

1 AN ACT relating to child and maternal fatality teams.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 211.684 is amended to read as follows:

- 4 (1) For the purposes of KRS Chapter 211:
- 5 (a) "Child fatality" means the death of a person under the age of eighteen (18)
- 6 years;
- 7 (b) "Local child and maternal fatality response team" and "local team" means a
- 8 community team composed of representatives of agencies, offices, and
- 9 institutions that investigate child and maternal deaths, including but not
- 10 limited to, coroners, social service workers, medical professionals, law
- 11 enforcement officials, and Commonwealth's and county attorneys; and
- 12 (c) "Maternal fatality" means the death of a woman within one (1) year of giving
- 13 birth.
- 14 (2) The Department for Public Health ***shall*** ~~may~~ establish a state child and maternal
- 15 fatality review team. The state team may include representatives of public health,
- 16 social services, law enforcement, prosecution, coroners, health-care providers, and
- 17 other agencies or professions deemed appropriate by the commissioner of the
- 18 department.
- 19 (3) ~~If a state team is created,~~ The duties of the state team ***shall*** ~~may~~ include the
- 20 following:
- 21 (a) Develop and distribute a model protocol for local child and maternal fatality
- 22 response teams for the investigation of child and maternal fatalities;
- 23 (b) Facilitate the development of local child and maternal fatality response teams
- 24 which may include, but is not limited to, providing joint training opportunities
- 25 and, upon request, providing technical assistance;
- 26 (c) Review and approve local protocols prepared and submitted by local teams;
- 27 (d) Receive data and information on child and maternal fatalities and analyze the

- 1 information to identify trends, patterns, and risk factors;
- 2 (e) Evaluate the effectiveness of prevention and intervention strategies adopted;
- 3 and
- 4 (f) Recommend changes in state programs, legislation, administrative regulations,
- 5 policies, budgets, and treatment and service standards which may facilitate
- 6 strategies for prevention and reduce the number of child and maternal
- 7 fatalities.

8 (4) The department shall prepare an annual report to be submitted no later than

9 November 1 of each year to the Governor, the Child Welfare Oversight and

10 Advisory Committee established in KRS 6.943, ***and*** the Chief Justice of the

11 Kentucky Supreme Court, and to be made available to the citizens of the

12 Commonwealth. The report shall include a statistical analysis of the incidence and

13 causes of child and maternal fatalities in the Commonwealth during the past fiscal

14 year and recommendations for action. The report shall not include any information

15 which would identify specific child and maternal fatality cases.

16 ➔Section 2. KRS 211.686 is amended to read as follows:

17 (1) A local child and maternal fatality response team ***shall***~~may~~ be established in every

18 county or group of contiguous counties by the coroner or coroners with jurisdiction

19 in the county or counties. The local coroner may authorize the creation of additional

20 local teams within the coroner's jurisdiction as needed.

21 (2) Membership of the local team may include representatives of the coroner, the local

22 office of the Department for Community Based Services, law enforcement agencies

23 with investigation responsibilities for child and maternal fatalities which occur

24 within the jurisdiction of the local team, the Commonwealth's and county attorneys,

25 representatives of the medical profession, and other members whose participation

26 the local team believes is important to carry out its purpose. Each local team

27 member shall be appointed by the agency the member is representing and shall

1 serve at the pleasure of the appointing authority.

2 (3) The purpose of the local child and maternal fatality response team shall be to:

3 (a) Allow each member to share specific and unique information with the local
4 team;

5 (b) Generate overall investigative direction and emphasis through team
6 coordination and sharing of specialized information;

7 (c) Create a body of information that will assist in the coroner's effort to
8 accurately identify the cause and reasons for death; and

9 (d) Facilitate the appropriate response by each member agency to the fatality,
10 including but not limited to, intervention on behalf of others who may be
11 adversely affected by the situation, implementation of health services
12 necessary for protection of other citizens, further investigation by law
13 enforcement, or legal action by Commonwealth's or county attorneys.

14 (4) The local team ~~shall~~may:

15 (a) Analyze information regarding local child and maternal fatalities to identify
16 trends, patterns, and risk factors;

17 (b) Recommend to the state team, and any other entities deemed appropriate,
18 changes in state or local programs, legislation, administrative regulations,
19 policies, budgets, and treatment and service standards which may facilitate
20 strategies for prevention and reduce the number of child and maternal
21 fatalities; and

22 (c) Evaluate the effectiveness of local prevention and intervention strategies.

23 (5) The local team may establish a protocol for the investigation of child and maternal
24 fatalities and may establish operating rules and procedures as it deems necessary to
25 carry out the purposes of this section.

26 (6) The review of a child and maternal fatality by a local team may include information
27 from reports generated or received by agencies, organizations, or individuals that

1 are responsible for investigation, prosecution, or treatment in the case.
2 (7) The proceedings, records, opinions, and deliberations of the local team shall be
3 privileged and shall not be subject to discovery, subpoena, or introduction into
4 evidence in any civil action in any manner that would directly or indirectly identify
5 specific persons or cases reviewed by the local team. Nothing in this subsection
6 shall be construed to restrict or limit the right to discover or use in any civil action
7 any evidence that is discoverable independent of the proceedings of the local team.