~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 20, 2014

**H. 4408**

Introduced by Reps. Horne and Weeks

S. Printed 3/20/14--H.

Read the first time January 14, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4408) to amend Section 63‑11‑1930, Code of Laws of South Carolina, 1976, relating to the State Child Fatality Advisory Committee, so as to add two members, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 63‑11‑1930 of the 1976 Code is amended to read:

“Section 63‑11‑1930. (A) There is created a ~~multi‑disciplinary~~ State Child Fatality Advisory Committee composed of:

(1) the director of the South Carolina Department of Social Services;

(2) the director of the South Carolina Department of Health and Environmental Control;

(3) the State Superintendent of Education;

(4) the executive director of the South Carolina Criminal Justice Academy;

(5) the chief of the State Law Enforcement Division;

(6) the director of the Department of Alcohol and Other Drug Abuse Services;

(7) the director of the State Department of Mental Health;

(8) the director of the Department of Disabilities and Special Needs;

(9) the director of the Department of Juvenile Justice;

(10) ~~an attorney with experience in prosecuting crimes against children~~

~~(11)~~ ~~a county coroner or medical examiner~~

~~(12)~~ ~~a pediatrician with experience in diagnosing and treating child abuse and neglect, appointed from recommendations submitted by the State Chapter of the American Academy of Pediatrics~~

~~(13)~~ ~~a solicitor;~~

~~(14)~~ ~~a forensic pathologist; and~~

~~(15)~~ ~~two members of the public at large, one of which must represent a private nonprofit organization that advocates children services~~ the Chief Executive Officer of the Children’s Trust of South Carolina;

(11) one senator to be appointed by the President Pro Tempore of the Senate;

(12) one representative to be appointed by the Speaker of the House of Representatives;.

(13) an attorney with experience in prosecuting crimes against children;

(14) a county coroner or medical examiner;

(15) a board certified or eligible for board certification child abuse pediatrician with experience in diagnosing and treating child abuse and neglect;

(16) a solicitor;

(17) a forensic pathologist; and

(18) two members of the public at large, one of whom shall represent a private nonprofit organization that advocates children services.

(B) Those ~~state agency~~ members in items (1)‑~~(9)~~(12) shall serve ex officio and may appoint a designee to serve in their place from their particular departments or agencies who ~~have~~ has administrative or program responsibilities for children and family services. The Governor shall appoint the remaining members, including the coroner or medical examiner and solicitor who shall serve ex officio~~, must be appointed by the Governor~~ for terms of four years and until their successors are appointed and qualify.

(C) ~~A~~ The committee shall elect a chairman and vice chairman ~~of the committee must be elected from among the members~~ by a majority vote of the membership, each for a term of two years.

(D) ~~Meetings of~~ The committee shall hold meetings at least quarterly. A majority of the committee constitutes a quorum.

(E) Each ex officio member shall provide sufficient staff and administrative support to carry out the responsibilities of this article.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 63‑11‑1930, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE CHILD FATALITY ADVISORY COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 63‑11‑1940, RELATING TO THE DUTIES OF THE STATE LAW ENFORCEMENT DIVISION’S DEPARTMENT OF CHILD FATALITIES, SO AS TO DELETE CERTAIN PROVISIONS REQUIRING THE DEPARTMENT TO PROCEED WITH AN INVESTIGATION OR TO CLOSE A CASE; AND TO MAKE TECHNICAL CORRECTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑11‑1930 of the 1976 Code is amended to read:

“Section 63‑11‑1930. (A) There is created a ~~multi‑disciplinary~~ multidisciplinary State Child Fatality Advisory Committee composed of:

(1) the Director of the South Carolina Department of Social Services;

(2) the Director of the South Carolina Department of Health and Environmental Control;

(3) the State Superintendent of Education;

(4) the Executive Director of the South Carolina Criminal Justice Academy;

(5) the Chief of the State Law Enforcement Division;

(6) the Director of the Department of Alcohol and Other Drug Abuse Services;

(7) the Director of the State Department of Mental Health;

(8) the Director of the Department of Disabilities and Special Needs;

(9) the Director of the Department of Juvenile Justice;

(10) an attorney with experience in prosecuting crimes against children;

(11) a county coroner or medical examiner;

(12) a pediatrician with experience in diagnosing and treating child abuse and neglect, appointed from recommendations submitted by the State Chapter of the American Academy of Pediatrics;

(13) a solicitor;

(14) a forensic pathologist; ~~and~~

(15) two members of the public at large, one of ~~which must~~ whom shall represent a private nonprofit organization that advocates children services;

(16) one senator to be appointed by the President Pro Tempore of the Senate; and

(17) one representative to be appointed by the Speaker of the House of Representatives.

