A BILL TO BE ENTITLED
AN ACT ESTABLISHING A STATE OFFICE OF CHILD FATALITY PREVENTION
WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF
PUBLIC HEALTH, TO SERVE AS THE LEAD AGENCY RESPONSIBLE FOR
OVERSEEING COORDINATION OF STATE-LEVEL SUPPORT FUNCTIONS FOR
THE ENTIRE NORTH CAROLINA CHILD FATALITY PREVENTION SYSTEM AND
APPROPRIATING FUNDS FOR THAT PURPOSE; ESTABLISHING A TRANSITION
PLAN FOR SHIFTING STATE SUPPORT OF THE CHILD FATALITY PREVENTION
SYSTEM TO THE STATE OFFICE OF CHILD FATALITY PREVENTION; CREATING
AND SUPPORTING A CENTRALIZED DATA AND REPORTING SYSTEM;
RESTRUCTURING EXISTING CHILD DEATH REVIEW TEAMS; MAKING
MODIFICATIONS AND ADDITIONS TO CHILD FATALITY PREVENTION SYSTEM
STATUTES TO RESTRUCTURE CHILD DEATH REVIEW TEAMS, IMPLEMENT
PARTICIPATION IN THE NATIONAL CHILD DEATH REVIEW CASE REPORTING
SYSTEM, AND CLARIFY THE FUNCTIONS OF THE NORTH CAROLINA CHILD
FATALITY TASK FORCE; AND ESTABLISHING CITIZEN REVIEW PANELS.

The General Assembly of North Carolina enacts:

PART I. ESTABLISHMENT OF STATE OFFICE OF CHILD FATALITY
PREVENTION WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,
DIVISION OF PUBLIC HEALTH, AND APPROPRIATING FUNDS FOR THAT
PURPOSE

SECTION 1.1.(a) Article 3 of Chapter 143B of the General Statutes is amended by
adding a new Part to read:


§ 143B-150.25. Definitions.
The following definitions apply in this Article:

(1) Child Fatality Prevention System. – The statewide system comprised of the
following:

a. Local Teams.
b. The North Carolina Child Fatality Task Force created in
   G.S. 7B-1402.
c. The State Office.
d. Medical examiner child fatality staff.
Local Team. – A multidisciplinary child death review team that is either a single or multicounty team responsible for performing any type of child fatality review pursuant to Article 14 of Chapter 7B of the General Statutes.

Medical examiner child fatality staff. – Staff within the Office of the Chief Medical Examiner whose primary responsibilities involve reviewing, investigating, training, educating, and supporting death investigations into child fatalities that fall under the jurisdiction of the medical examiner pursuant to G.S. 130A-383.

State Office. – The State Office of Child Fatality Prevention established under this Article.

§ 143B-150.26. Establishment and purpose of State Office.

The State Office of Child Fatality Prevention is established within the Department of Health and Human Services, Division of Public Health, to serve as the lead agency for child fatality prevention in North Carolina. The purpose of the State Office is to oversee the coordination of State-level support functions for the entire North Carolina Child Fatality Prevention System in a way that maximizes efficiency and effectiveness and expands system capacity. The Department shall determine the most appropriate placement for, and configuration of, State Office staff within the Department, subject to the following limitation: medical examiner child fatality staff shall continue to work under the direction of the Chief Medical Examiner and address child fatalities within the jurisdiction of the medical examiner pursuant to G.S. 130A-383, while working collaboratively with the State Office and Local Teams.

§ 143B-150.27. Powers and duties.

The State Office has the following powers and duties:

(1) To coordinate the work of the statewide Child Fatality Prevention System.

(2) To implement and manage a centralized data and information system capable of gathering, analyzing, and reporting aggregate information from child death review teams with appropriate protocols for sharing information and protecting confidentiality.

(3) To create and implement tools, guidelines, resources, and training, and provide technical assistance for Local Teams to enable the teams to do the following:
   a. Conduct effective reviews tailored to the type of death being reviewed.
   b. Make effective recommendations about child fatality prevention.
   c. Gather, analyze, and appropriately report on case data and findings while protecting confidentiality.
   d. Facilitate the implementation of prevention strategies in their communities.

(4) To work with medical examiner child fatality staff and the North Carolina State Center for Health Statistics to provide Local Teams initial information about child deaths in their respective counties.

(5) To convene and facilitate a multidisciplinary data and reporting group for the purpose of examining nonidentifying aggregate data and information resulting from fatality reviews that is gathered by the State Office to advise the State Office on reports to be produced by the State Office and what entities should receive the reports.

(6) To perform research, consult with stakeholders and experts, and collaborate with other organizations and individuals for the purpose of understanding the direct and contributing causes of child deaths as well as evidence-driven strategies, programs, and policies to prevent child deaths, abuse, and neglect in order to inform the work of the Child Fatality Prevention System or as requested by the Child Fatality Task Force.
To educate State and local leaders, including the General Assembly, executive department heads, as well as stakeholders, advocates, and the public about the Child Fatality Prevention System and issues and prevention strategies addressed by the system.

To collaborate with State and local agencies, nonprofit organizations, academia, advocacy organizations, and others to facilitate the implementation of evidence-driven initiatives to prevent child abuse, neglect, and death, such as education and awareness initiatives.

To create and implement processes for evaluating the ability of the Child Fatality Prevention System to achieve outcomes sought to be accomplished by the system and to report to the Child Fatality Task Force on these evaluations and on statewide functioning of the Child Fatality Prevention System.

To consider opportunities to seek and administer grant and other non-State funding sources to support State or local Child Fatality Prevention System efforts.

