

CDR Legislation Checklist

Use this list to evaluate your current or planned CDR program legislation. This list can help you identify possible elements you not included in your bill.

- **Purpose** – In developing the purpose of the team it will be important to consider whether establishment of teams will be mandated or permitted by the legislation enacted.
 - Prevention
 - Identification of fatalities resulting from abuse and neglect
 - Improvements in agencies' function
 - Education of Public and of Professionals Working with Children
 - Other
- **Funding** – This is one of the most difficult issues in developing or expanding teams. One issue to consider is funding through the Children's Justice Act, which is administered by the U.S. Department of Justice. Such funds are often used to establish or support child death review teams.
 - State
 - Local
 - Private
 - Staffing and support resources for CDR
- **Membership** – Teams should consider racial, ethnic and cultural representation, which will reflect the community in which the team or teams operate.
 - Composition specialties represented may include:
 - Coroner/Medical Examiner (consider training and background when selecting one and/or the other)
 - Law Enforcement
 - Public Health/Injury Prevention
 - Mental Health
 - Social Services
 - Child Advocacy (non-governmental)
 - Public Education
 - Child Health (e.g., pediatrician)
 - Criminal Justice
 - Tribal Representative or Military Representative if relevant
 - Emergency Medicine/First Responders
 - Appointed/designated
 - Role related to public office (e.g., state's attorney)
 - Mandated (e.g., professions or groups that must be represented)
 - Training provided to members (local or state)
 - Compensation (reimbursement, per diem)
 - Structure (e.g., Is there a hierarchy, voting, etc.)
 - Term of service

- **Case Review Process** – Specificity with respect to the process of case review will vary from state to state. Below are some of the factors to consider as components of the case review process. Whether these elements should or need to be statutorily mandated will need to be considered and will depend upon the existing or desired process in the jurisdiction.
 - Frequency of meetings (quarterly, monthly, ad hoc, other)
 - “Trigger mechanism” (criteria for review, referral source, age of child, cause of death, jurisdiction)
 - Autopsy requirements
 - Protocol development
 - Standard definitions
 - Mandatory or permissive case review
 - Level of activity -- state, regional, and/or local
 - Evaluation of team function
 - Criteria for Scene Investigation/Preservation

- **Authority/Impact** – Teams can serve various functions and the legislation that enables team development may also be helpful in spelling out what authority the teams, through the review process may have.
 - Legislative (evaluation of laws, recommendations, enactments)
 - Public health (including development and implementation of preventive programs)
 - Contribution to epidemiological research/data
 - Individual case influence
 - Where is CDR housed – This is an important political and budgetary consideration.
 - Evaluation of agency function

- **Data Collection and Dissemination** – In order to conduct a comprehensive review, teams need access to records and reports that may be relevant to the fatality. This becomes increasingly important with respect to intrastate coordination among the local teams.
 - What is collected? (data from other agencies, law enforcement reports, medical records, interviews)
 - Dissemination of data (annual report, frequency of reporting, media outlets, public forums)
 - Database
 - Standardized reporting forms
 - Training to agencies and/or professionals (not other CDR teams)
 - Missing data (process for follow-up)

- **Data Sharing** – Legislation needs to contemplate facilitating access to a range of information particularly between border states and within and between agencies while still maintaining and abiding by existing rules and regulations addressing privacy and confidentiality. Additionally, to enhance and encourage the free flow of information among team participants; issues such as immunity, subpoenaability of members or records and discoverability of team documents should be addressed in legislation as well as the issue of confidentiality of team deliberations and discussions.
 - Uniformity, coordination and sharing of data (intra-agency, interagency, among state, regional and local teams, regional/interstate)
 - Legislative requirements and prohibitions (punitive measures for confidentiality violations)
 - Privacy and confidentiality (identifiers; open/closed meetings)
 - Immunity