

House Engrossed Senate Bill

child fatality review teams; duties

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 104
SENATE BILL 1048

AN ACT

AMENDING SECTIONS 36-3501, 36-3502 AND 36-3503, ARIZONA REVISED STATUTES;
RELATING TO CHILD FATALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-3501, Arizona Revised Statutes, is amended to
3 read:

4 36-3501. State child fatality review team; membership;
5 duties; reporting requirements

6 A. The STATE child fatality review team is established in the
7 department of health services. The STATE team is composed of the head of
8 the following entities or that person's designee:

9 1. Attorney general.

10 2. Office of women's and children's health in the department of
11 health services.

12 ~~3. Office of planning and health status monitoring in the~~
13 ~~department of health services.~~

14 ~~4.~~ 3. Arizona health care cost containment system.

15 ~~5.~~ 4. Division of developmental disabilities in the department of
16 economic security.

17 ~~6.~~ 5. Department of child safety.

18 ~~7.~~ 6. Governor's office for ~~children~~ YOUTH, FAITH AND FAMILY.

19 ~~8.~~ 7. Administrative office of the ~~courts~~ COURTS' PARENT
20 ASSISTANCE PROGRAM.

21 ~~9. Parent assistance office of the supreme court.~~

22 ~~10.~~ 8. Department of juvenile corrections.

23 ~~11.~~ 9. Arizona chapter of a national pediatric society.

24 B. The director of the department of health services shall appoint
25 the following members to serve ~~staggered three-year terms~~ ON THE STATE
26 TEAM:

27 1. A medical examiner who is a forensic pathologist.

28 2. A maternal and child health specialist WHO IS involved with the
29 treatment of Native Americans.

30 3. A representative of a private nonprofit organization of tribal
31 governments in this state.

32 4. A representative of the Navajo tribe.

33 5. A representative of the United States military family advocacy
34 program.

35 6. A representative of a statewide prosecuting attorneys advisory
36 council.

37 7. A representative of a statewide law enforcement officers
38 advisory council who is experienced in child homicide investigations.

39 8. A representative of an association of county health officers.

40 9. A child advocate who is not employed by or an officer of this
41 state or a political subdivision of this state.

42 ~~10. A public member. If local teams are formed pursuant to this~~
43 ~~article, the director of the department of health services shall select~~
44 ~~this member from one of those local teams~~ LOCAL CHILD FATALITY REVIEW TEAM
45 MEMBER.

- 1 C. The STATE team shall:
- 2 1. Develop a child fatalities data collection system.
- 3 2. Provide training to cooperating agencies, individuals and local
- 4 child fatality review teams on the use of the child fatalities data
- 5 system.
- 6 3. Conduct an annual statistical report on the incidence and causes
- 7 of child fatalities in this state during the past ~~fiscal~~ year and submit a
- 8 copy of this report, including its recommendations for action, to the
- 9 governor, the president of the senate and the speaker of the house of
- 10 representatives on or before November 15 of each year. THE REPORT SHALL
- 11 INCLUDE AVAILABLE INFORMATION REGARDING PLANS FOR OR PROGRESS TOWARD
- 12 IMPLEMENTATION OF RECOMMENDATIONS. RECOMMENDATIONS MADE TO A STATE
- 13 AGENCY, BOARD OR COMMISSION SHALL REQUIRE A WRITTEN RESPONSE INDICATING
- 14 WHETHER THE AGENCY IS CAPABLE OF IMPLEMENTING THE RECOMMENDATIONS WITHIN
- 15 ITS EXISTING AUTHORITY AND RESOURCES, INCLUDING ANY APPLICABLE
- 16 IMPLEMENTATION PLAN, TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE
- 17 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE CHILD FATALITY
- 18 REVIEW TEAM WITHIN SIXTY DAYS AFTER THE REPORT IS SUBMITTED.
- 19 4. Encourage and assist in the development of local child fatality
- 20 review teams.
- 21 5. Develop standards and protocols for local child fatality review
- 22 teams and provide training and technical assistance to these teams.
- 23 6. Develop protocols for child fatality investigations, including
- 24 protocols for law enforcement agencies, prosecutors, medical examiners,
- 25 health care facilities and social service agencies.
- 26 7. Study the adequacy of statutes, ordinances, rules, training and
- 27 services to determine what changes are needed to decrease the incidence of
- 28 preventable child fatalities and, as appropriate, take steps to implement
- 29 these changes.
- 30 8. Provide case consultation on individual cases to local teams if
- 31 requested.
- 32 9. Educate the public regarding the incidence and causes of child
- 33 fatalities as well as the public's role in preventing these deaths.
- 34 10. Designate a STATE team chairperson.
- 35 11. Develop and distribute an informational brochure that describes
- 36 the purpose, function and authority of ~~a~~ THE STATE team. The brochure
- 37 shall be available at the offices of the department of health services.
- 38 12. Evaluate the incidence and causes of maternal fatalities
- 39 associated with pregnancy in this state. For the purposes of this
- 40 paragraph, "maternal fatalities associated with pregnancy" means the death
- 41 of a woman while she is pregnant or within one year after the end of her
- 42 pregnancy.
- 43 13. BEGINNING JANUARY 1, 2025, CONDUCT AN ANNUAL STATISTICAL REPORT
- 44 ON THE INCIDENCE AND CAUSES OF CHILD FATALITIES AND NEAR FATALITIES
- 45 IDENTIFIED BY THE DEPARTMENT OF CHILD SAFETY PURSUANT TO SECTION 8-807.01

