

Child Death Records—Child Death Review Board and Coroner; HB 2629

HB 2629 amends provisions in law pertaining to the State Child Death Review Board (SCDRB or “Board”). The bill eliminates certain reporting requirements by a coroner involving the investigation and autopsy of a child death and requires the Secretary of Health and Environment to provide the SCDRB with a copy of the child’s death certificate. The bill also requires a coroner to immediately notify the parent or legal guardian that an autopsy of their child had been completed and to provide information on how to obtain the autopsy results.

The bill also increases SCDRB membership, outlines its responsibilities, allows for member compensation, addresses the disclosure and maintenance of SCDRB records, and removes the limit on the SCDRB’s access to Department for Children and Families (DCF) and other social service agency records involving services provided to the child or the child’s family.

Coroner’s Report of a Child Death

The bill eliminates the requirement that a coroner complete and sign a nonsuspicious child death form if, after investigation and autopsy, the coroner determines the death of a child does not include any suspicious circumstances or unknown cause.

The bill also eliminates the requirement that a coroner notify the chairperson of the SCDRB within 30 days after an investigation and autopsy determines that the death of a child includes any suspicious circumstance or unknown cause. [*Note:* The requirement that the coroner notify the county or district attorney of the county where a child death involving any suspicious circumstance or unknown cause occurred within 24 hours of the coroner’s investigation and autopsy remains in law.]

Parental Notification of Autopsy

The bill removes a requirement a coroner attempt to notify a parent or legal guardian of the results of the autopsy. Instead, once the autopsy is completed, the coroner is required to immediately notify the parent or legal guardian of its completion and provide information on how a parent or legal guardian may obtain the autopsy results.

Sudden Unexplained Infant Death Syndrome

The bill replaces the term “sudden infant death syndrome” with “sudden unexplained infant death syndrome.”

Death Certificate Provided to Board

The bill requires the Secretary of Health and Environment to provide the SCDRB with a copy of the child’s death certificate that meets the requirements developed by the SCDRB.

Increase in Board Membership

The bill increases the number of members appointed to the SCDRB by the State Board of Healing Arts from three members to four. The bill increases the number of members who are physicians licensed to practice medicine and surgery from two members to three and requires that two of such members specialize in pediatrics.

Board Responsibilities

The bill requires the SCDRB, when informed of a child death, to review all child deaths of:

- Kansas residents who are less than 18 years of age, regardless of where the deaths occurred; and
- Non-Kansas residents who are less than 18 years of age if the death occurred in Kansas.

Board Member Compensation

The bill allows SCDRB members to receive compensation, subsistence allowances, mileage, and expenses for attending meetings and subcommittee meetings of the SCDRB, subject to approval of the chairperson of the Board and the Attorney General.

Exceptions for Disclosure of Board Records

The bill adds the following to the list of those to whom disclosure of information acquired by and records of the SCDRB is allowed:

- Any person or entity, if the information and records being disclosed are statistics or conclusions of the SCDRB and provided for the purpose of procuring and maintaining financial grants; and
- The Governor and Legislature, if the information and records being disclosed are statistics or conclusions of the SCDRB and provided for the purpose of supplementing the SCDRB's annual report.

Board Access to Agency Records

The bill removes the limit on SCDRB's access to records of DCF or any other social service agency that provided services to the child or the child's family. Under former law, the SCDRB only had access to records if the child or the child's family received services from that agency within three years preceding the child's death.

Transmittal of Written Report

The bill removes the requirement that the SCDRB complete and transmit a copy of its written report to:

- The county or district attorney of the county in which the child's death occurred;
- The county or district attorney of the county in which the child resided if different from where the death occurred; or
- The child protective services agency of the state where the child resided if the child resided in another state.

Maintenance of Records

The bill requires the SCDRB to maintain records of all written reports concerning child deaths for at least 15 years after the date a case investigated by the Board is closed, rather than maintaining the records permanently.