

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY APRIL 6, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2660

Introduced by Assembly Member Maienschein

February 18, 2022

An act to amend Sections 11174.32, 11174.33, and 11174.34 of, and to add Section 11174.31 to, the Penal Code, relating to child death investigations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2660, as amended, Maienschein. Child death investigations: review teams.

Existing law authorizes each county to establish an interagency child death review team to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases. Existing law also authorizes each county to develop a protocol to be used as a guideline by persons performing autopsies on children to assist coroners and other persons who perform autopsies in the identification of child abuse or neglect, in the determination of whether child abuse or neglect contributed to death or whether child abuse or neglect had occurred prior to but was not the actual cause of death, and in the proper written reporting procedures for child abuse or neglect, including the designation of the cause and mode of death.

This bill would make the establishment of an interagency child death review team and the development or adoption of a protocol mandatory

for each county no later than January 1, 2025. By making these requirements on counties mandatory, the bill would impose a state-mandated local program.

Existing law requires each child death review team to, no less than once each year, make available to the public findings, conclusions, and recommendations of the team, including aggregate statistical data on the incidences and causes of child deaths.

This bill would instead require each child death review team to meet these requirements no later than July 1 of each year and to post this report on the internet website of the county.

Existing law requires the Attorney General, subject to available funding, to develop a protocol for the development and implementation of interagency child death teams that could be used by counties.

This bill would require the Attorney General to complete and publish the protocol on their internet website and to update it every 4 years no later than January 1, regardless of the available funding.

Existing law requires multiple state departments to share data and other information necessary to establish accurate information on the nature and extent of child abuse- or neglect-related fatalities in California as those documents relate to child fatality cases. Existing law also requires the California State Child Death Review Council, among other things, to oversee the statewide coordination and integration of state and local efforts.

This bill would require the Attorney General to submit a budget to the Governor and the Legislature that is sufficient to fund the council, among other things.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11174.31 is added to the Penal Code, to
2 read:

1 11174.31. The Legislature finds and declares as follows:

2 (a) California lawmaking and expenditures should prioritize
3 preventing California’s children from dying.

4 (b) A state with an annual budget of over two hundred billion
5 dollars (\$200,000,000,000) can and should spend the modest sums
6 needed to implement current federal and state laws and best
7 practices to track, evaluate, and report upon child deaths to permit
8 the possibility of enacting or reforming policies and practices that
9 will prevent children from dying in the future, if possible.

10 SEC. 2. Section 11174.32 of the Penal Code is amended to
11 read:

12 11174.32. (a) Each county shall, no later than January 1, 2025,
13 establish an interagency child death review team to assist local
14 agencies in identifying and reviewing suspicious child deaths and
15 facilitating communication among persons who perform autopsies
16 and the various persons and agencies involved in child abuse or
17 neglect cases. Interagency child death review teams have been
18 used successfully to ensure that incidents of child abuse or neglect
19 are recognized and other siblings and nonoffending family
20 members receive the appropriate services in cases where a child
21 has expired.

22 (b) Each county shall, no later than January 1, 2025, develop
23 or adopt a protocol that may be used as a guideline by persons
24 performing autopsies on children to assist coroners and other
25 persons who perform autopsies in the identification of child abuse
26 or neglect, in the determination of whether child abuse or neglect
27 contributed to death or whether child abuse or neglect had occurred
28 prior to but was not the actual cause of death, and in the proper
29 written reporting procedures for child abuse or neglect, including
30 the designation of the cause and mode of death.

31 (c) In developing an interagency child death review team or
32 developing or adopting an autopsy protocol, each county, working
33 in consultation with local members of the California State Coroners
34 Association and county child abuse prevention coordinating
35 councils, may solicit suggestions and final comments from persons,
36 including, but not limited to, the following:

- 37 (1) Experts in the field of forensic pathology.
- 38 (2) Pediatricians with expertise in child abuse.
- 39 (3) Coroners and medical examiners.
- 40 (4) Criminologists.

