

From: laurahudson@sccvc.org <LauraHudson@sccvc.org>

To: Pisarik, HollyHollyPisarik@gov.sc.gov

Date: 2/15/2016 4:09:55 PM

Subject: HUTTO 2016 CHILD FATALITY REFORM ACT

Attachments: HUTTO 2016 CHILD FATALITY REFORM ACT.docx

Laura Hudson - SCFAC County-level Details (10-3-2013).xlsx

Copy of 2014-2015 SCFAC Cases Reviewed and Completed Summary Report (10-1-2014).xlsx

Holly please call me for any other info you might need .In Section one of the above, Gary Watts, Capt. Greene and myself thought that including the local DSS in the local Child Fatality Review Team would close the glaring omission in the original Proviso that had no mechanism for DSS to even know that a child had died. Note that this local review reviews all the deaths which can be 700...only 160-200 are reported to SLED and less than 10% of SLED cases even involve DSS.

The above embedded attachment is what we ended up with for Senator Hutto after DSS said they already have an internal review process....butand here is their logic per Taron Davis.” We already have an internal review process, but if it is mandated by statute we would need money to implement it.” HUH!

This is what the other stakeholders thought would please DSS, but was rejected:

SECTION 2. Chapter 11, Title 63 of 1976 Code is amended by adding:

“Article 20

State Department of Social Services **Internal** Review Team”

Section 63-11-2000. For the purposes of this article:

- (1) “Department” means State Department of Social Services.
- (2) “Team” or “review team” means the State Department of Social Services internal review team
- (3) “Working days” means Monday through Friday, excluding official state holidays.

Section 63-11-2010. (A) There is created the State Department of Social Services internal review team for the purpose of rapidly and expeditiously responding to the safety needs of any other children in the home of a deceased child through detailed examination of the process and procedures within the local and state department of social services that may have been a factor attendant to or contributed to the child’s death.

Section 63-11-2020. (A) The State Department of Social Services is authorized to create and fund the review team composed of any representatives from any professions and agencies that the director of the department deems necessary.

(B) The department is authorized to provide reasonable compensation for board-certified child abuse pediatricians asked to serve on the review team.

Section 63-11-2030. Within seven working days of the child’s death, the team shall perform a review of any death meeting the following criteria:

- (1) The child’s death is the result of suspected abuse or neglect as determined during or after contact with the health care system, the medical examiner, or the coroners’ office.
- (2) There is an open and active case with the department at the time of the child’s death.
- (3) A report, despite the outcome of the investigation, of abuse or neglect has been created concerning the child or the child’s family that is:
 - (i) indicated or unfounded; or
 - (ii) screened out at intake on the child or the child’s family within twelve months of the child’s death.
- (4) The child or the child’s family was actively participating in a Community Based Prevention Services (CBPS) program at the time of the child’s death or was a recipient of the services provided through the program.

(5) The child or the child's family was offered CBPS and either refused participation or did not complete the program at the time of the child's death.

(6) The child's death occurred while in out-of-home placement, including but not limited to, a foster home, alternative caregiver/kinship care, a group home, or a day care facility registered or licensed by the department.

(C) All findings shall be shared with the local Child Fatality Response Team of the county in which the death occurred and the State Law Enforcement Division's Department of Child Fatalities. All findings shall be entered into the Child Death Review Case Reporting System at the direction of the coroner of the county in which the death occurred and be electronically shared with the State Child Fatality Advisory Committee within twenty-four hours or one working day, whichever comes first, after the entry of the information. The State Child Fatality Advisory Committee shall compile all reported findings in its annual report pursuant to Section 27 63-11-1950 (6).

Section 63-11-2030. (A) Meetings of the review team are closed to the public and are not subject to Chapter 4, Title 30, the Freedom of Information Act, when the review team is discussing individual cases of child deaths.

(B) Violation of this section is a misdemeanor and, upon conviction, a person must be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Section 63-11-2060.

(A) All information and records acquired by the State Department of Social Services internal review team in the exercise of their purposes and duties pursuant to this article are confidential, exempt from disclosure under Chapter 4, Title 30, the Freedom of Information Act, and only may be disclosed as necessary to carry out the review team's duties and purposes.

(B) Statistical compilations of data which do not contain information that would permit the identification of a person to be ascertained are public records.

(C) Reports of the review team which do not contain information that would permit the identification of a person to be ascertained are public information.

(D) Except as necessary to carry out the review team's purposes and duties, members of the review team and persons attending their meeting may not disclose what transpired at a meeting which is not public under Section 63-11-2040 and may not disclose information, the disclosure of which is prohibited by this section.

(E) Members of the review team, persons attending a review team's meeting, and persons who present information to the review team may not be required to disclose in any civil or criminal proceeding information presented in or opinions formed as a result of a meeting, except that information available from other sources is not immune from introduction into evidence through those sources solely because it was presented during proceedings of the review team or because it is maintained by the review team. Nothing in this subsection may be construed to prevent a person from testifying to information obtained independently of the committee or which is public information.

(F) Information, documents, and records of the review team are not subject to subpoena, discovery, or the Freedom of Information Act, except that information, documents, and records otherwise available from other sources are not immune from subpoena discovery, or the Freedom of Information Act through those sources solely because they were presented during proceedings of the review team or because they are maintained by the review team.

(G) Violation of this section is a misdemeanor and, upon conviction, a person must be fined not more than five hundred dollars or imprisoned for not more than six months, or both."

I would think that a new Proviso would provide for the funds to the Board Certified Pediatrician asked to be part of the DSS Internal Review or could be attached to the local team.. Board certified Pediatricians + forensic Pathologists are already being used by the coroners and SLED at no charge.