

# CHILD FATALITY REVIEW

## Rules and Laws Updated May 2023



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# Introduction

Child Fatality Review (CFR) in Ohio operates according to a set of rules outlined in the Ohio Administrative Code (OAC) and laws outlined in the Ohio Revised Code (ORC). The OAC provides a compilation of administrative rules adopted by state agencies. The Ohio Department of Health (ODH) and the CFR team use the administrative rules published in Chapter 3701-67, Child Fatality Review Board (<https://codes.ohio.gov/ohio-administrative-code/chapter-3701-67>), to advise both state and local CFR processes.

In July 2000, the Ohio General Assembly passed Substitute House Bill Number 488, mandating CFR boards in each of Ohio's counties (or regions) to review the deaths of children under 18 years of age (<https://codes.ohio.gov/ohio-revised-code/section-3701.045>). The ultimate purpose of CFR is to reduce the incidence of preventable child deaths. To do so, the law clearly outlines expectations for successful CFR processes.

OAC rules set official guidelines on how CFR should be done. This document serves as a training tool and resource for reviewing the rules associated with CFR (Rules 3701-67-01 – 3701-67-08).



## Definitions (Rule 3701-67-01)

**Cause of death:** The classification of death as listed in box 30 on the Ohio death certificate. Examples of causes of death include, but are not limited to, birth defects, drowning and submersion, electrocution, extreme prematurity, falls, fire and burn, firearms and weapons, pneumonia, poisoning, shaken baby syndrome, sudden infant death syndrome, suffocation and strangulation, vehicular, and other cause.

**Child:** Any person under 18 years of age.

**Child fatality review (CFR) board:** A county or regional board established or appointed to review deaths of children residing in the county or region for the purpose of decreasing the incidence of preventable child deaths.

**Circumstance of death:** Any accompanying or surrounding details of the death beyond the cause and manner of death. Examples include, but are not limited to, drowning in a family pool or house fire in rental unit.

**Contributing factors:** Other factors beyond the cause and manner of death that may be partly responsible for the child's death. Examples of contributing factors include medical factors; alcohol, drug, or tobacco use by a parent, caretaker, or child; use or non-use of safety devices; level of supervision; environmental factors; and mental or behavioral factors of parent, caretaker, or child.

**County commissioners:** The board of county commissioners established under Chapter 305 of the Ohio Revised Code, or an alternative form of county government established pursuant to Chapter 301 of the Ohio Revised Code with the responsibilities of county commissioners.

**County of residence:** The county of residence as identified on the Ohio death certificate.

**Department or director:** The director of the Ohio Department of Health (ODH) or any official or employee of the department designated by the director of ODH.

**Geographic location of death:** The county in which the child was pronounced dead.

**Health commissioner:** The health commissioner of a general, city, or county health district, or the individual with the responsibilities of a health commissioner in a city or county health district.

**Manner of death:** The classification of death listed in box 32 on the Ohio death certificate. The classification is limited to natural, accident, homicide, suicide, and undetermined.

**Preventable:** The degree to which an individual or community could have reasonably done something that would have changed the circumstances that led to the child's death.

**Public record:** Any record defined in division (A)(1) of section 149.43 of the Ohio Revised Code.

**Review:** A general assessment or examination of the death of a child. The review shall at least consider the cause of death; manner of death; circumstance of death; contributing factors; age; sex; race and ethnicity; and geographic location of death.



## Child Fatality Review (CFR) Boards (Rule 3701-67-02)



In accordance with sections 307.621 and 307.622 of the Ohio Revised Code, each county in Ohio shall establish a CFR board or join a regional CFR board for the purpose of reviewing the deaths of children residing in that county.