- 1 (5) District attorneys.
- 2 (6) Child protective services staff.
- 3 (7) Law enforcement personnel.
- 4 (8) Representatives of local agencies which are involved with
- 5 child abuse or neglect reporting.
- 6 (9) County health department staff who deals with children's
- 7 health issues.
- 8 (10) Local professional associations of persons described in
- 9 paragraphs (1) to (9), inclusive.
- 10 (d) Records exempt from disclosure to third parties pursuant to
- 11 state or federal law shall remain exempt from disclosure when
- 12 they are in the possession of a child death review team.
- 13 (e) Written and oral information pertaining to the child's death
- 14 as requested by a child death review team may be disclosed to a
- 15 child death review team established pursuant to this section. The
- 16 team may make a request, in writing, for the information sought
- 17 and any person with information of the kind described in paragraph
- 18 (2) may rely on the request in determining whether information
- 19 may be disclosed to the team.
- 20 (1) An individual or agency that has information governed by
- 21 this subdivision shall not be required to disclose information. The
- 22 intent of this subdivision is to allow the voluntary disclosure of
- 23 information by the individual or agency that has the information.
- 24 (2) The following information may be disclosed pursuant to this
- 25 subdivision:
 - 26 (A) Notwithstanding Section 56.10 of the Civil Code, medical
 - 27 information, unless disclosure is prohibited by federal law.
 - 28 (B) Notwithstanding Section 5328 of the Welfare and
 - 29 Institutions Code, mental health information.
 - 30 (C) Notwithstanding Section 11167.5, information from child
 - 31 abuse reports and investigations, except the identity of the person
 - 32 making the report, which shall not be disclosed.
 - 33 (D) State summary criminal history information, criminal
 - 34 offender record information, and local summary criminal history
 - 35 information, as defined in Sections 11105, 11075, and 13300,
 - 36 respectively.
 - 37 (E) Notwithstanding Section 11163.2, information pertaining
 - 38 to reports by health practitioners of persons suffering from physical
 - 39 injuries inflicted by means of a firearm or of persons suffering

1 physical injury where the injury is a result of assaultive or abusive
2 conduct.

3 (F) Notwithstanding Section 10850 of the Welfare and
4 Institutions Code, records of in-home supportive services, unless
5 disclosure is prohibited by federal law.

6 (3) Written or oral information disclosed to a child death review
7 team pursuant to this subdivision shall remain confidential, and
8 shall not be subject to disclosure or discovery by a third party
9 unless otherwise required by law.

10 (f) (1) No later than July 1 of each year, each child death review
11 team shall make available to the public findings, conclusions, and
12 recommendations of the team, including aggregate statistical data
13 on the incidences and causes of child deaths. This report shall be
14 posted on the internet website of each county with a link that states
15 it is the “Child Death Review Team Annual Report.”

16 (2) In its report, the child death review team shall withhold the
17 last name of the child that is subject to a review or the name of the
18 deceased child’s siblings unless the name has been publicly
19 disclosed or is required to be disclosed by state law, federal law,
20 or court order.

21 (g) This section shall not be construed as prohibiting a county
22 from entering into agreements or arrangements with other counties
23 or the State Department of Social Services to share their resources
24 in implementing this section.

25 SEC. 3. Section 11174.33 of the Penal Code is amended to
26 read:

27 11174.33. The Attorney General, working with the California
28 Consortium of Child Abuse Councils, shall develop a protocol for
29 the development and implementation of interagency child death
30 teams for use by counties, which shall include relevant procedures
31 for both urban and rural counties. The protocol shall be designed
32 to facilitate communication among persons who perform autopsies
33 and the various persons and agencies involved in child abuse or
34 neglect cases so that incidents of child abuse or neglect are
35 recognized and other siblings and nonoffending family members
36 receive the appropriate services in cases where a child has expired.
37 The protocol shall be completed and published on the Attorney
38 General’s internet website with a link that states “Child Death
39 Review Protocol,” and shall be updated every four years no later
40 than January 1.

1 SEC. 4. Section 11174.34 of the Penal Code is amended to
2 read:

3 11174.34. (a) (1) The purpose of this section shall be to
4 coordinate and integrate state and local efforts to address fatal
5 child abuse or neglect, and to create a body of information to
6 prevent child deaths.

