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House Bill 5225 (Substitute H-2 as passed by the House)
Sponsor: Representative Paul Condino
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 5-18-04

CONTENT

The bill would amend Public Act 181 of 1953, which governs county medical examiners, to require the Department of Community Health (DCH) to promulgate rules concerning situations in which a child under the age of two dies of an unknown cause. The bill also would give deputy county medical examiners the same powers as county medical examiners under these circumstances.

Under the Act, when a child younger than two dies under circumstances of sudden death or is found dead, and the cause is unknown, the death must be reported immediately to the county medical examiner of the county where the body is located. The county medical examiner must inform the child's parents or legal guardians that they may request an autopsy, which will be paid for by the State. The county medical examiner must arrange for the autopsy and notify the parents or legal guardians of its results.

The bill would require the DCH to promulgate rules and regulations under the Act to promote consistency and accuracy among county medical examiners and deputy county medical examiners in determining the cause of death. The DCH could adopt, by reference in its rules, all or any part of the "State of Michigan Protocols to Determine Cause and Manner of Sudden and Unexplained Child Deaths" published by the Michigan Child Death Review Program.

MCL 52.205a

BACKGROUND

According to the Michigan Child Death Review Program, the State of Michigan Protocols were developed to assist professionals in conducting a complete and thorough investigation of a child's death. Medical examiners, law enforcement, and the Family Independence Agency (FIA) have roles under the protocols.

The Program indicates that a thorough death scene investigation is necessary to determine accurately the cause and manner of a child's death. The investigation should take place within 24 hours of the child's death, and note information regarding the events surrounding the death, the child's social and environmental conditions, the child's health history, interviews with witnesses and responders, and a check for crib defects.

Law enforcement officers are trained to conduct the death scene investigation and interview witnesses, and they check criminal histories of children, family members, and suspects in

intentional child death cases. According to the Program, the FIA has the legal authority and responsibility to investigate child deaths. The FIA may provide information on a family's history and sociological factors that influence family dynamics.

The Program states, "The medical examiner has the right and the responsibility to determine the cause and manner of death, using findings from the scene investigation, autopsy and child's medical history, as well as information from police, paramedics, FIA and other investigating agencies."

Legislative Analyst: Julie Koval

FISCAL IMPACT

The Department would incur increased staff time and other costs related to the rule promulgation process as a result of this bill.

Fiscal Analyst: Dana Patterson