To develop guidance to inform local decisions about the formation and implementation of single versus multicounty Local Teams. The guidance must include a model agreement to be used between or among counties that agree to be part of a multicounty Local Team."

SECTION 1.1.(b) There is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of three hundred eighty-nine thousand nine hundred ninety-eight dollars ($389,998) in recurring funds for the 2021-2022 fiscal year and the sum of five hundred fifty-one thousand eight hundred sixty-one dollars ($551,861) in recurring funds for the 2022-2023 fiscal year to establish and operate the State Office of Child Fatality Prevention (State Office) established under Part 4C of Article 3 of Chapter 143B of the General Statutes, as enacted by this section. The Department of Health and Human Services shall not use funds appropriated in this subsection for any purpose other than the purpose specified in this subsection.

SECTION 1.1.(c) Subsection (b) of this section becomes effective July 1, 2021.

PART II. TRANSITION PLAN FOR SHIFTING STATE SUPPORT OF THE CHILD FATALITY PREVENTION SYSTEM TO THE STATE OFFICE, CREATING AND SUPPORTING A CENTRALIZED DATA AND REPORTING SYSTEM, AND RESTRUCTURING EXISTING CHILD DEATH REVIEW TEAMS

SECTION 2.1. It is the intent of the General Assembly to restructure North Carolina's Child Fatality Prevention System in order to eliminate the silos and redundancy that exist within the current system, implement centralized coordination of the system, streamline the system's State-level support functions, maximize the usefulness of data and information derived from teams that review child fatalities, ensure that relevant and appropriate information and recommendations from teams that review child fatalities reach appropriate local and State leaders, and strengthen the system's effectiveness in preventing child abuse, neglect, and death. Creation and implementation of a State Office of Child Fatality Prevention is a critical element of this restructuring that must be put in place to facilitate a transition to the restructuring and support of Local Teams and participation in the National Child Death Review Case Reporting System. To that end, the Department of Health and Human Services is directed to accomplish the following:

(1) Not later than July 1, 2022, the Department shall have management staff in place at the State Office of Child Fatality Prevention. The management staff shall work with the Department to take the necessary steps toward fully staffing the State Office and implementing plans that will enable the State
Office to carry out the powers and duties of the State Office, as described in G.S. 143B-150.27, and to support a restructured Child Fatality Prevention System consistent with Part III of this act. The Department shall also ensure during this time that Local Teams receive State-level support either as such support exists prior to the creation of the State Office or from staff within the newly created State Office.

(2) Not later than January 1, 2023, the Department shall ensure all of the following:
   a. That the State Office of Child Fatality Prevention is sufficiently staffed and prepared to carry out the powers and duties of the State Office, as described in G.S. 143B-150.27, to support a restructured Child Fatality Prevention System as set forth in Part III of this act.
   b. That any contractual agreements and interagency data sharing agreements necessary for participation in the National Child Death Review Case Reporting System, as required in G.S. 7B-1413.5, have been executed.

(3) Not later than July 1, 2023, the Department shall ensure through its State Office of Child Fatality Prevention that all Local Teams have been provided guidelines and training addressing their participation in the National Child Death Review Case Reporting System (NCDR-CRS), and Local Teams shall begin utilizing the System for case reporting as specified in G.S. 7B-1413.5.

PART III. MODIFICATIONS AND ADDITIONS TO CHILD FATALITY PREVENTION SYSTEM STATUTES TO RESTRUCTURE CHILD DEATH REVIEW TEAMS, IMPLEMENT PARTICIPATION IN THE NATIONAL CHILD DEATH REVIEW CASE REPORTING SYSTEM, AND CLARIFY THE FUNCTIONS OF THE NORTH CAROLINA CHILD FATALITY TASK FORCE

SECTION 3.1.(a) Article 14 of Chapter 7B of the General Statutes reads as rewritten:

"Article 14.

"North Carolina Child Fatality Prevention System.

§ 7B-1400. Declaration of public policy.

The General Assembly finds that it is the public policy of this State to prevent the abuse, neglect, and death of juveniles. The General Assembly further finds that the prevention of the abuse, neglect, and death of juveniles is a community responsibility; that professionals from disparate disciplines have responsibilities for children or juveniles and have expertise that can promote their safety and well-being; and that multidisciplinary reviews of the abuse, neglect, and death of juveniles can lead to a greater understanding of the causes and methods of preventing these deaths. It is, therefore, the intent of the General Assembly, through this Article, to establish a statewide multidisciplinary, multiagency child fatality prevention system consisting of the State Team established in G.S. 7B-1404 and the Local Teams established in G.S. 7B-1406, system. The purpose of the system is to assess the records of selected cases in which children are being served by child protective services and the records of all deaths of children and deaths in North Carolina from birth to age 18 up until a child's eighteenth birthday, and with respect to these cases, to study data and prevention strategies related to child abuse, neglect, and death, and to utilize multidisciplinary teams to review these deaths in order to (i) develop a communitywide approach to the problem of child abuse and neglect, (ii) understand the causes and contributing factors of childhood deaths, (iii) identify any gaps or deficiencies that may exist in the delivery of services to children and their families by public agencies that are designed to prevent future child abuse, neglect, or death, and (iv) identify and aid in facilitating the implementation of evidence-driven strategies to prevent child death and promote child well-being, and (v) make and
implement recommendations for changes to laws, rules, and policies that will support the safe
and healthy development of our children and prevent future child abuse, neglect, and death.

"§ 7B-1401. Definitions.

The following definitions apply in this Article:

(1) Additional Child Fatality. — Any death of a child that did not result from
suspected abuse or neglect and about which no report of abuse or neglect had
been made to the county department of social services within the previous 12
months.

