

CHAPTER 249

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 05-1280

BY REPRESENTATIVE(S) Stafford, Frangas, Berens, Boyd, Buescher, Carroll M., Coleman, Curry, Gallegos, Green, Jahn, Lindstrom, Merrifield, Solano, and Todd;
also SENATOR(S) Johnson, Shaffer, and Williams.

AN ACT

CONCERNING THE CREATION OF A CHILD FATALITY PREVENTION SYSTEM, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 20.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 4
CHILD FATALITY PREVENTION ACT**

25-20.5-401. Short title. THIS PART 4 SHALL BE KNOWN AND MAY BE CITED AS THE "CHILD FATALITY PREVENTION ACT".

25-20.5-402. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT PROTECTION OF THE HEALTH AND WELFARE OF THE CHILDREN OF THIS STATE IS AN IMPORTANT GOAL OF THE CITIZENS OF THIS STATE, AND THE INJURY AND DEATH OF INFANTS AND CHILDREN ARE SERIOUS PUBLIC HEALTH CONCERNS THAT REQUIRE LEGISLATIVE ACTION. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE PREVENTION OF THE ABUSE, NEGLECT, AND DEATH OF CHILDREN IS A COMMUNITY RESPONSIBILITY; THAT PROFESSIONALS FROM DISPARATE DISCIPLINES HAVE RESPONSIBILITIES TO CHILDREN AND HAVE EXPERTISE THAT CAN PROMOTE THE SAFETY AND WELL-BEING OF CHILDREN; AND THAT MULTIDISCIPLINARY REVIEWS OF THE ABUSE, NEGLECT, AND DEATH OF CHILDREN CAN LEAD TO A GREATER UNDERSTANDING OF THE CAUSES OF, AND METHODS OF PREVENTING, THE ABUSE, NEGLECT, AND DEATH OF CHILDREN.

(2) IT IS, THEREFORE, THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PART 4 TO ESTABLISH A STATEWIDE MULTIDISCIPLINARY, MULTI-AGENCY CHILD FATALITY PREVENTION SYSTEM. THE PURPOSE OF THE SYSTEM IS TO:

(a) REVIEW SPECIFIED DEATHS OF CHILDREN FROM BIRTH TO EIGHTEEN YEARS OF AGE OCCURRING IN COLORADO INVOLVING CIRCUMSTANCES IN WHICH THE CHILDREN ARE RECEIVING SERVICES FROM A COUNTY DEPARTMENT OR IN WHICH THERE HAS BEEN A REPORT OF SUSPECTED ABUSE OR NEGLECT IN ORDER TO DEVELOP A COMMUNITY APPROACH TO THE PROBLEM OF CHILD ABUSE AND NEGLECT;

(b) REVIEW THE RECORDS OF ALL OTHER UNEXPECTED AND UNEXPLAINED DEATHS OF CHILDREN FROM BIRTH TO EIGHTEEN YEARS OF AGE OCCURRING IN COLORADO IN ORDER TO DEVELOP A COMMUNITY APPROACH TO THE PREVENTION OF CHILDHOOD FATALITIES;

(c) UNDERSTAND THE INCIDENCE AND CAUSES OF CHILDHOOD DEATHS;

(d) IDENTIFY SERVICES PROVIDED BY PUBLIC AGENCIES TO CHILDREN AND THEIR FAMILIES THAT ARE DESIGNED TO PREVENT CHILD ABUSE, NEGLECT, OR DEATH, AND THAT ARE EFFECTIVE IN PREVENTING CHILD ABUSE, NEGLECT, OR DEATH;

(e) IDENTIFY ANY GAPS OR DEFICIENCIES THAT MAY EXIST IN THE DELIVERY OF SERVICES PROVIDED BY PUBLIC AGENCIES TO CHILDREN AND THEIR FAMILIES THAT ARE DESIGNED TO PREVENT CHILD ABUSE, NEGLECT, OR DEATH; AND

(f) MAKE RECOMMENDATIONS FOR, ACT AS A CATALYST FOR, AND IMPLEMENT, ANY CHANGES TO LAWS, RULES, AND POLICIES THAT WILL SUPPORT THE SAFE AND HEALTHY DEVELOPMENT OF THE CHILDREN IN THIS STATE AND PREVENT CHILD ABUSE, NEGLECT, AND DEATH.

