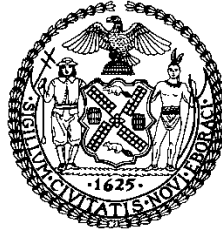


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THE COUNCIL

COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION

Robert Newman, Legislative Director

COMMITTEE ON HEALTH

Hon. Maria del Carmen Arroyo, Chair

January 31, 2012

Proposed Int. No. 751-A:

By Council Members Arroyo, Palma, Cabrera,
Comrie, Fidler, James, Koslowitz, Mark-Viverito,
Mendez, Vacca, Williams, Gonzalez, Vann, Rodriguez,
Koo, Van Bramer, Jackson and Ferreras

TITLE:

A Local Law to amend local law number 115 for the year
2005, relating to child fatalities, in relation to a child
fatality review advisory team.

INTRODUCTION

On January 31, 2012, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Proposed Int. No. 751-A, a local law to amend the administrative code of the City of New York, in relation to a child fatality review advisory team. A hearing on this legislation was previously held on January 24, 2012, jointly with the Committee on General Welfare. Representatives from the New York City Department of Health and Mental Hygiene (“DOHMH”), the Administration for Children’s Services (“ACS”) and advocates testified. After the hearing, amendments were made to the title of the legislation.

Background on Local Law 115 of 2005

Since 1997, ACS has led an independent oversight group, consisting of experts in law, medicine, social work, psychiatry, and representatives from assorted City agencies, who conduct investigations into deaths of children “known to” the child welfare system.¹ Additionally, the New York State Office of Children and Family Services (OCFS) is required to investigate the deaths of children who are in the custody or the guardianship of an authorized agency, or for whom a report has been made to the Statewide Central Register on Child Abuse and Maltreatment.² On December 29, 2005, the New York City Council enacted Local Law 115, which created a Child Fatality Review Advisory Team (“Advisory Team”).³ Prior to the enactment of Local Law 115, no local agencies investigated or reported on the unanticipated, traumatic or unexplained deaths of children not previously known to the child welfare system. Local law 115 therefore was enacted to establish a local, independent, multi-agency coordinated

¹ To be considered known, a member of the household must have been the subject of a previous report to the Statewide Central Register on Child Abuse and Maltreatment, or must be receiving services from ACS at the time of the fatality.

² N.Y. SOCIAL SERVICES LAW § 20(5)(a).

³ Local Law 115 of 2005.

review of all child deaths in order to assist in understanding trends and patterns in New York City regarding child fatalities and to “identify preventable social and family circumstances that contribute to child fatalities; provide recommendations regarding the investigation and prevention of child deaths; and identify problems in practices and recommend solutions.”⁴

By its own terms, Local Law 115 of 2005 was repealed as of January 30, 2012.

Substance of Local Law 115

As previously noted, Local Law 115 created a Child Fatality Advisory Team, tasked with examining the facts and circumstances pertaining to the death of any child in New York under the age of thirteen whose death is unanticipated, the result of trauma, or the result of suspicious, obscure, or otherwise unexplained circumstances.⁵ The Advisory Team does not investigate deaths of children under thirteen that are the subject of pending criminal investigations or proceedings.⁶ The Advisory Team is chaired by the Commissioner of DOHMH⁷ and consists of representatives from ACS, the Police Department, the Office of the Chief Medical Examiner, two Mayoral Appointees (including a pediatrician and a child-welfare advocate), two City Council appointed individuals (including a pediatrician and a child-welfare advocate), and one individual appointed by the Public Advocate. A representative from the Department of Education may serve on the team at his/her discretion.⁸ Advisory Team members serve for two years⁹ and are required to meet at least four times annually.¹⁰ The Advisory Team reviews aggregate data of child fatalities and formulates recommendations to improve child protection to

⁴ Legislative Findings and Intent, Local Law 115 of 2005.

⁵ NYC Ad Code §17-191(a), (b).

⁶ *Id.* §17-191(a).

⁷ *Id.* §17-191(f).

⁸ *Id.* §17-191 (b).

⁹ *Id.* §17-191(c).

