CHAPTER 75-03-19.1
CHILD FATALITY REVIEW PANEL

Section
75-03-19.1-01 Definitions
75-03-19.1-02 Panel Membership
75-03-19.1-03 Duties
75-03-19.1-04 Confidentiality of Records

75-03-19.1-01. Definitions.

The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 50-25.1, except:

1. "Decision" means the conclusion reached by the panel regarding:
   a. Manner of death listed on the death certificate;
   b. Whether a death was preventable, nonpreventable, or preventability undeterminable;
   c. Cause of death, if possible;
   d. Circumstances that contributed to the death; and
   e. Changes in policy, practices, and law to prevent children's deaths.
2. "Indepth review" means the process of reviewing information contained in written documentation obtained from any hospital, physician, medical professional, medical facility, mental health professional, mental health facility, or other entity regarding a child who has died, and using the information as a basis of a panel decision.
3. "Panel" means the child fatality review panel, governed by North Dakota Century Code chapter 50-25.1.
4. "Presiding officer" means the representative of the department's child protection services program.

History: Effective July 1, 2006; amended effective April 1, 2022.
General Authority: NDCC 50-25.1-04.2
Law Implemented: NDCC 50-25.1-04.3

75-03-19.1-02. Panel membership.

1. A panel member may be removed by a majority vote of the panel for:
   a. A violation of confidentiality;
   b. A violation of that panel member's professional code of ethics;
   c. Any criminal violation;
   d. Resignation from the position which made the panel member eligible for panel membership; or
   e. Absenteeism.
2. Vacancies on the panel shall be filled by invitation issued by the presiding officer.

3. Attendance of nonpanel members at panel meetings must be approved by the presiding officer prior to the meeting.

History: Effective July 1, 2006.
General Authority: NDCC 50-25.1-04.2
Law Implemented: NDCC 50-25.1-04.3

75-03-19.1-03. Duties.

1. The panel shall review death certificates of all children whose deaths occurred in North Dakota. Deaths of children which are sudden, unexpected, or unexplained shall receive an indepth review.

2. The department of human services and the state department of health shall collaborate in the review of child deaths. The vital records division of the state department of health shall provide death certificates for children under the age of eighteen to the panel.

3. The panel shall provide an indepth review of child deaths identified on the death certificate as:

   a. Accident;

   b. Suicide;

   c. Homicide;

   d. Pending investigation; or

   e. Could not be determined.

4. When a child's manner of death is identified as "natural" or no manner of death is identified on the death certificate, the panel will determine whether the cause or condition of death was sudden, unexpected, or unexplained.

5. The panel shall review only the death certificate when a child's death is identified as "natural" and does not fall within the criteria identified in subsection 4, unless a panel member specifically requests an indepth review.

6. A decision reached by the panel represents the consensus of the panel, but not necessarily the opinion of an individual member. A decision of the panel may not be considered as an expert opinion in a criminal or civil case.

History: Effective July 1, 2006.
General Authority: NDCC 50-25.1-04.2
Law Implemented: NDCC 50-25.1-04.3

75-03-19.1-04. Confidentiality of records.

Panel records are confidential and shall be released according to North Dakota Century Code sections 23-02.1-27 and 50-25.1-11, except that third-party information received by the panel may not be rereleased.

History: Effective July 1, 2006.
General Authority: NDCC 50-25.1-04.2
Law Implemented: NDCC 50-25.1-04.3