(1a) Child Fatality Prevention System. — The statewide system comprised of the
following:

a. Local Teams.
b. The North Carolina Child Fatality Task Force as established in this
Article.
c. The State Office.
d. Medical examiner child fatality staff.

(2) Local Team. – A Community Child Protection Team or a Child Fatality
Prevention Team. A multidisciplinary child death review team that is either a
single or multicounty team responsible for performing any type of review
pursuant to this Article.

(2a) Medical examiner child fatality staff. – Staff within the Office of the Chief
Medical Examiner whose primary responsibilities involve reviewing,
investigating, training, educating, and supporting death investigations into
child fatalities that fall under the jurisdiction of the medical examiner pursuant
to G.S 130A-383.

(2b) National Child Death Review Case Reporting System or NCDR-CRS. – The
web-based system used by a majority of states to provide child death review
tools with a simple method for capturing, analyzing, and reporting on the full
set of information shared at a child death or serious injury review.

(2c) State Office. – The State Office of Child Fatality Prevention established under
Part 4C of Article 3 of Chapter 143B of the General Statutes.

(3) State Team. — The North Carolina Child Fatality Prevention Team.


(5) Team Coordinator. — The Child Fatality Prevention Team Coordinator.

"§ 7B-1402. Task Force – creation; membership; vacancies.

(c) All members of the Task Force are voting members. Vacancies in the appointed
membership shall be filled by the appointing officer who made the initial appointment. Terms
shall be two years. The members shall elect a chair who shall preside for the duration of the
chair’s term as member. In the event a vacancy occurs in the chair before the expiration of the
chair’s term, the members shall elect an acting chair to serve for the remainder of the unexpired
term.

"§ 7B-1402.5. Task Force – organization; committees, leadership, policies and procedures;

(a) Committees. – The Task Force shall carry out its duties through the work of the
following three committees:

(1) A Perinatal Health Committee to address healthy pregnancies, births, and
infants.

(2) An Unintentional Death Prevention Committee to address the prevention of
deaths resulting from unintentional causes such as motor vehicle or bicycle
accidents, poisoning, burning, or drowning.
An Intentional Death Prevention Committee to address the prevention of deaths resulting from intentional causes such as homicide, suicide, abuse, or neglect; and to address the prevention of child abuse and neglect.

(b) Committee Recommendations. – Each Committee shall develop and submit recommendations to the Task Force for consideration. Recommendations shall become final upon the majority vote of the Task Force.

(c) Leadership. – The leadership of the Task Force and its committees shall be organized as follows:

(1) Task Force chair or cochairs. – Task Force members shall elect by a majority vote a chair or two cochairs from among its membership. The Task Force chair or cochairs shall serve for a term of two years and are not subject to term limits.

(2) Committee cochairs. – Task Force members shall elect by a majority vote of the Task Force two cochairs per committee, at least one of whom shall be a Task Force member and one of whom may be a nonmember with expertise in the subject matter of the committee. The committee cochairs shall serve for a term of two years and are not subject to term limits.

(3) Staff. – The Task Force chair or cochairs shall work with the Secretary of the Department of Health and Human Services to hire or designate staff to coordinate the work of the Task Force and its committees. The Secretary shall determine placement of such staff within the Department. In addition to general coordination of the work of the Task Force, Task Force staff may do the following:

a. Educate organizations and individuals, including members of the General Assembly, about the work of the Task Force and its recommendations.

b. Serve as a representative of the Task Force.

c. Assist the Task Force chair in working to advance Task Force recommendations.

d. Assist in any way the Task Force chair or committee cochairs deem necessary in carrying out the duties of the Task Force.

(d) Policies and Procedures. – The Task Force chair or cochairs, committee cochairs, and director or coordinator shall develop, and from time to time revise as necessary, policies and procedures to facilitate the efficient and effective operations of the Task Force. These policies and procedures and any recommended revisions become effective upon approval by a majority vote of the Task Force. The policies and procedures shall address, at a minimum, the following:

(1) The Task Force study process.

(2) Nominations for leadership positions.

(3) Committee membership, including any participation by individuals who are not members of the Task Force.

(4) Conflicts of interest.


The Task Force shall do all of the following:

(1) Undertake a statistical study of the incidences and causes of child deaths in this State and establish a profile of child deaths, as well as evidence-driven strategies for preventing future child deaths, abuse, and neglect. The study shall include (i) an analysis of all community and private and public agency involvement with the decedents and their families prior to death, and (ii) an at least all of the following:

a. Aggregate information from child death reviews compiled by the State Office addressing data on child deaths, the identification of systemic
problems, and Local Team recommendations for prevention strategies or changes in law or policy.

b. A data analysis of all child deaths by age, cause, race and ethnicity, socioeconomic status, and geographic distribution.

c. Information from subject matter experts that informs the understanding of the causes of child deaths; strategies to prevent child deaths, abuse, and neglect; or a combination of these.

(2) Develop a system for multidisciplinary review of child deaths. In developing such a system, the Task Force shall study the operation of existing Local Teams. The Task Force shall also consider the feasibility and desirability of local or regional review teams and, should it determine such teams to be feasible and desirable, develop guidelines for the operation of the teams. The Task Force shall also examine the laws, rules, and policies relating to confidentiality of and access to information that affect those agencies with responsibilities for children, including State and local health, mental health, social services, education, and law enforcement agencies, to determine whether those laws, rules, and policies inappropriately impede the exchange of information necessary to protect children from preventable deaths, and, if so, recommend changes to them: Advise the State Office of Child Fatality Prevention with respect to the operation of an effective statewide system for multidisciplinary review of child deaths and the implementation of evidence-driven strategies to prevent child deaths, abuse, and neglect.