¹⁰ *Id.* §17-191(f).

decrease future incidents of child fatalities in New York City.¹¹ In order to do this, members of the team request and review relevant materials (as permitted by applicable law, rules and regulations) from City and State agencies and non-profit organizations that provided services to victims or family members of victims.¹² The Advisory Team submits annual reports to the Mayor, the Council and the Public Advocate detailing, among other things:

- The number of child fatality cases in New York City in the previous year;
- Statistics on the causes of child fatalities;
- Non-identifying data on victims, including age, gender, race, religion, and ethnicity;
- Statistics on the location of child fatalities, disaggregated by borough; and
- Recommendations to decrease future incidents of child fatalities.¹³

Child Fatality Review Advisory Team Reports

The Advisory Team’s first annual report, published in 2007, included “an aggregate review of child injury deaths and an in-depth case review of all child deaths related to motor vehicle accidents, the leading cause of child injury deaths in NYC.”¹⁴ The 2008 Report focused on fire- and burn-related deaths, the second leading cause of child injury deaths in NYC, while the 2009 Report focused on unintentional child injuries in the home environment.¹⁵ In 2010, the Report examined “individual- and neighborhood-level disparities in child injury deaths that reflect both social and economic inequalities.”¹⁶

¹¹ *Id.* §17-191(g).

¹² *Id.* §17-191(h).

¹³ *Id.* §17-191 (j).

¹⁴ NYC Department of Health & Mental Hygiene, *2011 Report from the Child Fatality Review Team*, p3.

¹⁵ *Id.*

¹⁶ *Id.*

The 2011 Report updates statistics reported for years 2001 to 2009, and expands the report to include information on injury deaths for one year olds or younger, whose deaths are primarily attributable to unsafe sleeping arrangements (i.e. unsafe sleeping positions and bed-sharing).¹⁷ The 2011 Report also found that between 2001 and 2009, New York City's overall death rate for children aged one to twelve was 30 percent lower than in the nation as a whole between 2001 and 2007.¹⁸ The City's lower death rate for children can be attributed to lower injury death rates due to accidents. For example, the national rate for transportation related deaths is 3.6 per 100,000 children, but 1.2 per 100,000 children in the City.¹⁹ Injury deaths accounted for 28 percent of child deaths between 2001 and 2009 in the City.²⁰ Unintentional injuries comprised 69 percent of child injury deaths, of which 41 percent were transportation related.²¹ Intentional injuries comprised 24 percent of child injury deaths. 91 percent of these deaths were categorized as certified homicides and 9 percent were suicides.²² The Advisory Team found that between 2001 and 2009, there were higher injury death rates among younger children, boys, and black, non-Hispanic children, but "girls experienced a higher proportion of intentional injury deaths than boys."²³

The 2011 Report concludes with recommendations for decreasing injuries among children and decreasing the death rate. The Report suggests that policymakers can increase child safety through enforcement of existing laws and regulations, that parents and caregivers should

¹⁷ *Id.* at 1-3.

¹⁸ *Id.* at 1.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

watch children closely and learn about safety risks, and that health care and other providers should screen for safety risks.²⁴

Proposed Int. No. 751-A

Proposed Int. No. 751-A would not include a repeal date and would make Local Law 115 permanent to ensure the continued operation of the Child Fatality Review Advisory Team. There would be no substantive changes to the law as it was originally enacted in 2005. The law would take effect immediately and would be deemed to have been in full force and effect on and after January 30, 2012.

²⁴ *Id.* at 22-23.

Proposed Int. No. 751-A

By Council Members Arroyo, Palma, Cabrera, Comrie, Fidler, James, Koslowitz, Mark-Viverito, Mendez, Vacca, Williams, Gonzalez, Vann, Rodriguez, Koo, Van Bramer, Jackson and Ferreras

A LOCAL LAW

To amend local law number 115 for the year 2005, relating to child fatalities, in relation to a child fatality review advisory team.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Child Fatality Review Advisory Team, created by Local Law 115 of 2005, conducts a comprehensive, multiagency and multidisciplinary review of all child deaths in New York City. Their work highlights trends and patterns regarding how and why children die in New York City, and helps the City create policies and take actions to prevent other such deaths and improve the health and safety of New York City's children. Local Law 115, by its own terms, was deemed repealed on January 30, 2012.

The Council finds that this review must occur at the City level to ensure that the characteristics of child protection that are unique to a large urban area such as New York City are appropriately identified and addressed. The Child Fatality Review Advisory Team promotes cooperation and communication among the various City agencies involved in investigating child fatalities and facilitates the provision of services needed by children and families. Therefore, the Council finds that making permanent the New York City Child Fatality Review Advisory Team is necessary to identify preventable social and family circumstances that contribute to child fatalities; provide recommendations regarding the investigation and prevention of child deaths; and identify problems in practices and recommend solutions.

§2. Section 4 of local law no. 115 for the year 2005 is amended to read as follows:

§4. This local law shall take effect ninety days after its enactment into law [and shall be deemed repealed on January 30, 2012].

§3. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.