevent child deaths; and

(6) In consultation with the State Team:

(i) Define "near fatality"; and

(ii) Develop procedures and protocols that local teams and the State Team may use to review cases of near fatality.

(c) Duty to investigate acts by child causing death or near fatality. -- In addition to the duties specified in subsection (b) of this section, a local team may investigate the information and records of a child convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality described in § 5-707 of this subtitle.

§ 5-707. Local child fatality review teams -- Investigations

Upon request of the chair of the local team and as necessary to carry out the local team's purpose and duties, the local team shall be immediately provided:

(1) Access to information and records, including information on prenatal care, maintained by a health care provider regarding:

(i) A child whose death is being reviewed by the local team; or

(ii) A child convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality; and

(2) Access to all information and records maintained by any State or local government agency, including birth certificates, law enforcement investigative information, medical examiner investigative information, parole and probation information and records, and information and records of a social services agency that provided services to:

(i) A child whose death is being reviewed by the local team;

(ii) A child convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality; or

(iii) The family of a child described in item (i) or (ii) of this paragraph.

§ 5-708. Meetings

(a) Closed when discussing individual cases. -- Meetings of the State Team and of local teams shall be closed to the public and not subject to Title 3 of the General Provisions Article when the State Team or local teams are discussing individual cases of child deaths.

(b) Public meetings -- In general. -- Except as provided in subsection (c) of this section, meetings of the State Team and of local teams shall be open to the public and subject to Title 3 of the General Provisions Article when the State Team or local team is not discussing individual cases of child deaths.

(c) Public meetings -- Prohibited disclosures. --

(1) During a public meeting, information may not be disclosed that identifies:

(i) A deceased child;

(ii) A family member, guardian, or caretaker of a deceased child;

(iii) An alleged or suspected perpetrator of abuse or neglect upon a child; or

(iv) A child convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality.

(2) During a public meeting, information may not be disclosed regarding the involvement of any agency with:

(i) A deceased child;

(ii) A family member, guardian, or caretaker of a deceased child;

(iii) An alleged or suspected perpetrator of abuse or neglect upon a child; or

(iv) A child convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality.

(d) Witnesses. -- This section does not prohibit the State Team or a local team from requesting the attendance at a team meeting of a person who has information relevant to the team's exercise of its purpose and duties.

(e) Penalties. -- Violation of this section is a misdemeanor and is punishable by a fine not exceeding \$ 500 or imprisonment not exceeding 90 days or both.

§ 5-709. Disclosure of records and information

(a) Confidential records. -- All information and records acquired by the State Team or by a local team, in the exercise of its purpose and duties under this subtitle, are confidential, exempt from disclosure under Title 4 of the General Provisions Article, and may only be disclosed as necessary to carry out the team's duties and purposes.

(b) Statistical records. -- Statistical compilations of data that do not contain any information that would permit the identification of any person to be ascertained are public records.

(c) Team reports. -- Reports of the State Team and of a local team that do not contain any information that would permit the identification of any person to be ascertained are public information.

(d) Meeting disclosures. -- Except as necessary to carry out a team's purpose and duties, members of a team and persons attending a team meeting may not disclose what transpired at a meeting that is not public under § **5-708** of this subtitle or any information the disclosure of which is prohibited by this section.

(e) Testimony. -- Members of a team, persons attending a team meeting, and persons who present information to a team may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting. This subsection does not prohibit a person from testifying to information obtained independently of the team or that is public information.

(f) Discovery. --

(1) Except as provided in paragraph (2) of this subsection, information, documents, and records of the State Team or of a local team are not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding.

(2) Information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence through those sources solely because they were presented during proceedings of the team or are maintained by a team.

(g) Penalties. -- Violation of this section is a misdemeanor and is punishable by a fine not exceeding \$ 500 or imprisonment not exceeding 90 days or both.