(3) Receive and consider reports from the State Team; and Office addressing aggregate data, information, findings and recommendations resulting from Local Team reviews of child deaths, the functioning of any aspect of the statewide Child Fatality Prevention System; and any other type of report the Task Force deems relevant to carrying out its duties under this Article.

(4) Develop recommendations for changes in law, policy, rules, or the implementation of evidence-driven prevention strategies to be included in the annual report required by G.S. 7B-1412.

(5) Perform any other studies, evaluations, or determinations the Task Force considers necessary to carry out its mandate.

§ 7B-1404. State Team—creation; membership; vacancies.

(a) There is created the North Carolina Child Fatality Prevention Team within the Department of Health and Human Services for budgetary purposes only.

(b) The State Team shall be composed of the following 11 members of whom nine members are ex officio and two are appointed:

(1) The Chief Medical Examiner, who shall chair the State Team;
(2) The Attorney General;
(3) The Director of the Division of Social Services, Department of Health and Human Services;
(4) The Director of the State Bureau of Investigation;
(5) The Director of the Division of Maternal and Child Health of the Department of Health and Human Services;
(6) The Superintendent of Public Instruction;
(7) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services;
(8) The Director of the Administrative Office of the Courts;
(9) The pediatrician appointed pursuant to G.S. 7B-1402(b) to the Task Force;
(10) A public member, appointed by the Governor; and
(11) The Team Coordinator.
The ex officio members other than the Chief Medical Examiner may designate a representative from their departments, divisions, or offices to represent them on the State Team.

(c) All members of the State Team are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment.

"§ 7B-1405. State Team—duties."

The State Team shall:

(1) Review current deaths of children when those deaths are attributed to child abuse or neglect or when the decedent was reported as an abused or neglected juvenile pursuant to G.S. 7B-301 at any time before death;

(2) Report to the Task Force during the existence of the Task Force, in the format and at the time required by the Task Force, on the State Team's activities and its recommendations for changes to any law, rule, and policy that would promote the safety and well-being of children;

(3) Upon request of a Local Team, provide technical assistance to the Team;

(4) Periodically assess the operations of the multidisciplinary child fatality prevention system and make recommendations for changes as needed;

(5) Work with the Team Coordinator to develop guidelines for selecting child deaths to receive detailed, multidisciplinary death reviews by Local Teams that review cases of additional child fatalities; and

(6) Receive reports of findings and recommendations from Local Teams that review cases of additional child fatalities and work with the Team Coordinator to implement recommendations.

"§ 7B-1406. Community Child Protection Teams; Child Fatality Prevention Teams; creation and duties."

(a) Community Child Protection Teams are established in every county of the State. Each Community Child Protection Team shall:

(1) Review, in accordance with the procedures established by the director of the county department of social services under G.S. 7B-1409:

   a. Selected active cases in which children are being served by child protective services; and

   b. Cases in which a child died as a result of suspected abuse or neglect, and

      1. A report of abuse or neglect has been made about the child or the child's family to the county department of social services within the previous 12 months, or

      2. The child or the child's family was a recipient of child protective services within the previous 12 months.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist.

In addition, each Community Child Protection Team may review the records of all additional child fatalities and report findings in connection with these reviews to the Team Coordinator.

(b) Any Community Child Protection Team that determines it will not review additional child fatalities shall notify the Team Coordinator. In accordance with the plan established under G.S. 7B-1408(1), a separate Child Fatality Prevention Team shall be established in that county to conduct these reviews. Each Child Fatality Prevention Team shall:

(1) Review the records of all cases of additional child fatalities.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist.

(3) Report findings in connection with these reviews to the Team Coordinator.
(c) All reports to the Team Coordinator under this section shall include:

(1) A listing of the system problems identified through the review process and recommendations for preventive actions;
(2) Any changes that resulted from the recommendations made by the Local Team;
(3) Information about each death reviewed; and
(4) Any additional information requested by the Team Coordinator.

§ 7B-1406.5. Local Teams; county work.

(a) Local Team for Each County. – Each county in the State shall have its own Local Team or participate in a multicounty Local Team, as determined in accordance with subsection (b) of this section.

(b) Participation in a Single County Versus Multicounty Local Team. – Each county’s local board of county commissioners shall evaluate and determine whether the county will have its own Local Team or be part of a multicounty team. This determination shall be made through consulting all of the following:

(1) The director of the local health department.
(2) The director of the local departments of social services, or if applicable, the consolidated human services director.
(3) The guidance created by the State Office that addresses the formation and implementation of single versus multicounty teams and includes a model agreement to be used between or among counties who agree to be part of a multicounty team.

(c) Mandatory Review of Deaths. – Each Local Team shall review all child deaths of resident children under age 18 in the county or counties comprising the Local Team that fall under one of the following categories of death:

(1) Undetermined causes.
(2) Unintentional injury.
(3) Violence.
(4) Motor vehicle incidents.
(5) Pursuant to criteria set forth in G.S. 7B-1407.5, deaths related to child maltreatment or child deaths involving a child or child’s family who was reported or known to child protective services.
(6) Sudden unexpected infant death.
(7) Suicide.
(8) Deaths not expected in the next six months.
(9) Additional infant deaths according to the criteria established by the State Office under G.S. 7B-1407.6.

For cases in which a Local Team is uncertain whether a death falls under a category specified in subdivisions (1) through (9) of this subsection, the State Office shall consult with the Office of the Chief Medical Examiner and appropriate medical professionals to make that determination.

