

## SENATE AMENDMENTS TO SENATE BILL 819

By COMMITTEE ON HUMAN SERVICES

April 21

- 1 On page 1 of the printed bill, line 7, delete “within 24 hours”.
- 2 In line 8, after “neglect” insert “within timelines for assignment established by rules adopted
- 3 by the department”.
- 4 In line 18, after “agency” insert “within the 12 months preceding the fatality”.
- 5 In line 20, after “(2)” insert “(a)” and delete “must be appointed within 24 hours”.
- 6 In line 21, delete “of the assignment of the team under subsection (1) of this section and”.
- 7 In line 23, delete “(a)” and insert “(A)”.
- 8 In line 24, delete “(b)” and insert “(B)”.
- 9 In line 25, after the semicolon insert “and”.
- 10 In line 26, delete “(c)” and insert “(C)” and delete the semicolon and insert a period.
- 11 Delete lines 27 and 28.
- 12 On page 2, delete lines 1 through 5 and insert:
- 13 “(b) The following may be assigned to a Critical Incident Response Team:
- 14 “(A) Members of the public, appointed by the Director of Human Services, as appropriate;
- 15 “(B) A juvenile court judge appointed by the Chief Justice of the Supreme Court; and
- 16 “(C) A state Senator appointed by the President of the Senate and a state Representative ap-
- 17 pointed by the Speaker of the House of Representatives.”.
- 18 In line 6, after “(3)” insert “(a)”.
- 19 After line 8, insert:
- 20 “(b) All members of the team must attend meetings of the team in person, by telephone or by
- 21 other two-way electronic communication device. A team member may not send a delegate to
- 22 meetings of the team to appear on the member’s behalf. Notwithstanding the provisions of this
- 23 paragraph, a meeting of the team may be convened and held even if one or more members are unable
- 24 to attend the meeting.”.
- 25 In line 10, delete “team” and insert “Critical Incident Response Team”.
- 26 In line 23, delete “as described in subsection”.
- 27 In line 24, delete “(7) of this section”.
- 28 Delete lines 25 through 29.
- 29 In line 30, delete “(d)” and insert “(c)”.
- 30 In line 33, delete “(e)” and insert “(d)”.
- 31 In line 40, delete “(f)” and insert “(e)”.
- 32 In line 43, delete “(g)” and insert “(f)”.
- 33 On page 3, line 10, delete “(h)” and insert “(g)” and delete “(g)” and insert “(f)”.
- 34 In line 14, delete “team” and insert “Critical Incident Response Team”.
- 35 Delete lines 30 through 42 and insert:

1           “(7)(a) A public member assigned to a Critical Incident Response Team under subsection  
2 (2)(b)(A) of this section may not be examined in a civil or administrative proceeding regarding:

3           “(A) A case review to which the team member was assigned;

4           “(B) The incident that led to a child fatality in a case review to which the team member was  
5 assigned; or

6           “(C) Statements, deliberations, thoughts, analyses or impressions of the team member in a case  
7 review to which the member was assigned.

8           “(b) A person who provided information to a team may not be examined in a civil or adminis-  
9 trative proceeding regarding statements, deliberations, thoughts, analyses or impressions of that  
10 person. A person is not unavailable as a witness merely because the person has been interviewed  
11 by a team or has provided a statement to a team in a case review but, if called as a witness, the  
12 person may not be examined regarding the person’s interactions with the team in a case review in-  
13 cluding whether the person was interviewed, the questions that were asked of the person and the  
14 answers that the person provided. This paragraph may not be construed as restricting the person  
15 from testifying in any proceeding regarding the person’s actual knowledge of the incident that is the  
16 subject of a team case review.

17           “(c) The record of the case review of a team assigned under this section, including but not  
18 limited to records received, prepared and maintained by the team, is subject to discovery in a civil  
19 or administrative proceeding but may not be admitted into evidence or otherwise used in a civil or  
20 administrative proceeding except that records or documents that existed before use or consideration  
21 in a team case review, or that were created independently of such a review, do not become inad-  
22 missible merely because the records or documents were used or considered in a team case review.

23           “(d) The provisions of this subsection do not apply in a licensing or disciplinary proceeding  
24 arising from an agency’s effort to revoke or suspend the license of any licensed professional based  
25 in whole or in part upon allegations of wrongdoing in connection with a child fatality reviewed by  
26 a team under this section.”.

27           On page 4, delete lines 1 and 2 and insert:

28           “(9) The Critical Incident Response Team shall meet, upon conclusion of a criminal investigation  
29 or prosecution arising out of a child fatality to which the team was assigned for review, with  
30 members of law enforcement that investigated the child fatality or with the prosecuting attorneys  
31 who prosecuted the case for the purpose of reviewing the conclusions and recommendations of the  
32 team and the reports prepared and submitted by the team.”.

33           In line 3, delete “(9)” and insert “(10)”.