25-20.5-403. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COUNTY DEPARTMENT" MEANS THE COUNTY OR DISTRICT DEPARTMENT OF SOCIAL SERVICES.

(2) "LOCAL REVIEW TEAM" MEANS A LOCAL CHILD FATALITY PREVENTION REVIEW TEAM ESTABLISHED PURSUANT TO SECTION 25-20.5-404.

(3) "STATE REVIEW TEAM" MEANS THE COLORADO STATE CHILD FATALITY PREVENTION REVIEW TEAM CREATED PURSUANT TO SECTION 25-20.5-406.

(4) "UNEXPECTED AND UNEXPLAINED DEATH" MEANS A DEATH THAT, PRIOR TO INVESTIGATION, APPEARS TO HAVE BEEN CAUSED BY TRAUMA, SUSPICIOUS OR OBSCURE CIRCUMSTANCES, OR CHILD ABUSE OR NEGLECT. AN "UNEXPECTED AND UNEXPLAINED DEATH" INCLUDES, BUT IS NOT LIMITED TO, DEATH FROM VEHICULAR TRAUMA, FIRE, DROWNING, ABUSE, SUICIDE, AND UNKNOWN CAUSES.

25-20.5-404. Local review teams - creation - membership - authority.

(1) EACH JUDICIAL DISTRICT MAY ESTABLISH, SUBJECT TO AVAILABLE APPROPRIATIONS, A LOCAL CHILD FATALITY PREVENTION REVIEW TEAM. THE FIRST MEETING OF A LOCAL REVIEW TEAM SHALL BE CALLED BY THE DISTRICT ATTORNEY OF

THE JUDICIAL DISTRICT IN WHICH THE LOCAL REVIEW TEAM IS LOCATED.

(2) EACH LOCAL REVIEW TEAM SHALL CONSIST OF REPRESENTATIVES OF PUBLIC AND NONPUBLIC AGENCIES IN THE JUDICIAL DISTRICT THAT PROVIDE SERVICES TO CHILDREN AND THEIR FAMILIES AND OF OTHER INDIVIDUALS WHO REPRESENT THE COMMUNITY.

(3) (a) LOCAL REVIEW TEAMS SHALL INCLUDE REPRESENTATIVES FROM THE FOLLOWING ENTITIES LOCATED IN THE JUDICIAL DISTRICT:

- (I) EACH COUNTY DEPARTMENT;
- (II) LOCAL LAW ENFORCEMENT AGENCIES;
- (III) THE DISTRICT ATTORNEY'S OFFICE;
- (IV) SCHOOL DISTRICTS;
- (V) EACH COUNTY DEPARTMENT OF PUBLIC HEALTH;
- (VI) EACH CORONER'S OFFICE OR COUNTY MEDICAL EXAMINER'S OFFICE; AND
- (VII) EACH COUNTY ATTORNEY'S OFFICE.

(b) LOCAL REVIEW TEAMS MAY INCLUDE BUT ARE NOT LIMITED TO REPRESENTATIVES FROM THE FOLLOWING ENTITIES OR GROUPS LOCATED IN THE JUDICIAL DISTRICT:

- (I) HOSPITALS, TRAUMA CENTERS, OR OTHER PROVIDERS OF EMERGENCY MEDICAL SERVICES;
- (II) EACH COUNTY BOARD OF SOCIAL SERVICES;
- (III) MENTAL HEALTH PROFESSIONALS;
- (IV) MEDICAL PROFESSIONALS SPECIALIZING IN PEDIATRICS;
- (V) EACH COURT-APPOINTED SPECIAL ADVOCATE PROGRAM;
- (VI) CHILD ADVOCACY CENTERS;
- (VII) PRIVATE OUT-OF-HOME PLACEMENT PROVIDERS;
- (VIII) VICTIM ADVOCATES ASSOCIATED WITH LAW ENFORCEMENT AGENCIES; AND
- (IX) THE COMMUNITY AT LARGE.

(4) EACH LOCAL REVIEW TEAM HAS THE AUTHORITY TO ESTABLISH COMMITTEES TO REVIEW SPECIFIC TYPES OF CHILDHOOD DEATHS.