(d) Permissive Review of Deaths. – Each Local Team may review child deaths that fall outside the categories specified in subdivisions (1) through (9) of subsection (c) of this section.

(e) Permissive Review of Active Child Protective Services Cases. – At the request of a director of a local department of social services and pursuant to G.S. 7B-1410(b), a Local Team may elect to review an active case in which a child or children are being served by child protective services. The Local Team is not required to make findings or create reports based upon such reviews. However, the Local Team may develop recommendations based on such reviews to be submitted to the Citizen Review Panel serving the area in which the Local Team is located and may also include in its recommendations to boards of county commissioners pursuant to G.S. 7B-1407.10(d) recommendations stemming from the review of such cases.
(f) Periodic Training and Best Practices. – Local Teams shall participate in periodic
training provided by the State Office. Local Teams shall make every effort to employ best
practices in conducting child death reviews, gathering information, selecting participants, and
making reports as outlined in guidance provided by the State Office.

§ 7B-1407. Local Teams; composition, composition and leadership.

(a) Each Local Team shall consist of representatives of public and nonpublic agencies in
the community that provide services to children and their families and other individuals who
represent the community. No single team shall encompass a geographic or governmental area
larger than one county.

(b) Each Local Team shall consist of the following persons:

(1) The director of the county department of social services or the director of the
consolidated human services agency and a member of the director's staff;

(2) A local law enforcement officer, appointed by the board of county
commissioners;

(3) An attorney from the district attorney's office, appointed by the district
attorney;

(4) The executive director of the local community action agency, as defined by
the Department of Health and Human Services, or the executive director's
designee;

(5) The superintendent of each local school administrative unit located in the
county, or the superintendent's designee;

(6) A member of the county board of social services, appointed by the chair of
that board;

(7) A local mental health professional, appointed by the director of the area
authority established under Chapter 122C of the General Statutes;

(8) The local guardian ad litem coordinator, or the coordinator's
designee;

(9) The director of the local department of public health;

(10) A local health care provider, appointed by the local board of health;

(11) An emergency medical services provider or firefighter, appointed by the board
of county commissioners;

(12) A district court judge, appointed by the chief district court judge in that
district;

(13) A county medical examiner, appointed by the Chief Medical Examiner;

(14) A representative of a local child care facility or Head Start program, appointed
by the director of the county department of social services;

(15) A parent of a child who died before reaching the child's eighteenth birthday,
to be appointed by the board of county commissioners.

(c) In addition, a Local Team that reviews the records of additional child fatalities shall
include the following five additional members:

(1) An emergency medical services provider or firefighter, appointed by the board
of county commissioners;

(2) A district court judge, appointed by the chief district court judge in that
district;

(3) A county medical examiner, appointed by the Chief Medical Examiner;

(4) A representative of a local child care facility or Head Start program, appointed
by the director of the county department of social services; and

(5) A parent of a child who died before reaching the child's eighteenth birthday,
to be appointed by the board of county commissioners.

The chair of the Local Team may invite a maximum of five additional individuals to
participate on the Local Team on an ad hoc basis for a specific review if the chair believes the
individual’s subject matter expertise or position within an organization will enhance the ability of the Local Team to conduct an effective review. In making a determination to invite ad hoc members to participate in specific reviews, the chair shall take into consideration the guidelines provided by the State Office addressing best practices for member participation depending on the type of review being conducted. The chair may select ad hoc members from outside of the county or counties served by the Local Team. As a condition of participating in a specific review, each ad hoc member is required to sign the same confidentiality statement signed by a Local Team member and is subject to the provisions of G.S. 7B-1413.

(d) The Team Coordinator shall appoint a maximum of five additional members to represent county agencies or the community at large to serve on any Local Team. Vacancies on a Local Team shall be filled by the original appointing authority.

(e) Each Local Team shall elect a member to serve as chair at the Team’s pleasure.

(f) Each Local Team shall meet at least four times each year, as frequently as necessary to fulfill the requirements imposed by this Article, but no less than twice per year.

(g) The director of the local department of social services shall call the first meeting of the Community Child Protection Team. The director of the local department of health, upon consultation with the Team Coordinator, shall call the first meeting of the Child Fatality Prevention Team. Thereafter, the chair of each Local Team shall schedule the time and place of meetings, in consultation with these directors, meetings and shall prepare the agenda. The chair shall schedule Team meetings no less often than once per quarter and often enough to allow adequate review of the cases selected for review. Within three months of election, the Prior to presiding over a Local Team meeting, the chair shall participate in the appropriate training developed under this Article, provided by the State Office.

§ 7B-1407.5. Review of child maltreatment deaths and deaths of children known to child protective services.

(a) In addition to any other applicable requirements of this Article, the requirements of this section apply specifically to child deaths when any of the following are true:

1. The decedent was known to be reported as being abused or neglected under G.S. 7B-301 regardless of the disposition of such report.
2. There was a known report involving child abuse or neglect under G.S. 7B-301 within the three-year period preceding the time of a child’s death that involved the child’s family regardless of the disposition of the report.
3. The decedent or decedent’s family was involved with child protective services within three years preceding a child’s death.
4. Available information indicates a possibility that child abuse or neglect, as defined in G.S. 7B-101, may be a direct or contributing cause of the child’s death.

(b) The State Office shall do all of the following with respect to child death reviews that meet any of the criteria specified in subsection (a) of this section:

1. Develop policies, procedures, and tools that address the effective reviews of this category of child deaths, based on best practices and available resources.
2. Provide technical assistance by State Office staff to Local Teams which may include assistance with coordinating the review, information gathering, determination of necessary participants, meeting procedures and facilitation, development of recommendations, and drafting of reports.
3. Within the limitations of State and federal law, develop an appropriate process and procedure for the creation and release of reports resulting from reviews of deaths by Local Teams under this section that address the following:
a. Findings and recommendations related to improving coordination between local and State entities.

b. Information disclosed pursuant to G.S. 7B-2902.

c. Information the State is required to disclose under federal law.