7 (2) It is the intent of the Legislature that the California State
8 Child Death Review Council, the Department of Justice, the State
9 Department of Social Services, the State Department of ~~Health
10 Care Services~~, *Public Health*, and state and local child death review
11 teams shall share data and other information necessary from the
12 Department of Justice Child Abuse Central Index and Supplemental
13 Homicide File, the State Department of Health Services Vital
14 Statistics and the Department of Social Services Child Welfare
15 Services/Case Management System files to establish accurate
16 information on the nature and extent of child abuse- or
17 neglect-related fatalities in California as those documents relate
18 to child fatality cases. Further, it is the intent of the Legislature to
19 ensure that records of child abuse- or neglect-related fatalities are
20 entered into the State Department of Social Services, Child Welfare
21 Services/Case Management System. It is also the intent that training
22 and technical assistance be provided to child death review teams
23 and professionals in the child protection system regarding
24 multiagency case review.

25 (b) (1) It shall be the duty of the California State Child Death
26 Review Council to oversee the statewide coordination and
27 integration of state and local efforts to address fatal child abuse or
28 neglect and to create a body of information to prevent child deaths.
29 The Department of Justice, the State Department of Social Services,
30 the State Department of ~~Health Care Services~~, *Public Health*, the
31 California Coroner's Association, the County Welfare Directors
32 Association, Prevent Child Abuse California, the California
33 Homicide Investigators Association, the Office of Emergency
34 Services, the Inter-Agency Council on Child Abuse and
35 Neglect/National Center on Child Fatality Review, the California
36 Conference of Local Health Officers, the California Conference
37 of Local Directors of Maternal, Child, and Adolescent Health, the
38 California Conference of Local Health Department Nursing
39 Directors, the California District Attorneys Association, and at
40 least three regional representatives, chosen by the other members

1 of the council, working collaboratively for the purposes of this
2 section, shall be known as the California State Child Death Review
3 Council. The council shall select a chairperson or cochairpersons
4 from the members.

5 (2) The Department of Justice is hereby authorized to carry out
6 the purposes of this section by coordinating council activities and
7 working collaboratively with the agencies and organizations in
8 paragraph (1), and may consult with other representatives of other
9 agencies and private organizations, to help accomplish the purpose
10 of this section.

11 (c) Meetings of the agencies and organizations involved shall
12 be convened by a representative of the Department of Justice. All
13 meetings convened between the Department of Justice and any
14 organizations required to carry out the purpose of this section shall
15 take place in this state. There shall be a minimum of four meetings
16 per calendar year.

17 (d) To accomplish the purpose of this section, the Department
18 of Justice and agencies and organizations involved shall engage
19 in the following activities:

20 (1) Analyze and interpret state and local data on child death in
21 an annual report to be submitted to local child death review teams
22 with copies to the Governor and the Legislature, no later than July
23 1 each year. Copies of the report shall also be distributed to public
24 officials in the state who deal with child abuse issues and to those
25 agencies responsible for child death investigation in each county.
26 The report shall contain, but not be limited to, information provided
27 by state agencies and the county child death review teams for the
28 preceding year.

29 The state data shall include the Department of Justice Child
30 Abuse Central Index and Supplemental Homicide File, the State
31 Department of Health Services Vital Statistics, and the State
32 Department of Social Services Child Welfare Services/Case
33 Management System.

34 (2) In conjunction with the Office of Emergency Services,
35 coordinate statewide and local training for county death review
36 teams and the members of the teams, including, but not limited to,
37 training in the application of the interagency child death
38 investigation protocols and procedures established under Sections
39 ~~11166.7 and 11166.8~~ *11174.32 and 11174.33* to identify child
40 deaths associated with abuse or neglect.

1 (e) The State Department of Public Health, in collaboration with
2 the California State Child Death Review Council, shall design,
3 test and implement a statewide child abuse or neglect fatality
4 tracking system incorporating information collected by local child
5 death review teams. The department shall:

6 (1) Establish a minimum case selection criteria and review
7 protocols of local child death review teams.