1 FOR THE PAST YEAR AND SUBMIT A COPY OF THIS REPORT, INCLUDING ITS
2 RECOMMENDATIONS FOR ACTION, TO THE GOVERNOR, THE PRESIDENT OF THE SENATE
3 AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON OR BEFORE NOVEMBER 15
4 OF EACH YEAR. THE REPORT SHALL INCLUDE AVAILABLE INFORMATION REGARDING
5 PLANS FOR OR PROGRESS TOWARD IMPLEMENTATION OF RECOMMENDATIONS.
6 RECOMMENDATIONS MADE TO A STATE AGENCY, BOARD OR COMMISSION SHALL REQUIRE
7 A WRITTEN RESPONSE INDICATING WHETHER THE AGENCY IS CAPABLE OF
8 IMPLEMENTING THE RECOMMENDATIONS WITHIN ITS EXISTING AUTHORITY AND
9 RESOURCES, INCLUDING ANY APPLICABLE IMPLEMENTATION PLAN, TO THE GOVERNOR,
10 THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
11 AND THE STATE CHILD FATALITY REVIEW TEAM WITHIN SIXTY DAYS AFTER THE
12 REPORT IS SUBMITTED.

13 ~~13.~~ 14. Inform the governor and the legislature of the need for
14 specific recommendations regarding ~~unexplained~~ SUDDEN UNEXPECTED infant
15 death.

16 ~~14.~~ 15. Periodically review the infant death investigation
17 checklist developed by the department of health services pursuant to
18 section 36-3506. In reviewing the checklist, the ~~review~~ STATE team shall
19 consider guidelines endorsed by national infant death organizations.

20 D. STATE team members are not eligible to receive compensation, but
21 members appointed pursuant to subsection B OF THIS SECTION are eligible
22 for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

23 E. The department of health services shall provide professional and
24 administrative support to the STATE team.

25 F. Notwithstanding subsections C and D of this section, this
26 section does not require expenditures above the revenue available from the
27 child fatality review fund.

28 Sec. 2. Section 36-3502, Arizona Revised Statutes, is amended to
29 read:

30 36-3502. Local child fatality review teams; membership;
31 duties

32 A. ~~if~~ Local child fatality REVIEW teams ~~are organized, they~~ shall
33 abide by the standards and protocol for local child fatality review teams
34 developed by the state team and must have prior authorization from the
35 state team to conduct ~~fatality~~ reviews. Local teams shall be composed of
36 the head of the following departments, agencies or associations, or that
37 person's designee:

- 38 1. County medical examiner.
- 39 2. Department of child safety.
- 40 3. County health department.

41 B. The chairperson of the state child fatality review team shall
42 appoint the following members of the local team:

- 43 1. A domestic violence specialist.
- 44 ~~2. A psychiatrist or psychologist licensed in this state.~~
- 45 2. A MENTAL HEALTH SPECIALIST.

1 3. A pediatrician WHO IS certified by the American board of
2 pediatrics or a family practice physician WHO IS certified by the American
3 board of family practice MEDICINE. The pediatrician or family practice
4 physician shall also be licensed in this state.

5 4. A person from a local law enforcement agency.

6 5. A person from a local prosecutors PROSECUTOR'S office.

7 6. A parent.

8 C. ~~if~~ Local child fatality REVIEW teams ~~are authorized, they~~ shall:

9 1. Designate a team chairperson who shall review the death
10 certificates of all children AND WOMEN who die within the team's
11 jurisdiction and call meetings of the LOCAL team when necessary.

12 2. Assist the state team in collecting RELEVANT data ~~on child~~
13 ~~fatalities~~.