25-20.5-405. Local review teams - duties - authority. (1) EACH LOCAL REVIEW

TEAM SHALL REVIEW THE FOLLOWING TYPES OF CASES:

(a) A CASE OF UNEXPECTED AND UNEXPLAINED DEATH OF A CHILD EIGHTEEN YEARS OF AGE OR YOUNGER OCCURRING IN THE JUDICIAL DISTRICT OF THE LOCAL REVIEW TEAM;

(b) A CASE OCCURRING IN THE JUDICIAL DISTRICT INVOLVING THE DEATH OF A CHILD EIGHTEEN YEARS OF AGE OR YOUNGER WHO WAS:

(I) IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES OR THE COUNTY DEPARTMENT AT THE TIME OF DEATH;

(II) THE SUBJECT OF AN OPEN CHILD WELFARE CASE MAINTAINED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES; OR

(III) REPORTED AS A CHILD INVOLVED IN AN INVESTIGATION OF SUSPECTED ABUSE OR NEGLECT BY A COUNTY DEPARTMENT OF SOCIAL SERVICES OR A LAW ENFORCEMENT AGENCY AT ANY TIME DURING THE TWELVE MONTHS PRECEDING THE CHILD'S DEATH.

(2) WITH RESPECT TO EACH CASE REVIEWED, THE LOCAL REVIEW TEAM SHALL:

(a) REVIEW THE CAUSE AND MANNER OF THE CHILD'S DEATH AS DETERMINED BY THE LOCAL CORONER, PATHOLOGIST, OR MEDICAL EXAMINER, AND ATTEMPT TO DETERMINE WHETHER THE LOCAL REVIEW TEAM CONCURS WITH THE CORONER'S, PATHOLOGIST'S, OR MEDICAL EXAMINER'S FINDINGS;

(b) IN CASES IN WHICH THE LOCAL REVIEW TEAM DOES NOT CONCUR WITH THE CAUSE OR MANNER OF DEATH AS DETERMINED BY THE LOCAL CORONER, PATHOLOGIST, OR MEDICAL EXAMINER, FORWARD A REPORT OF THE LOCAL REVIEW TEAM'S ANALYSIS OF THE CAUSE AND MANNER OF THE CHILD'S DEATH TO THE LOCAL CORONER, PATHOLOGIST, OR MEDICAL EXAMINER FOR HIS OR HER CONSIDERATION;

(c) EVALUATE MEANS BY WHICH THE DEATH MIGHT HAVE BEEN PREVENTED;

(d) REPORT CASE REVIEW FINDINGS TO PUBLIC AND PRIVATE AGENCIES THAT HAVE RESPONSIBILITIES FOR CHILDREN AND MAKE RECOMMENDATIONS TO THESE AGENCIES THAT MAY HELP TO REDUCE THE NUMBER OF CHILD DEATHS;

(e) REQUEST FROM AN AGENCY A PLAN OF ACTION FOR IMPROVEMENTS TO PREVENT CHILD DEATHS BASED UPON A REPORT SUBMITTED TO THE AGENCY PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2) WHEN THE CASE REVIEW INVOLVES A CHILD IN THE CUSTODY OF THE AGENCY AT THE TIME OF DEATH OR INVOLVES IDENTIFIED SYSTEM PROBLEMS AT THE AGENCY;

(f) SUBMIT TO THE STATE REVIEW TEAM THE FOLLOWING INFORMATION:

(I) INFORMATION ABOUT EACH DEATH REVIEWED;

(II) A LISTING OF ANY SYSTEM ISSUES IDENTIFIED THROUGH THE REVIEW PROCESS AND RECOMMENDATIONS TO THE STATE REVIEW TEAM AND THE APPROPRIATE

AGENCIES FOR SYSTEM IMPROVEMENTS AND NEEDED RESOURCES, TRAINING, AND INFORMATION DISSEMINATION WHERE GAPS AND DEFICIENCIES MAY EXIST;

(III) ANY CHANGES, POSITIVE OR NEGATIVE, THAT APPEAR TO HAVE RESULTED FROM IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS MADE BY THE LOCAL REVIEW TEAM TO THE STATE REVIEW TEAM AND APPROPRIATE AGENCIES;

(IV) EXAMPLES OF SERVICES KNOWN BY THE LOCAL REVIEW TEAM TO BE PROVIDED BY PUBLIC AGENCIES TO CHILDREN AND THEIR FAMILIES THAT ARE DESIGNED TO PREVENT CHILD ABUSE, NEGLECT, OR DEATH AND THAT ARE EFFECTIVE IN PREVENTING CHILD ABUSE, NEGLECT, OR DEATH; AND

(V) ANY ADDITIONAL INFORMATION REQUESTED BY THE STATE REVIEW TEAM.