8 (2) Develop a standard child death review form with a minimum
9 core set of data elements to be used by local child death review
10 teams, and collect and analyze that data.

11 (3) Establish procedural safeguards in order to maintain
12 appropriate confidentiality and integrity of the data.

13 (4) Conduct annual reviews to reconcile data reported to the
14 State Department of Health Services Vital Statistics, Department
15 of Justice Homicide Files and Child Abuse Central Index, and the
16 State Department of Social Services Child Welfare Services/Case
17 Management System data systems, with data provided from local
18 child death review teams.

19 (5) Provide technical assistance to local child death review teams
20 in implementing and maintaining the tracking system.

21 (6) This subdivision shall become operative on July 1, 2000,
22 and shall be implemented only to the extent that funds are
23 appropriated for its purposes in the Budget Act.

24 (f) Local child death review teams shall participate in a statewide
25 child abuse or neglect fatalities monitoring system by:

26 (1) Meeting the minimum standard protocols set forth by the
27 State Department of Public Health in collaboration with the
28 California State Child Death Review Council.

29 (2) Using the standard data form to submit information on child
30 abuse or neglect fatalities in a timely manner established by the
31 State Department of Public Health.

32 (g) The California State Child Death Review Council shall
33 monitor the implementation of the monitoring system and
34 incorporate the results and findings of the system and review into
35 an annual report.

36 (h) The Department of Justice shall direct the creation,
37 maintenance, updating, and distribution electronically and by paper,
38 of a statewide child death review team directory, which shall
39 contain the names of the members of the agencies and private
40 organizations participating under this section, and the members of

1 local child death review teams and local liaisons to those teams.
2 The department shall work in collaboration with members of the
3 California State Child Death Review Council to develop a directory
4 of professional experts, resources, and information from relevant
5 agencies and organizations and local child death review teams,
6 and to facilitate regional working relationships among teams. The
7 Department of Justice shall maintain and update these directories
8 annually.

9 (i) The agencies or private organizations participating under
10 this section shall participate without reimbursement from the state.
11 Costs incurred by participants for travel or per diem shall be borne
12 by the participant agency or organization. The participants shall
13 be responsible for collecting and compiling information to be
14 included in the annual report. The Department of Justice shall be
15 responsible for printing and distributing the annual report using
16 available funds and existing resources.

17 (j) The Office of Emergency Services, in coordination with the
18 State Department of Social Services, the Department of Justice,
19 and the California State Child Death Review Council shall contract
20 with state or nationally recognized organizations in the area of
21 child death review to conduct statewide training and technical
22 assistance for local child death review teams and relevant
23 organizations, develop standardized definitions for fatal child abuse
24 or neglect, develop protocols for the investigation of fatal child
25 abuse or neglect, and address relevant issues such as grief and
26 mourning, data collection, training for medical personnel in the
27 identification of child abuse or neglect fatalities, domestic violence
28 fatality review, and other related topics and programs. The
29 provisions of this subdivision shall only be implemented to the
30 extent that the agency can absorb the costs of implementation
31 within its current funding, or to the extent that funds are
32 appropriated for its purposes in the Budget Act.

33 (k) Law enforcement and child welfare agencies shall
34 cross-report all cases of child death suspected to be related to child
35 abuse or neglect whether or not the deceased child has any known
36 surviving siblings.

37 (l) County child welfare agencies shall create a record in the
38 Child Welfare Services/Case Management System (CWS/CMS)
39 on all cases of child death suspected to be related to child abuse
40 or neglect, whether or not the deceased child has any known

1 surviving siblings. Upon notification that the death was determined
2 not to be related to child abuse or neglect, the child welfare agency
3 shall enter that information into the Child Welfare Services/Case
4 Management System.

5 (m) The Attorney General shall annually, and in time to be
6 included in the Governor’s January Budget, submit to the Governor
7 and the Legislature a budget that is sufficient to fund the council,
8 ~~the county child death review teams,~~ and the requirements of
9 ~~Section 11174.3. Section 11174.33 and this section.~~

10 SEC. 5. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.