

CHAPTER 92
IOWA FATALITY REVIEW COMMITTEE

641—92.1(135) Purpose. The purpose of the child fatality review committee is to determine whether the department of human services and others involved with the case of child abuse responded appropriately.

641—92.2(135) Definitions.

“Child abuse assessment” means an assessment performed in accordance with Iowa Code section 232.71B.

“Child fatality” means the death of a child under the age of 18.

“Committee” means the Iowa child fatality review committee.

“Department” means the department of public health.

“Director” means the director of the department of public health.

“Multidisciplinary team” means the group of individuals as defined in Iowa Code section 235A.13.

641—92.3(135) Committee. The committee is an ad hoc committee appointed by the director on a case-by-case basis. The committee shall include a medical examiner, a pediatrician who is knowledgeable concerning deaths of children, and a person involved in law enforcement. The committee may also consult with individuals with specific child death expertise as necessary to perform the duties and responsibilities of the committee. The department shall provide staffing and administrative support to the committee.

641—92.4(135) Formation of the committee. The director may appoint a committee to review the death of a child under the age of 18 upon the request from a member of the legislature or the governor in cases in which a report of suspected child abuse had been filed with the department of human services pursuant to Iowa Code section 232.70 within two years preceding the child’s death.

641—92.5(135) Committee protocol for review. In determining whether the department of human services and others involved with the case of child abuse responded appropriately, the committee shall review records relevant to the child’s death, which may include but are not limited to the following:

1. All reports of suspected child abuse on the identified child made to the department of human services pursuant to Iowa Code section 232.70;
2. All child abuse assessments performed on the identified child in accordance with Iowa Code section 232.71B;
3. All other department of human services records maintained on the identified child;
4. All relevant law enforcement records which refer to the identified child;
5. All relevant medical and hospital records of the identified child;
6. All relevant court records which refer to the identified child;
7. Records of any multidisciplinary team which reviewed the case of the identified child;
8. Records of any public entity which reviewed the case of the identified child; and
9. All relevant records maintained by a day care provider, other child care provider, preschool, elementary school, middle school, or high school which refer to the identified child.

The committee shall also consult with any multidisciplinary team that is operating in the area where the fatality occurred.

641—92.6(135) Content of report.

92.6(1) Upon completion of the review, the director shall submit the committee’s report to:

- a. The governor or the governor’s designee;
- b. The member of the senate or employee of the general assembly designated by the majority leader or minority leader of the senate;
- c. The member of the house of representatives or employee of the general assembly designated by the speaker or minority leader of the house of representatives.

92.6(2) The committee report shall include findings concerning the case and recommendations for changes to prevent child fatalities when similar circumstances exist. The report shall include but is not limited to the following information:

- a.* The dates, outcomes, and results of any actions taken by the department of human services and others in regard to each report and allegation of child abuse involving the child who died.
- b.* The results of any review of the case performed by a multidisciplinary team, or by any other public entity that reviewed the case.
- c.* Confirmation of the department of human services' receipt of any report of child abuse involving the child, including confirmation as to whether or not any assessment involving the child was performed in accordance with Iowa Code section 232.71B, the results of any assessment, a description of the most recent assessment and the services offered to the family, the services rendered to the family, and the basis for the department's decisions concerning the case.

641—92.7(135) Consultation with county attorney. Prior to issuing the report, the committee shall consult with the county attorney responsible for prosecution of the alleged perpetrator of the child fatality. The committee's report shall include child abuse information associated with the case and the child but is subject to the restrictions applicable to the department of human services for release of information concerning a child fatality or near fatality in accordance with Iowa Code section 235A.15(9).

641—92.8(135) Supplemental report. Following the completion of the trial of any alleged perpetrator of the child fatality and the appeal period for the granting of a new trial, the committee shall issue a supplemental report containing the information that was withheld, in accordance with rule 92.7(135), so as not to jeopardize the prosecution or the rights of the alleged perpetrator to a fair trial as described in Iowa Code section 235A.15(9) "f" and "g."

641—92.9(135) Confidentiality and disclosure of information. The committee shall have access to patient records and other confidential information. The committee may disseminate confidential information in the committee's report which shall be submitted to the governor and the general assembly. For all other purposes, the committee shall maintain the confidentiality of all records which are confidential under Iowa Code section 22.7, Iowa Code chapter 235, or other provision of law. A person in possession or control of medical, investigative, or assessment information or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the department, upon the request of the department, to be used only in the administration and for the duties of the Iowa child fatality review committee. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this rule.

641—92.10(135) Immunity and liability. Review committee members are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review committee member provided that the review committee members acted in good faith and without malice in carrying out their official duties in their official capacity. A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review committee members involving the performance of their duties and powers.

A person who releases or discloses confidential data, records, or any other type of information in violation of this chapter is guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code section 135.43(4).

[Filed emergency 11/9/00—published 11/29/00, effective 11/9/00]
[Filed 5/25/01, Notice 1/10/01—published 6/13/01, effective 7/18/01]