(3) EACH LOCAL REVIEW TEAM MAY, WITHIN EXISTING APPROPRIATIONS AND COMMUNITY RESOURCES:

(a) PROMOTE CONTINUING EDUCATION FOR PROFESSIONALS INVOLVED IN INVESTIGATING, TREATING, AND PREVENTING CHILD ABUSE AND NEGLECT AS A MEANS OF PREVENTING CHILD DEATHS DUE TO ABUSE OR NEGLECT; AND

(b) PROMOTE PUBLIC EDUCATION RELATED TO PREVENTING UNEXPECTED AND UNEXPLAINED CHILD DEATHS AND DEATHS RELATED TO ABUSE OR NEGLECT.

25-20.5-406. State review team - creation - membership - vacancies.

(1) THERE IS HEREBY CREATED THE COLORADO STATE CHILD FATALITY PREVENTION REVIEW TEAM IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(2) (a) ON OR BEFORE SEPTEMBER 1, 2005, THE GOVERNOR SHALL APPOINT THE SEVENTEEN VOTING MEMBERS OF THE STATE REVIEW TEAM SPECIFIED IN THIS PARAGRAPH (a), AS FOLLOWS:

(I) TWO MEMBERS WHO REPRESENT THE COUNTY SHERIFFS WITHIN THE STATE, ONE OF WHOM REPRESENTS A RURAL AREA OF THE STATE;

(II) TWO MEMBERS WHO REPRESENT THE COUNTY CORONERS WITHIN THE STATE;

(III) TWO MEMBERS WHO REPRESENT PEACE OFFICERS WITHIN THE STATE WHO SPECIALIZE IN CRIMES AGAINST CHILDREN;

(IV) TWO MEMBERS WHO REPRESENT THE DISTRICT ATTORNEYS WITHIN THE STATE, ONE OF WHOM REPRESENTS A RURAL AREA OF THE STATE;

(V) SIX MEMBERS WHO REPRESENT MEMBERS OF THE MEDICAL PROFESSION WITHIN THE STATE WHO SPECIALIZE IN TRAUMATIC INJURY OR CHILDREN'S HEALTH, INCLUDING FOUR PHYSICIANS AND TWO NURSES;

(VI) ONE MEMBER WHO REPRESENTS LOCAL FIRE DEPARTMENT EMPLOYEES WITHIN THE STATE;

(VII) ONE MEMBER WHO REPRESENTS COUNTY ATTORNEYS WITHIN THE STATE WHO

PRACTICE IN THE AREA OF DEPENDENCY AND NEGLECT; AND

(VIII) ONE MEMBER WHO REPRESENTS COUNTY COMMISSIONERS WITHIN THE STATE.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL APPOINT SIX EX OFFICIO NONVOTING MEMBERS, AS FOLLOWS:

(I) TWO MEMBERS WHO REPRESENT THE UNIT WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILD WELFARE;

(II) ONE MEMBER WHO REPRESENTS THE UNIT WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR MENTAL HEALTH SERVICES;

(III) ONE MEMBER WHO REPRESENTS THE DIVISION OF ALCOHOL AND DRUG ABUSE;

(IV) ONE MEMBER WHO REPRESENTS THE DIVISION OF YOUTH CORRECTIONS; AND

(V) ONE MEMBER WHO REPRESENTS THE DIRECTORS OF COUNTY DEPARTMENTS OF SOCIAL SERVICES.

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL APPOINT EIGHT EX OFFICIO NONVOTING MEMBERS WHO REPRESENT THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ONE OF WHOM REPRESENTS COUNTY HEALTH DEPARTMENTS.