(4) Develop and implement a process to follow up on the implementation status of recommended changes submitted directly to a particular agency and, where feasible, work to help facilitate the advancement of the recommended changes.

(5) Work with the Division of Social Services, the Office of the Chief Medical Examiner, the State Center for Health Statistics, and other relevant experts and agencies to develop and implement the following:

a. A system for the State Office to identify child fatalities to be reviewed under this section.

b. A system for defining, identifying, and including in North Carolina's child fatality data information the State is required to report to the federal government about child deaths resulting from child maltreatment. This system shall include the use of Local Teams.

(6) Work with the Division of Social Services to determine the manner in which information from internal fatality reviews conducted by the Division of Social Services can appropriately inform Local Team reviews of these cases.

(7) Work with the Division of Social Services to determine the manner in which information from reviews conducted under this section can be shared with the citizen review panels established under G.S. 108A-15.20.

(c) Local Teams have the following powers and duties with respect to reviews that fall under this section:

(1) To conduct reviews that align with the policies and procedures developed by the State Office for reviews and to seek technical assistance from the State Office as necessary to conduct reviews.

(2) To conduct, as determined necessary by the Local Team, interviews of any individuals determined to have pertinent information about a death under review and to examine any written materials containing pertinent information, except that the Local Team may not contact or interview family members of the decedent.

(3) To work with the State Office to produce a report appropriate for public release pursuant to G.S. 7B-1407.5(b)(3) that addresses the findings or information about any case of child abuse or neglect that has resulted in a child fatality. These findings shall not be admissible as evidence in any civil or administrative proceedings against individuals or entities that participate in reviews conducted under this section. In accordance with G.S. 7B-2902, the Local Team shall consult with the appropriate district attorney prior to the public release of a report.

§ 7B-1407.6. Review of infant deaths.

The State Office shall consult with perinatal health experts as well as participants in reviews of infant deaths to develop criteria to be used by Local Teams to identify at least a subset of additional infant deaths subject to review that fall outside the categories of required reviews specified in subdivisions (1) through (9) of G.S. 7B-1406.5(c). The criteria shall take into account leading causes of infant death, including short gestation, low birthweight, and perinatal complications, and shall be updated at least biannually based on emerging information and data.

§§ 7B-1407.7 through 7B-1407.9. Reserved for future codification purposes.

§ 7B-1407.10. Team findings and reporting.
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For each child death reviewed, the Local Team shall make findings addressing at least the following:

(a) Significant challenges faced by the child or family, the systems with which they interacted, and the response to the incident.

(b) Notable positive elements in the case that may have promoted resiliency in the child or family, the systems with which they interacted, and the response to the incident.

(c) Recommendations and initiatives that could be implemented at the State or local level to prevent deaths from similar causes or circumstances in the future.

(d) Whether the cause or a contributing cause of the death was related to child abuse or neglect as defined by G.S. 7B-101.

For each required review of a child's death pursuant to G.S. 7B-1407(f), information about the case, including circumstances surrounding the death as well as the Local Team's findings, shall be entered into the National Child Death Review Case Reporting System (NCDR-CRS) pursuant to G.S. 7B-1413.5. Local Teams shall make every effort to gather and report information that is collected through any applicable data field in the NCDR-CRS, unless State Office guidelines direct otherwise.

For each permissive review of a child's death pursuant to G.S. 7B-1406.5(d), the Local Team may, but is not required to, enter case review information into the NCDR-CRS. Information related to permissive reviews of a child’s death shall be used for the Local Team’s own purposes in analyzing local child death data.

Local Teams shall annually submit a report to the board of county commissioners that includes recommendations, if any, for systemic improvements and needed resources to address identified gaps and deficiencies in the existing system. Local Teams shall simultaneously provide a copy of this report to the State Office.

§ 7B-1407.15. Duties of medical examiner child fatality staff.

(a) Medical examiner child fatality staff shall work collaboratively with the State Office and Local Teams to carry out the purposes of the Child Fatality Prevention System and are required to do at least all of the following:

(1) Provide Local Teams with access to completed medical examiner reports for purposes of review.

(2) Enter relevant information from medical examiner reports on specific child deaths into the National Child Death Review Case Reporting System.

(3) Respond to State Office or Task Force requests for data or reports related to aggregate information on medical jurisdiction child deaths tracked by the Office of the Chief Medical Examiner.

(4) Serve as subject matter experts and offer training to law enforcement personnel related to child death scene investigation and reporting.

(b) Nothing in this Article shall be construed to limit the role or responsibilities of medical examiner child fatality staff as assigned by the Chief Medical Examiner.

§ 7B-1408. Child Fatality Prevention Team Coordinator; duties.

The Child Fatality Prevention Team Coordinator shall serve as liaison between the State Team and the Local Teams that review records of additional child fatalities and shall provide technical assistance to these Local Teams. The Team Coordinator shall:

(1) Develop a plan to establish Local Teams that review the records of additional child fatalities in each county.

(2) Develop model operating procedures for these Local Teams that address when public meetings should be held, what items should be addressed in public meetings, what information may be released in written reports, and any other information the Team Coordinator considers necessary.
Section 7B-1409. Community Child Protection Teams; duties of the director of the county department of social services.