14 3. Submit written reports to the state team as directed by that
15 team. These reports shall include nonidentifying information on
16 individual cases and steps taken by the local team to implement necessary
17 changes and improve the coordination of services and investigations.

18 Sec. 3. Section 36-3503, Arizona Revised Statutes, is amended to
19 read:

20 36-3503. Access to information; confidentiality; violation;
21 classification

22 A. On request of the chairperson of ~~a~~ THE state or A local CHILD
23 FATALITY REVIEW team and as necessary to carry out the team's duties, the
24 chairperson shall be provided within five days excluding weekends and
25 holidays with access to ALL information and records regarding a child
26 whose ~~death~~ FATALITY OR NEAR FATALITY is being reviewed by the team, or
27 information and records regarding the child's family and records of a
28 maternal fatality associated with pregnancy pursuant to section 36-3501,
29 subsection C:

30 1. From a ~~provider of~~ PERSON OR INSTITUTION PROVIDING medical,
31 dental, NURSING or mental health care.

32 2. From this state or a political subdivision of this state that
33 might assist a team to review a child fatality OR NEAR FATALITY.

34 B. A law enforcement agency with the approval of the prosecuting
35 attorney may withhold FROM RELEASE PURSUANT TO SUBSECTION A OF THIS
36 SECTION ANY investigative records that might interfere with a pending
37 criminal investigation or prosecution.

38 C. The director of the department of health services or the
39 director's designee may apply to the superior court for a subpoena as
40 necessary to compel the production of books, records, documents and other
41 evidence related to a ~~child fatality or a maternal fatality associated~~
42 ~~with pregnancy~~ TEAM investigation. Subpoenas issued shall be served and,
43 on application to the court by the director or the director's designee,
44 enforced in the manner provided by law for the service and enforcement of
45 subpoenas. A law enforcement agency is not required to produce the

1 information requested under the subpoena if the subpoenaed evidence
2 relates to a pending criminal investigation or prosecution. All records
3 shall be returned to the agency or organization on completion of the
4 review. Written reports or records containing identifying information
5 shall not be kept by the team.

6 D. All information and records acquired by the state team or any
7 local team are confidential and are not subject to subpoena, discovery or
8 introduction into evidence in any civil or criminal proceedings, except
9 that information, documents and records otherwise available from other
10 sources are not immune from subpoena, discovery or introduction into
11 evidence through those sources solely because they were presented to or
12 reviewed by a team.

13 E. Members of a team, persons attending a team meeting and persons
14 who present information to a team may not be questioned in any civil or
15 criminal proceedings regarding information presented in or opinions formed
16 as a result of a meeting. This subsection does not prevent a person from
17 testifying to information that is obtained independently of the team or
18 that is public information.

19 F. PURSUANT TO POLICIES ADOPTED BY THE STATE CHILD FATALITY REVIEW
20 TEAM, a member of the state or a local child fatality review team ~~shall~~
21 ~~not~~ OR THE MEMBER'S DESIGNEE MAY contact, interview or obtain information
22 by request ~~or subpoena~~ from a FAMILY member of a ~~deceased child's family,~~
23 ~~except that a member of the state or a local child fatality review team~~
24 ~~who is otherwise a public officer or employee may contact, interview or~~
25 ~~obtain information from a family member, if necessary, as part of the~~
26 ~~public officer's or employee's other official duties~~ CHILD OR WOMAN WHO
27 DIES WITHIN THE TEAM'S JURISDICTION. THE STATE CHILD FATALITY REVIEW TEAM
28 SHALL ESTABLISH A PROCESS FOR APPROVING ANY CONTACT, INTERVIEW OR REQUEST
29 BEFORE ANY TEAM MEMBER OR DESIGNEE CONTACTS, INTERVIEWS OR OBTAINS
30 INFORMATION FROM THE FAMILY MEMBER OF A CHILD OR WOMAN WHO DIES WITHIN THE
31 TEAM'S JURISDICTION. POLICIES ADOPTED PURSUANT TO THIS SUBSECTION MUST
32 REQUIRE THAT ANY INDIVIDUAL ENGAGING WITH A FAMILY MEMBER BE TRAINED IN
33 TRAUMA INFORMED INTERVIEW TECHNIQUES AND EDUCATED ON SUPPORT SERVICES
34 AVAILABLE TO THE FAMILY MEMBER.

35 G. State and local team meetings are closed to the public and are
36 not subject to title 38, chapter 3, article 3.1 if the team is reviewing
37 individual child fatality cases or cases of maternal fatalities associated
38 with pregnancy. All other team meetings are open to the public.

39 H. A person who violates the confidentiality requirements of this
40 section is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 8, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 8, 2024.