(d) THE COMMISSIONER OF EDUCATION SHALL APPOINT ONE EX OFFICIO NONVOTING MEMBER WHO REPRESENTS THE DEPARTMENT OF EDUCATION.

(e) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT ONE EX OFFICIO NONVOTING MEMBER WHO REPRESENTS THE DEPARTMENT OF PUBLIC SAFETY.

(f) A MEMBER OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL CALL A PRELIMINARY MEETING OF THE MEMBERS OF THE STATE REVIEW TEAM SPECIFIED IN PARAGRAPHS (a) TO (e) OF THIS SUBSECTION (2), AND THE VOTING MEMBERS APPOINTED PURSUANT TO SAID PARAGRAPHS MAY, BY A MAJORITY VOTE, SELECT AN ADDITIONAL TWELVE NONVOTING MEMBERS OF THE STATE REVIEW TEAM AS FOLLOWS:

(I) FOUR MEMBERS WHO REPRESENT INJURY PREVENTION OR SAFETY SPECIALISTS FROM HOSPITALS WITHIN THE STATE;

(II) ONE MEMBER WHO REPRESENTS ORGANIZATIONS SPECIALIZING IN AUTO SAFETY OR DRIVER SAFETY WITHIN THE STATE;

(III) ONE MEMBER WHO REPRESENTS SUDDEN INFANT DEATH SPECIALISTS WITHIN THE STATE;

(IV) ONE MEMBER WHO REPRESENTS THE STATE NETWORK OF CHILD ADVOCACY CENTERS WITHIN THE STATE;

(V) ONE MEMBER WHO REPRESENTS A STATE DOMESTIC VIOLENCE COALITION;

(VI) ONE MEMBER WHO REPRESENTS THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM DIRECTORS, DESCRIBED IN SECTION 19-1-203, C.R.S., WITHIN THE STATE;

(VII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE CHILD'S REPRESENTATIVE, ESTABLISHED IN SECTION 13-91-104, C.R.S.;

(VIII) ONE MEMBER WHO REPRESENTS A PRIVATE OUT-OF-HOME PLACEMENT PROVIDER; AND

(IX) ONE MEMBER OF THE COMMUNITY WITH EXPERIENCE IN CHILDHOOD DEATH.

(3) MEMBERS SHALL BE APPOINTED FOR THREE-YEAR TERMS AND SHALL BE ELIGIBLE FOR REAPPOINTMENT UPON THE EXPIRATION OF THE TERMS. VACANCIES IN THE APPOINTED MEMBERSHIP SHALL BE FILLED BY THE APPOINTING ENTITY.

25-20.5-407. State review team - duties. (1) THE STATE REVIEW TEAM SHALL:

(a) FORM COMMITTEES TO REVIEW, AT A MINIMUM, CHILDHOOD DEATHS IN THE STATE OF COLORADO RELATED TO THE FOLLOWING CAUSES:

(I) NATURAL CAUSES;

(II) UNINTENTIONAL INJURY;

(III) VIOLENCE;

(IV) MOTOR VEHICLE INCIDENTS;

(V) CHILD ABUSE OR NEGLECT; AND

(VI) SUDDEN INFANT DEATH SYNDROME;

(b) OUTLINE TRENDS AND PATTERNS OF CHILDHOOD DEATH IN COLORADO;

(c) IDENTIFY AND INVESTIGATE RISK FACTORS THAT MAY LEAD TO CHILDHOOD DEATH;

(d) CHARACTERIZE GROUPS OF CHILDREN WHO ARE AT RISK FOR CHILDHOOD DEATH;

(e) EVALUATE THE SERVICES OFFERED AND THE SYSTEM RESPONSES TO CHILDREN WHO ARE AT RISK OF CHILDHOOD DEATH, REVIEW RECOMMENDATIONS OF LOCAL REVIEW TEAMS, IF ANY, AND PLANS OF ACTION SUBMITTED BY AGENCIES FOR IMPROVEMENTS TO PREVENT CHILDHOOD DEATHS, IF ANY, OFFER RECOMMENDATIONS FOR IMPROVEMENT TO THESE SERVICES AND SYSTEM RESPONSES, AND REQUEST PLANS OF ACTION FOR IMPROVEMENT FROM AGENCIES, WHEN NECESSARY;