In addition to any other duties as a member of the Community Child Protection Team, and in connection with the reviews under G.S. 7B-1406(a)(1), the director of the county department of social services shall:

1. Assure the development of written operating procedures in connection with these reviews, including frequency of meetings, confidentiality policies, training of members, and duties and responsibilities of members;

2. Determine and initiate the cases for review;

3. Bring for review any case requested by a Team member;

4. Maintain records, including minutes of all official meetings, lists of participants for each meeting of the Team, and signed confidentiality statements required under G.S. 7B-1413, in compliance with applicable rules and law;

5. Report quarterly to the county board of social services, or as required by the board, on the activities of the Team.

Section 7B-1410. Local Teams; duties of the director of the local department of health; director of the county department of social services; or consolidated health and human services director for counties with consolidated human services.

(a) In addition to any other duties as a member of the Local Team and in connection with reviews of additional child fatalities, the director of the local department of health shall do the following:

1. Distribute copies of the written procedures developed by the Team Coordinator under G.S. 7B-1408 to the administrators of all agencies represented on the Local Team and to all members of the Local Team;

1a. Serve along with the Local Team chair as a liaison between the State Office and the Local Team to communicate information.

2. Maintain records, including minutes of all official meetings, lists of participants for each meeting of the Local Team, and signed confidentiality statements required under G.S. 7B-1413, in compliance with applicable rules and law;

3. Provide staff support for these reviews; and

4. Report quarterly to the local board of health, or as required by the board, on the activities of the Local Team.

(b) In addition to any other duties as a member of the Local Team, the director of the local department of social services shall do the following:
§ 7B-1411. Community Child Protection Teams; responsibility for training of team members.

The Division of Social Services, Department of Health and Human Services, shall develop and make available, on an ongoing basis, for the members of Local Teams that review active cases in which children are being served by child protective services, training materials that address the role and function of the Local Team, confidentiality requirements, an overview of child protective services law and policy, and Team record keeping.


The Task Force shall report annually to the Governor and General Assembly, within the first week of the convening or reconvening of the General Assembly, Governor, the General Assembly, the Chairs of the House and Senate Appropriations Committees on Health and Human Services, the Chairs of the Joint Legislative Oversight Committee on Health and Human Services, and the Secretary of the Department of Health and Human Services. The report shall contain at least all of the following:

1. A summary of the conclusions and recommendations for each of the Task Force's duties, as well as any duties.
2. A summary of activities and functioning of the Child Fatality Prevention System as a whole.
3. Any other recommendations for changes to any law, rule, or policy or for the implementation of evidence-driven prevention strategies that it has determined will promote the safety and well-being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State. The Task Force may request assistance from the Fiscal Research Division of the General Assembly in developing fiscal notes or other fiscal information to accompany these recommendations.

§ 7B-1413. Access to records.

(a) The State Team, the Local Teams, and the Task Force during its existence, Force, and the State Office staff providing to Local Teams technical assistance with a review shall have access to all medical records, hospital records, and records maintained by this State, any county, or any local agency as the Local Teams, the Task Force, or the State Office deems necessary to carry out the purposes of this Article, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. Access to records granted by this subsection is subject to and limited by all relevant federal and State laws whenever applicable. The State Team, the Task Force, and the Local Teams, and the State Office staff shall not, as part of the reviews authorized under this Article, contact, question, or interview the child, the parent of the child, or any other family member of the child whose record is being reviewed. Any member of a Local Team may share, only in an official meeting of that Local Team, any information available to that member that the Local Team needs to carry out its duties.
§ 7B-1413.5. Participation in the National Child Death Review Case Reporting System.

(a1) If a Local Team, the Task Force, or the State Office has requested information that it is entitled to receive under this Article and it has not received such information within 30 days after the request, the requesting entity may apply for a court order to compel disclosure of the information. The application shall state the factors supporting the need for an order compelling disclosure. The requesting entity shall file the application in the district court of the county where the review is being conducted, and the court shall have jurisdiction to issue any orders compelling disclosure. The district courts shall schedule any actions brought under this section for immediate hearing, and the appellate courts shall give priority to appeal proceedings in these actions.

(b) Meetings of the State Team and the Local Teams are not subject to the provisions of Article 33C of Chapter 143 of the General Statutes. However, the Local Teams may hold periodic public meetings to discuss, in a general manner not revealing confidential information about children and families, the findings of their reviews and their recommendations for preventive actions. In the case of the death of a child from suspected abuse or neglect pursuant to federal law, Local Teams may make certain information public according to G.S. 7B-1407.5(b)(3). Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any closed session shall be sealed from public inspection.

(c) All otherwise confidential information and records otherwise confidential under federal or State law that are acquired or created by the State Team, the Local Teams, and the Task Force during its existence, Force, and the State Office in the exercise of their duties are confidential; confidential; are not public records as defined by G.S. 132-1; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the State Team, the Local Teams, and the Task Force. In addition, all otherwise confidential information and records created by a Local Team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the Local Teams, the Task Force, and the State Office, or as otherwise required by law. No member of the State Team, a Local Team, nor any person who attends a meeting of the State Team or a Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge. Notwithstanding the provisions of this subsection, Citizen Review Panels shall have access to information related to child deaths and child death reviews or reviews of active child protective services cases conducted under this Article, when such information is relevant to Citizen Review Panel purposes connected to evaluating the provision of child protective services.

(d) Each member of a Local Team and invited participant shall sign a statement indicating an understanding of and adherence to confidentiality requirements, including the possible civil or criminal consequences of any breach of confidentiality.

(e) Cases receiving child protective services at the time of review by a Local Team shall have an entry in the child's protective services record to indicate that the case was received by that Team. Additional entry into the record shall be at the discretion of the director of the county department of social services.