The purpose of the CFR board is to decrease the incidence of preventable child deaths by doing all of the following:

- Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities that serve families and children.
- Maintaining a comprehensive database of all child deaths that occur in the county or region served by the CFR board in order to develop an understanding of the causes and incidences of those deaths.
- Recommending and developing plans for implementing local service and program changes to the groups, professions, agencies, or entities that serve families and children that might prevent child deaths.
- Advising ODH of aggregate data, trends, and patterns concerning child deaths.

## Child Fatality Review (CFR) Board Meetings (Rule 3701-67-03)

The board of county commissioners shall designate either the health commissioner that establishes the CFR board or a representative of the health commissioner to convene and be the chairperson of the CFR board. If a regional CFR board is established, the health commissioner appointed to establish the regional CFR board or his or her designee shall convene the CFR board meetings and be the chairperson of the CFR board.

In any county that has a body acting as a CFR board on the effective date of this rule, the board of county commissioners of that county, in lieu of having a health commissioner establish a CFR board, shall appoint that body to function as the CFR board for the county. The body shall have the same duties, obligations, and protections as a CFR board appointed by the health commissioner. The board of county commissioners or an individual designated by the CFR board shall convene the body as required by section 307.624 of the Ohio Revised Code.

If a regional CFR board includes a county with more than one health district, the CFR board meeting shall be convened in that county. If more than one of the counties participating in a regional CFR board has more than one health district, the person convening the meeting shall select one of the counties containing more than one health district as the county in which to convene the CFR board meeting.

Each CFR board shall be convened at least once a year to review the deaths of all children who, at the time of death, were residents of the county or, in the case of a regional board, were residents of one of the participating counties.

If a child dies in an Ohio county other than the child's county of residence, the review shall be conducted in accordance with this paragraph. For the purposes of this paragraph, the CFR board with jurisdiction over the county of residence shall be referred to as the lead CFR board. The CFR board with jurisdiction over the county in which the child died shall be referred to as the secondary CFR board.

- Except as provided in the next bullet point, the lead CFR board shall conduct the child death review.
- The lead CFR board may delegate the responsibility for conducting a child death review to the secondary CFR board if the lead CFR board and the secondary CFR board both agree that the secondary CFR board will conduct the review.
- The lead and secondary CFR boards shall cooperate with each other to make relevant information available for the review. The CFR board which conducts the review shall provide a complete copy of the review to the CFR board not conducting the review.
- Regardless of which CFR board conducts the review, only the lead CFR board shall include the review information in its annual report to ODH.

Meetings of CFR boards established under section 307.621 of the Ohio Revised Code shall not be considered public meetings and, as such, are not subject to section 121.22 of the Ohio Revised Code.

## Data Collection – Confidentiality of Records (Rule 3701-67-04)

Each CFR board shall implement a system for collecting information determined necessary by the CFR board to review the deaths of children who were residents of the county, or if a regional board, one of the participating counties, at the time of death.

The CFR board shall use the national data collection database ([data.ncfrp.org](http://data.ncfrp.org)) as designated by the director in accordance with rule 3701-67-06 of the Administrative Code. The CFR board shall review at a minimum the information required to be reported in the annual report to ODH under rule 3701-67-07 of the Administrative Code.

The CFR board shall maintain the data collected and any work product of the CFR board in a confidential manner. All confidential information shall be used by the CFR board and its members only in the exercise of the proper functions of the CFR board.

Each CFR board shall take measures to ensure the security and confidentiality of information obtained during the course of conducting child death reviews. The CFR board shall develop and maintain written policies and procedures that address the following:

- Confidentiality of information that is collected or obtained in the course of conducting child death reviews.
- A system to assure only authorized persons are allowed unsupervised access to an area where confidential records are stored, which includes access to records stored electronically.
- Security measures to prevent inadvertent or unauthorized access to any records containing sufficient information that could reasonably lead to the identity of the child whose death is being reviewed.
- Storing, processing, indexing, retrieving, and destroying information obtained in the course of conducting child death reviews.

Each CFR board shall maintain child death review records for the time period required by the CFR board's retention schedule or seven years if there is no retention schedule.