(f) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF CHILDHOOD DEATHS;

(g) REPORT TO THE GOVERNOR AND TO THE HEALTH AND HUMAN SERVICES COMMITTEES AND THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE COLORADO GENERAL ASSEMBLY CONCERNING ANY RECOMMENDATIONS FOR CHANGES TO ANY LAW, RULE, OR POLICY THAT THE STATE REVIEW TEAM HAS DETERMINED WILL PROMOTE THE SAFETY AND WELL-BEING OF CHILDREN. THE STATE REVIEW TEAM SHALL REPORT ANNUALLY WITHIN THE FIRST WEEK OF CONVENING OR RECONVENING THE GENERAL ASSEMBLY.

(h) SUBJECT TO AVAILABLE APPROPRIATIONS AND COMMUNITY RESOURCES, DISTRIBUTE INFORMATION TO THE PUBLIC CONCERNING RISKS TO CHILDREN AND RECOMMENDATIONS FOR PROMOTING THE SAFETY AND WELL-BEING OF CHILDREN;

(i) SERVE AS A LINK WITH CHILD DEATH REVIEW TEAMS THROUGHOUT THE COUNTRY AND PARTICIPATE IN NATIONAL CHILD DEATH REVIEW TEAM ACTIVITIES; AND

(j) PERFORM ANY OTHER FUNCTIONS NECESSARY TO ENHANCE THE CAPABILITY OF THE STATE OF COLORADO TO REDUCE AND PREVENT CHILDHOOD INJURIES AND DEATH.

25-20.5-408. Access to records. (1) Review team access to records.

(a) NOTWITHSTANDING ANY OTHER STATE LAW TO THE CONTRARY BUT SUBJECT TO THE REQUIREMENTS OF APPLICABLE PROVISIONS OF FEDERAL LAW, THE STATE REVIEW TEAM AND THE LOCAL REVIEW TEAMS SHALL HAVE ACCESS TO ALL RECORDS AND INFORMATION IN THE POSSESSION OF THE DEPARTMENT OF HUMAN SERVICES AND THE COUNTY DEPARTMENTS OF SOCIAL SERVICES THAT ARE RELEVANT TO THE REVIEW OF A CHILD DEATH, INCLUDING RECORDS AND INFORMATION RELATED TO PREVIOUS REPORTS AND INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT.

(b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), NOTWITHSTANDING ANY OTHER STATE LAW TO THE CONTRARY, BUT SUBJECT TO THE REQUIREMENTS OF APPLICABLE PROVISIONS OF FEDERAL LAW, THE STATE REVIEW TEAM AND THE LOCAL REVIEW TEAMS SHALL HAVE ACCESS TO ALL OTHER RECORDS AND INFORMATION THAT ARE RELEVANT TO A REVIEW OF A CHILD DEATH AND THAT ARE IN THE POSSESSION OF A STATE OR LOCAL GOVERNMENTAL AGENCY. THESE RECORDS INCLUDE, BUT ARE NOT LIMITED TO, BIRTH CERTIFICATES, RECORDS OF CORONER OR MEDICAL EXAMINER INVESTIGATIONS, AND RECORDS OF THE DEPARTMENT OF CORRECTIONS.

(c) MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT RECORDS MAY BE ACCESSED ONLY WITH THE WRITTEN CONSENT OF APPROPRIATE PARTIES IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAW.

(2) Public access to records and information. (a) Open meetings. MEETINGS OF THE STATE REVIEW TEAM AND LOCAL REVIEW TEAMS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 24-6-402, C.R.S.

(b) Confidentiality. EACH MEMBER OF THE STATE REVIEW TEAM, EACH MEMBER OF A LOCAL REVIEW TEAM, AND EACH INVITED PARTICIPANT AT A MEETING SHALL SIGN A STATEMENT INDICATING AN UNDERSTANDING OF AND ADHERENCE TO CONFIDENTIALITY REQUIREMENTS. A PERSON WHO KNOWINGLY VIOLATES CONFIDENTIALITY REQUIREMENTS COMMITS A CLASS 3 MISDEMEANOR AND, UPON

CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

(c) **Release of information.** (I) MEMBERS OF THE STATE REVIEW TEAM, MEMBERS OF THE LOCAL REVIEW TEAMS, A PERSON WHO ATTENDS A REVIEW TEAM MEETING, AND A PERSON WHO PRESENTS INFORMATION TO A REVIEW TEAM MAY RELEASE INFORMATION TO GOVERNMENTAL AGENCIES AS NECESSARY TO FULFILL THE REQUIREMENTS OF THIS PART 4.

