

**RESOLUTION NO. 202 -2016, ADOPTING LOCAL LAW  
NO. 9 -2016, A LOCAL LAW TO ESTABLISH A CHILD  
FATALITY REVIEW TEAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on February 9, 2016, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH A CHILD FATALITY REVIEW TEAM**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 9 -2016, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ESTABLISH A CHILD FATALITY REVIEW TEAM**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Suffolk County has a responsibility to serve its most vulnerable residents, especially its children.

This Legislature also finds and determines that establishing a mechanism for an independent, comprehensive, multiagency and multidisciplinary review of child deaths, will allow Suffolk County officials to better understand trends and patterns regarding how and why children die in Suffolk County, and take action that can prevent other such deaths and improve the health and safety of Suffolk County's children.

This Legislature finds that the establishment of a local, independent Child Fatality Review Team will promote cooperation and communication among the various County Departments, local agencies and programs involved in investigating child fatalities and help facilitate the provision of services needed by children and families.

Therefore, the purpose of this law is to establish a Child Fatality Review Team to identify preventable social and family circumstances that contribute to child fatalities and to provide recommendations regarding the investigation and prevention of child deaths.

**Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

"Child Fatality" -- shall mean the death of any person in the County of Suffolk under the age of eighteen where (1) the death is unanticipated, (2) the death is the result of a trauma, or (3) the circumstances of the death are suspicious, obscure or otherwise unexplained.

**Section 3. Team Established.**

A. There is hereby established, in accordance with all applicable state and local laws, a Child Fatality Review Team (“Team”) to examine the facts and circumstances relating to child fatalities.

B. The Team shall consist of the following members:

1. The Director of the Department of Health Services, or his or her designee;
2. The Director of Child Protective Services, or his or her designee;
3. A representative of the New York State Office of Children and Family Services;
4. The Director of the Department of Social Services, or his or her designee;
5. The Chief Medical Examiner, or his or her designee;
6. The District Attorney, or his or her designee;
7. The County Attorney, or his or her designee;
8. The Commissioner of the Suffolk County Police Department, or his or her designee;
9. A representative from the New York State Police;
10. The Director of the Division of Emergency Medical Services in the Department of Health Services, or his or her designee;
11. A pediatrician or comparable medical professional with expertise in child abuse, maltreatment or pediatric forensics, to be appointed by the County Executive subject to legislative approval;
12. The Chief Administrative Judge of the Family Court, or his or her designee; and
13. A pediatric radiologist with a sub-specialty or expertise in child abuse, to be appointed by the County Legislature.

C. The members appointed by the County Legislature shall serve for a term of two years. Any vacancy shall be filled in the same manner as the original appointment.

D. The Team shall meet at least four times a year. The Medical Examiner shall serve as chairperson of the Team and shall convene the first meeting of the Team within ninety days after the effective date of the this local law.

#### **Section 4. Team Responsibilities.**

A. The Team will review individual child fatalities and aggregate data relating to child fatalities and formulate recommendations regarding methods of improving the protection of children in order to decrease the future incidence of child fatalities in Suffolk County.

B. The Team shall have access to all records, except those protected by statutory privilege, within twenty-one days of receipt of a request.

C. The Team may request information from any agency as may be necessary to carry out the provisions of this section, in accordance with all applicable laws, rules and regulations, including, but not limited to, laws related to attorney-client privilege, attorney work product, material prepared for litigation and disclosure of agency records under the public officer's law. The Team shall keep confidential all information that it receives and protect the privacy of all individuals involved in the child fatality cases that it reviews to the extent provided by law.

#### **Section 5. Reports.**

A. The Child Fatality Review Team may exercise the same authority as the New York State Office of Children and Family Services with regard to the preparation of fatality reports as set forth in paragraph (b) and (c) of subdivision five of section twenty of the New York Social Services Law. The child fatality review team shall have access to those client-identifiable records necessary for the preparation of the report as authorized in accordance with subdivision 5 (d) of section twenty of the New York Social Services Law. Any such fatality report shall not contain any individually identifiable information and shall be provided to the New York State Office of Children and Family Services upon completion.

B. All meetings conducted and all reports and records made and maintained, and books and papers obtained by the Team shall be confidential and not open to the general public except by court order.

#### **Section 6. Immunity.**

Members of the Child Fatality Review Team, persons attending a meeting of the Team and persons who present information to the Team shall have immunity from civil and criminal liability for all reasonable and good faith actions taken pursuant to this law and shall not be questioned in any civil or criminal proceeding regarding any opinions formed as a result of a meeting of a child fatality review team.

#### **Section 7. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

#### **Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 10. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: March 23, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: April 7, 2016

After a public hearing duly held on April 4, 2016  
Filed with the Secretary of State on May 2, 2016