(f) The Social Services Commission shall adopt rules to implement this section in connection with reviews conducted by Community Child Protection Teams under G.S. 7B-1407.5. The Commission for Public Health shall adopt rules to implement this section in connection with Local Teams that review additional child fatalities. Teams. In particular, these rules shall allow information generated by an executive session of a Local Team to be accessible for administrative or research purposes only.
(a) Local Teams, the State Office, and medical examiner child fatality staff shall utilize the National Child Death Review Case Reporting System (NCDR-CRS) for the purpose of collecting, analyzing, and reporting on information learned through child death reviews in a manner consistent with this Article. Use of other data systems in addition to the use of the NCDR-CRS is not prohibited so long as the use of other data systems does not conflict with this Article or other applicable laws.

(b) The State Office shall provide the necessary coordination, training, management, and technical assistance to support North Carolina's full and effective participation in the NCDR-CRS and shall work with Local Teams and the national administrators of the NCDR-CRS to help ensure effective and appropriate use of the system.

(c) The State Office shall provide policies, guidelines, and training for Local Teams that address the use of the NCDR-CRS, including (i) appropriate information protection and sharing consistent with applicable State and federal laws, (ii) who is authorized to access the NCDR-CRS, and (iii) requirements for accessing the NCDR-CRS.

"§ 7B-1414. Administration; funding.

(a) To the extent of funds available, available and consistent with G.S. 7B-1402.5(c)(3), the chairs of the Task Force and State Team may work with the Secretary of the Department of Health and Human Services to hire or designate staff or consultants to assist the Task Force and the State Team, its committees in completing their duties.

(b) Members, staff, and consultants of the Task Force or State Team shall receive travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be, paid from funds appropriated to implement this Article and within the limits of those funds.

(c) With the approval of the Legislative Services Commission, legislative staff and space in the Legislative Building and the Legislative Office Building may be made available to the Task Force."
by G.S. 132-1.4 and G.S. 7B-1413 respectively. Nothing herein shall be deemed to require the
disclosure or release of any information in the possession of a district attorney.

"...

SECTION 3.1.(c) G.S. 143B-150.20 is repealed.
SECTION 3.1.(d) G.S. 7B-1413.5, as enacted by subsection (a) of this section,
becomes effective July 1, 2023. The remainder of this Part becomes effective January 1, 2023.

PART IV. ESTABLISHMENT OF NORTH CAROLINA CITIZEN REVIEW PANELS
SECTION 4.1.(a) Part 2B of Article 1 of Chapter 108A of the General Statutes is
amended by adding a new section to read:


(a) The Department of Health and Human Services, Division of Social Services, shall
ensure the existence of, at a minimum, three citizen review panels (panels) pursuant to
requirements set forth in the federal Child Abuse Prevention and Treatment Act (CAPTA), under
sections 106(b)(2)(A)(x) and (c) of 42 U.S.C. 5101 et seq., as amended. The panels shall be
operated and managed by a qualified organization that is independent from any State or county
department of social services. The Division of Social Services shall assist any organization
managing a panel with providing information, reports, and support the panel needs in carrying
out its duties pursuant to this section.

(b) Panels shall consist of volunteer members who broadly represent the community in
which the panel is established, including members who have expertise in the prevention and
treatment of child abuse and neglect, and may include adult former victims of child abuse or
neglect.

(c) Each panel shall evaluate the extent to which the State is fulfilling its child protection
responsibilities in accordance with the Child Abuse Prevention and Treatment Act State Plan by
examining the policies, procedures, and practices of State and local child protection agencies,
and, when appropriate, reviewing specific cases. A panel may examine any other criteria the
panel considers important to ensure the protection of children, including, but not limited to, any
of the following:

(1) The extent to which the State and local child protective services system is
coordinated with the Title IV-E foster care and adoption assistance programs
of the Social Security Act,

(2) A review of child fatalities,

(3) A review of near fatalities in this State. For purposes of this subdivision, a
"near fatality" is an act that, as certified by a physician, places the child in
serious or critical condition.

(d) A panel choosing to examine child fatalities may utilize information and reports about
reviews of child fatalities that take place pursuant to Article 14 of Chapter 7B of the General
Statutes. The State Office of Child Fatality Prevention or Local Teams, as both are described
under G.S. 143B-150.25, acting under that Article shall provide to the panel aggregate
information about child death reviews or information about individual case reviews, as requested
by the panel. A panel choosing to examine specific child protective services cases may do so
based on a request for review of a case from a director of a county department of social services
or as deemed necessary by the panel in carrying out its duties.

(e) Panels shall have access to information maintained by any State or local government
entity where the panel has a need for the information to carry out its functions pursuant to this
section. Panel members shall not disclose to any person or government official any identifying
information about any specific child protection case in which the panel is provided information
and shall not make public other information unless otherwise authorized by law.

(f) Panels shall provide for public outreach and comment to assess the impact of current
procedures and practices on children and families.
(g) Panels shall prepare and make available to the State and the public an annual report
containing a summary of the activities of the panels and recommendations to improve the child
protection services system at the State and local levels. The report shall not contain any
identifying information about any specific child protection case. No later than six months after
the date the panels submit the report, the Division of Social Services shall submit a written
response to State and local child protection systems and the citizen review panels that describes
whether or how the State will incorporate the recommendations of the panels, when appropriate,
to make measurable progress in improving the State and local child protection system."

SECTION 4.1.(b) This Part becomes effective January 1, 2023.

PART V. EFFECTIVE DATE

SECTION 5.1. Except as otherwise provided, this act is effective when it becomes
law.