(II) MEMBERS OF THE STATE REVIEW TEAM, MEMBERS OF THE LOCAL REVIEW TEAMS, A PERSON WHO ATTENDS A REVIEW TEAM MEETING, AND A PERSON WHO PRESENTS INFORMATION TO A REVIEW TEAM SHALL NOT BE SUBJECT TO EXAMINATION, IN ANY CIVIL OR CRIMINAL PROCEEDING, CONCERNING INFORMATION PRESENTED TO MEMBERS OF THE REVIEW TEAM OR OPINIONS FORMED BY THE REVIEW TEAM BASED ON THAT INFORMATION. A PERSON MAY, HOWEVER, BE EXAMINED CONCERNING INFORMATION REVIEWED BY THE STATE REVIEW TEAM OR A LOCAL REVIEW TEAM THAT IS OTHERWISE AVAILABLE TO THE PUBLIC OR THAT IS REQUIRED TO BE REVEALED BY THAT PERSON IN ANOTHER OFFICIAL CAPACITY.

(III) INFORMATION, DOCUMENTS, AND RECORDS OF THE STATE REVIEW TEAM AND THE LOCAL REVIEW TEAMS SHALL NOT BE SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING; EXCEPT THAT INFORMATION, DOCUMENTS, AND RECORDS THAT WOULD OTHERWISE BE AVAILABLE FROM A PERSON SERVING ON THE STATE REVIEW TEAM OR A LOCAL REVIEW TEAM OR THAT WOULD OTHERWISE BE REQUIRED TO BE REVEALED BY LAW SHALL NOT BE IMMUNE FROM SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE SOLELY BECAUSE THE INFORMATION WAS PRESENTED AT OR BECAME AVAILABLE DUE TO A PROCEEDING OF THE STATE REVIEW TEAM OR A LOCAL REVIEW TEAM.

(IV) INFORMATION RECEIVED BY THE STATE REVIEW TEAM OR A LOCAL REVIEW TEAM THAT CONTAINS INFORMATION EXCULPATORY TO A PERSON CHARGED WITH A CRIMINAL OFFENSE SHALL BE SUBJECT TO RELEASE PURSUANT TO THE RULES OF CRIMINAL PROCEDURE.

25-20.5-409. Administration - funding - cash fund. (1) TO THE EXTENT FUNDS ARE AVAILABLE, THE STATE REVIEW TEAM AND THE LOCAL REVIEW TEAMS MAY HIRE STAFF OR CONSULTANTS TO ASSIST THEM IN COMPLETING THEIR DUTIES.

(2) STAFF AND CONSULTANTS OF THE STATE REVIEW TEAM OR THE LOCAL REVIEW TEAMS SHALL RECEIVE REIMBURSEMENT FOR TRAVEL AND EXPENSES TO OFFSET THE COSTS INCURRED IN FULFILLING THEIR DUTIES, WHICH SHALL BE PAID FROM MONEYS APPROPRIATED TO IMPLEMENT THIS PART 4 AND WITHIN THE LIMITS OF THOSE MONEYS.

(3) THE DIVISION OF PREVENTION SERVICES IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ON BEHALF OF THE STATE REVIEW TEAM, IS AUTHORIZED TO RECEIVE CONTRIBUTIONS, GRANTS, SERVICES, AND DONATIONS FROM ANY PUBLIC OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE STATE REVIEW TEAM SET FORTH IN THIS PART 4.

(4) ALL PRIVATE AND PUBLIC FUNDS RECEIVED BY THE STATE REVIEW TEAM THROUGH GRANTS, CONTRIBUTIONS, AND DONATIONS PURSUANT TO THIS PART 4

SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CHILD FATALITY PREVENTION CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS PART 4. ALL MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 4 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2005