

§ 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 with respect to child death cases that include any of the facts described in subdivisions (a)(1) through (a)(3) of this section.
 - 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 recommendations related to a particular agency and, where feasible, work to help facilitate the advancement of these recommendations.
- (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 (i) contact or interview family members of the decedent or (ii) conduct an interview or take any other action that would interfere with an investigation by a law enforcement agency or the duties of a district attorney.
- (3) To work with the State Office to produce a report appropriate for public release pursuant to sub-subdivision (b)(3)a. of this section that addresses the findings and recommendations developed pursuant to sub-subdivision (b)(3)a. of this section related to improving coordination between local and State entities. 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. (2023-134, s. 9H.15(f).)