(B) Those state agency members in items (1)‑(9) shall serve ex officio and may appoint a designee to serve in their place from their particular departments or agencies who ~~have~~ has administrative or program responsibilities for children and family services. The Governor shall appoint the remaining members, including the coroner or medical examiner and solicitor, who shall serve ex officio~~, must be appointed by the Governor~~ for terms of four years and until their successors are appointed and qualify.

(C) ~~A~~ The committee shall elect a chairman and vice chairman ~~of the committee must be elected from among the members~~ by a majority vote of the membership, each for a ~~term of two years~~ two‑year term.

(D) ~~Meetings of~~ The committee ~~must be held~~ shall hold meetings at least quarterly. A majority of the committee constitutes a quorum.

(E) Each ex officio member shall provide sufficient staff and administrative support to carry out the responsibilities of this article.”

SECTION 2. Section 63‑11‑1940 of the 1976 Code is amended to read:

“Section 63‑11‑1940. (A) The purpose of the department is to expeditiously investigate child deaths in all counties of the State.

(B) To achieve its purpose, the department shall:

(1) upon receipt of a report of a child death from the county coroner or medical examiner, as required by Section 17‑5‑540, investigate and gather all information on the child fatality. The coroner or medical examiner immediately shall request an autopsy if SLED determines that an autopsy is necessary. The autopsy must be performed by a pathologist with forensic training as soon as possible. The pathologist shall inform the department of the findings within forty‑eight hours of completion of the autopsy~~. If the autopsy reveals the cause of death to be pathological or an unavoidable accident, the case must be closed by the department. If the autopsy reveals physical or sexual trauma, suspicious markings, or other findings that are questionable or yields no conclusion to the cause of death, the department immediately must begin an investigation~~;

(2) request assistance of any other local, county, or state agency to aid in the investigation;

(3) upon receipt of additional investigative information, reopen a SLED case~~,~~ and request in writing, as soon as possible, for the coroner to reopen a case for another coroner’s inquest;

(4) upon receipt of the notification required by item (1), review agency records for information regarding the deceased child or family. Information available to the department pursuant to Section 63‑11‑1960 and information which is public under Chapter 4, Title 30, the Freedom of Information Act, must be available as needed to the county coroner or medical examiner and county department of social services;

(5) report the activities and findings related to a child fatality to the State Child Fatality Advisory Committee;

(6) develop a protocol for child fatality reviews;

(7) develop a protocol for the collection of data regarding child deaths as related to Section 17‑5‑540 and provide training to local professionals delivering services to children, county coroners and medical examiners, and law enforcement agencies on the use of the protocol;

(8) study the operations of local investigations of child fatalities, including the statutes, regulations, policies, and procedures of the agencies involved with children’s services and child death investigations;

(9) examine confidentiality and access to information statutes, regulations, policies, and procedures for agencies with responsibilities for children~~,~~ including, but not limited to, health, public welfare, education, social services, mental health, alcohol and other substance abuse, and law enforcement agencies and determine whether those statutes, regulations, policies, or procedures impede the exchange of information necessary to protect children from preventable deaths. If the department identifies a statute, regulation, policy, or procedure that impedes the necessary exchange of information, the department shall notify the committee and the agencies serving on the committee, and the committee shall include proposals for changes to statutes, regulations, policies, or procedures in the committee’s annual report;

(10) develop a Forensic Pathology Network available to coroners and medical examiners for prompt autopsy findings;

(11) submit to the Governor and the General Assembly~~,~~ an annual report and ~~any~~ other reports prepared by the department~~,~~ including, but not limited to, a report setting forth the department’s findings and recommendations; and

(12) promulgate regulations necessary to carry out its purposes and responsibilities under this article.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