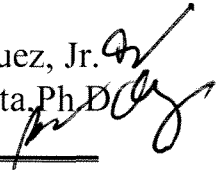
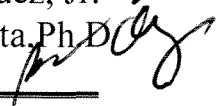


**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (SECOND) Regular Session**

**BILL NO.** 62-32 (Cor)

Introduced by:

Dennis G. Rodriguez, Jr.   
Aline A. Yamashita, Ph.D.   
Brant McCreadie

**AN ACT TO ESTABLISH THE GUAM COUNCIL ON CHILD  
DEATH REVIEW AND PREVENTION (CCDRP) BY ADDING  
A NEW ARTICLE 10 TO CHAPTER 3, DIVISION I OF TITLE  
10, GUAM CODE ANNOTATED**

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that there is an alarming infant mortality rate on Guam. In 2011, there were 44  
4 deaths of infants under one year of age and in 2012, there were 46 deaths of infants  
5 in the same age range. The 2011 infant death rate for Guam, at 13.3, is more than  
6 twice as high as the national mortality rate of 5.9 for the United States. *I*  
7 *Liheslaturan Guahan* further finds that the death rate of children under the age of  
8 18 is also disturbingly high. Therefore, to address this distressing state of affairs, it  
9 is the intent of *I Liheslaturan Guahan* to establish a Council on Child Death  
10 Review and Prevention (CCDRP) to examine, determine, and understand why so

1 many of our children die for the purpose of using this information to identify  
2 strategies for the prevention of future loss of young lives.

**Section 2.** A new Article 10 is added to Chapter 3, Division 1, Title 10, Guam Code Annotated, to read:

**“Article 10**

**GUAM COUNCIL ON CHILD DEATH REVIEW AND PREVENTION  
(CCDRP)**

3 **§31001. Short Title.** This Act may be cited as the “*Child Death Review*  
4 *and Prevention Act of 2013.*”

5 **§31002. Policy.**

6 **§31003. Definitions.** (a) Definitions, as used in this Article:

- 7 (1) “*Child*” means a person less than eighteen years of age.
- 8 (2) “*Family*” means:
  - 9 (A) Each legal parent;
  - 10 (B) The natural/biological mother;
  - 11 (C) The natural/biological father;
  - 12 (D) Each parent’s spouse or former spouses;
  - 13 (E) Each sibling or person related by consanguinity or marriage;
  - 14 (F) Each person residing in the same dwelling unit; and
  - 15 (G) Any other person who, or legal entity that, is a child’s legal or
  - 16 physical custodian or guardian, or who is otherwise responsible for
  - 17 the child’s care, other than the authorized agency that assumes such a
  - 18 legal status or relationship with the child, as defined under §4202,
  - 19 Article 2, Chapter 4, Title 19, Guam Code Annotated.

1 (3) “*Council on Child Death Review and Prevention*” (CCDRP) means the  
2 Council members who are multidisciplinary and multiagency representatives  
3 appointed by *I Maga’lahen Guåhan* [Governor of Guam] and any other  
4 entity/representative invited by the Director or the Director’s designated  
5 representatives as appropriate for each child death review, to include, at a  
6 minimum:

7 (A) Department of Public Health and Social Services:

8 (i) Director or the Director’s designated representatives;

9 (ii) Bureau of Family Health and Nursing Services – Maternal  
10 and Child Health;

11 (iii) Bureau of Social Services Administration – Child  
12 Protective Services;

13 (iv) Emergency Medical Services; and

14 (v) Office of Vital Statistics;

15 (B) Medical Examiner, or designee;

16 (C) Department of Mental Health and Substance Abuse;

17 (D) Guam Police Department;

18 (E) Guam Early Learning Council;

19 (F) Attorney General of Guam, or designee;

20 (G) Guam Memorial Hospital Authority;

21 (H) Local Pediatrician;

22 (I) Military Representative; and

23 (J) Parent/Community Stakeholder.

24 (4) “*Child death review information*” means information regarding the  
25 child and child’s family, including, but not limited to:

26 (A) Social, medical, and legal histories;

27 (B) Death and birth certificates;

- 1 (C) Law enforcement investigative data;
- 2 (D) Medical examiner or coroner investigative data;
- 3 (E) Parole and probation information and records;
- 4 (F) Information and records of social service agencies;
- 5 (G) Educational records; and
- 6 (H) Health/mental health care institution information.

7 (5) “*Department*” means the Department of Public Health and Social  
8 Services.

9 (6) “*Director*” means the Director of the Department of Public Health and  
10 Social Services or the Director’s designated representatives. “Provider of  
11 medical care” means any health/mental health practitioner who provide, or a  
12 facility through which is provided, any medical evaluation or treatment,  
13 including dental and mental health evaluation or treatment.

14 (7) “*Service provider(s)*” means any practitioner/provider who provides, or  
15 a facility through which it is provided, any social and legal services.

16 **§31004. Access to information.**

17 (a) Upon written request of the Director, all providers of social, medical, and  
18 legal services and local agencies shall disclose to the Department, and those  
19 individuals appointed by the Director to participate in the review of child death,  
20 child death review information regarding the circumstances of a child’s death so  
21 that the Department may conduct a multidisciplinary and multiagency review of  
22 child deaths.

23 (b) To the extent that this section conflicts with other state confidentiality  
24 laws, this section shall prevail.

25 **§31005. Exception.**

1 Information regarding an ongoing civil or criminal investigation shall be  
2 disclosed at the discretion of the applicable local or federal law enforcement  
3 agency.

4 **§31006. Use of child death review information and records.**

5 (a) Except as otherwise provided in this part, all child death review  
6 information acquired by the Department during its review of child deaths pursuant  
7 to this part, is confidential and may only be disclosed as necessary to carry out the  
8 purposes of this part.

9 (b) Child death review information and statistical compilations of data that  
10 do not contain any information that would permit the identification of any person  
11 shall be public records.

12 (c) No individual participating in the Department's multidisciplinary and  
13 multiagency review of a child's death may be questioned in any civil or criminal  
14 proceeding regarding information presented in or opinions formed as a result of a  
15 child death review meeting. Nothing in this subsection shall be construed to  
16 prevent a person from testifying to information obtained independently of the  
17 Department's multidisciplinary and multiagency review of a child's death, or  
18 which is public information, or where disclosure is required by law or court order.

19 (d) Child death review information held by the Department as a result of  
20 child death reviews conducted under this part are not subject to subpoena,  
21 discovery, or introduction into evidence in any civil or criminal proceeding, except  
22 that child death review information otherwise available from other sources is not  
23 immune from subpoena, discovery, or introduction into evidence through those  
24 sources solely because they were provided as required by this part.

25 **§31007. Immunity from liability.**

1 All agencies and individuals participating in the review of child deaths  
2 pursuant to this part shall not be held civilly or criminally liable for providing the  
3 information required under this part.

4 **§31008. Funding Authorization.** Funding to implement and conduct the  
5 provisions and activities authorized pursuant to this Article shall be expended from  
6 the annual fiscal year appropriation of the Office of Vital Statistics, and/or from  
7 the Office of Vital Statistics Revolving Fund (10 GCS §3227.1).”

8 **Section 3. Effective Date.** This Act *shall* take immediate effect upon  
9 enactment.

10 **Section 4. Severability.** *If* any provision of this Law or its application to  
11 any person or circumstance is found to be invalid or contrary to law, such  
12 invalidity shall *not* affect other provisions or applications of this Law which can be  
13 given effect without the invalid provisions or applications, and to this end the  
14 provisions of this Law are severable.