The CFR board shall provide each CFR board member with a copy of the policies and procedures developed under the guidance of this rule. If any task of the CFR board member is delegated to another person, the CFR board member is responsible for assuring that the person who is delegated a CFR board task is familiar with the policies and procedures and has access to such policies and procedures.

## Training Guidelines (Rule 3701-67-05)

Each CFR board shall require at least one member of the CFR board to attend the annual training sponsored by ODH. Each CFR board shall encourage all CFR board members to attend. If not all members of the CFR board attend the training, the chairperson of the CFR board shall be responsible for assuring that those CFR board members who did not attend are trained or given access to the training.

The CFR training curriculum will be a combination of lectures, discussions, and team review of actual case studies and may include, but not be limited to, the following topics found in the standardized protocols and guidelines developed by ODH and the state CFR advisory council:

- Overview of the CFR rules and laws.
- CFR board membership and maintenance.
- CFR board operating procedures.
  - Conducting an effective meeting.
- Death reviews.
- Role of courts and prosecutors.
- Data collection.
- Database guidelines.
- Annual reporting guidelines.
- Preventing child deaths.



# Child Fatality Review Information System (Rule 3701-67-06)

**Note:** This is a change from previous rules to capture more in-depth case information to ensure high quality data (effective February 16, 2023).

The director (of the Ohio Department of Health) shall provide a data collection tool for the review of child deaths or arrange for the use of a national child death review database. The individual data collection shall be maintained in a confidential manner.

Each CFR board will use the national child death review database ([data.ncfrp.org](https://data.ncfrp.org)) to record the following demographic, death related, and data quality information.

\*Italicized represents *new required fields*.

- Demographic information.
  - Age of the child.
  - Sex of the child (male or female).
  - Race of the child (black, white, native American, Asian, Alaskan native, native Hawaiian, Pacific islander, unknown, or multiple).
  - Ethnicity of the child (Hispanic or Latino).
  - *Infant death information that includes:*
    - *Gestational age.*
    - *Birth weight.*
    - *Multiple gestation.*
    - *Mother's number of pregnancies.*
    - *Mother's number of live births.*
    - *Mother's number of living children.*
    - *Prenatal care provided during pregnancy of deceased infant.*
    - *Access or compliance issues related to prenatal care.*
    - *Medical conditions/complications during pregnancy.*
    - *Medical complications in previous pregnancies.*
    - *Medication, drug, or substance use during pregnancy.*
    - *Infant born drug exposed.*
    - *Infant neonatal abstinence syndrome (NAS).*
    - *Level of birth hospital.*
    - *At hospital discharge, was a case manager assigned.*
    - *Whether mother attended postpartum visit.*
    - *Did the infant stay in NICU more than one day.*
    - *Did mother smoke in three months before pregnancy.*
    - *Did mother smoke at any time during pregnancy.*
    - *Was mother injured during pregnancy.*
    - *Did mother have postpartum depression.*
    - *Was infant ever breastfed.*
    - *Did infant have abnormal metabolic newborn screening results.*
    - *Prior to last seventy-two hours of life, did infant have history of medical conditions, symptoms, injury, vaccine administration, medications, feeding.*

## Child Fatality Review Information System (Rule 3701-67-06)

- Death-related information.
  - Year of child's death.
  - Geographic location of death.
  - Cause of death.
  - *Contributing factors to death:*
    - *Poisoning.*
      - *Type of substance involved.*
      - *Storage location of substance.*
      - *Product original container.*
      - *Container child safety cap.*
      - *Incident result of.*
      - *Poison control contacted.*
    - *Sleeping environment.*
      - *Was death related to sleeping/sleep environment.*
      - *Incident sleep space.*
      - *Position of child when put to sleep.*
      - *Position of child when found.*
      - *Usual sleep position.*
      - *Availability of suitable sleep location.*
      - *Usual sleep place.*
      - *Child in new or different environment.*
      - *Child placed to sleep with pacifier.*
      - *Child wrapped or swaddled in blanket.*
      - *Child overheated.*
      - *Child exposed to second-hand smoke.*
      - *Position of child's face when found.*
      - *Position of child's neck when found.*
      - *Status of child's airway.*
      - *Objects in child's sleep environment and relation to airway obstruction.*
      - *Caregiver/supervisor fell asleep when feeding child.*
      - *Child sleeping in same room as caregiver/supervisor.*
      - *Child sharing sleep surface with person(s) or animal(s).*
      - *Reasons for sharing sleep surface.*
      - *Scene re-creation photo available.*
- Data quality information.
  - Data entry completed for the case.
  - Preventability of the death.

Individual data related to a child death review that is reported on the national child death review database is not a public record under section 149.43 of the Ohio Revised Code.



# CDR REPORT FORM

Version 6.0

## National Fatality Review Case Reporting System

Data Entry Website: [data.ncfrp.org](http://data.ncfrp.org)

Phone: 800-656-2434

Email: [info@ncfrp.org](mailto:info@ncfrp.org)

[ncfrp.org](http://ncfrp.org)



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# Annual Report Filed with ODH (Rule 3701-67-07)

By April first of each year, each CFR board shall prepare and submit an annual report to ODH in a manner and format that is prescribed by the director. The report shall include all of the following with respect to the child deaths in the calendar year specified by the director.

- The total number of child deaths in the county or region, whichever is applicable to the CFR board submitting the report.
- The total number of child death reviews completed by the CFR board.
- The total number of child death reviews not completed by the CFR board.
- A summary of the demographic and death related information as specified in rule 3701-67-06 of the Administrative Code.

The annual report may include recommendations for actions that might prevent other deaths, as well as any other information the CFR board determines should be included.

Annual reports prepared under this section are public record and subject to section 149.43 of the Ohio Revised Code.

## Helpful Tips to Prepare for Annual Report Submission

### Documents to submit to ODH CFR Coordinator by April first.

- Vital Statistics Confidentiality Agreement (to be completed and signed by CFR board chair).
- Confidentiality Statement (to be completed and signed by CFR board chair).
- Contact Information Form.
- Summary and Recommendations Form.
- Written communication (via email) confirming all reviewed cases for that year completed in national child death review database.

### To access national child death review database.

- Create an account by:
  - [Emailing ODH CFR coordinator](#) with name, email address, cell phone number, role, and county.
  - ODH CFR coordinator will reply with confirmation of username.
  - Individual for whom account was requested will receive automated message from national child death review database to activate account.
- Visit [data.ncfrp.org](http://data.ncfrp.org).

### Requesting Child Deaths Lists and Birth/Death Certificates.

- Requests should be made at minimum quarterly for up-to-date county records of child deaths.
- [Emailing ODH CFR coordinator](#) to request updated child deaths list from vital statistics.
  - Follow-up requests for birth and death certificates can be made.

**\*All electronic communications regarding child fatality cases should be sent via encrypted e-mail.**

## Joint Annual Report by ODH and Children's Trust Fund Board (Rule 3701-67-08)

On or before September 30 of each year, ODH and the Children's Trust Fund board shall jointly prepare and publish a report organizing and setting forth the data contained in all reports provided by CFR boards in their annual reports from the previous calendar year. The report shall also contain any recommended changes to law and policy that might prevent future deaths.

A copy of the report shall be provided to the governor, the speaker of the Ohio house of representatives, the president of the Ohio senate, the minority leaders of the Ohio house of representatives and Ohio senate, each Ohio county or regional CFR board, and each Ohio county or regional family and children first council.

Annual Reports can be found on ODH's CFR landing page: <https://odh.ohio.gov/know-our-programs/child-fatality-review/resources/cfr-reports>.

