

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2629

As Amended by House Committee on Child
Welfare and Foster Care

Brief*

HB 2629, as amended, would amend provisions in law pertaining to the State Child Death Review Board (SCDRB or "Board"). The bill would eliminate certain reporting requirements by a coroner involving the investigation and autopsy of a child death and would require the Secretary of Health and Environment to provide the SCDRB with a copy of the child death certificate.

The bill would also increase SCDRB membership, outline its responsibilities, allow for member compensation, address the disclosure and maintenance of SCDRB records, and remove the limit on the SCDRB's access to the 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 would eliminate 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 would also eliminate the requirement that a coroner notify the chairperson of the SCDRB within 30 days after an investigation and autopsy determined that the death

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

of a child included 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 would remain in law.]

Parental Notification of Autopsy

Under the bill, a coroner would not be required to notify a parent or legal guardian of the results of the autopsy. Instead, when attempting to notify any parent or legal guardian of the deceased child prior to performing an autopsy, as required by current law, the coroner would be required to include information regarding the autopsy and instructions for how a parent or legal guardian could obtain a copy of the finding and autopsy results.

Sudden Unexplained Infant Death Syndrome

The bill would replace the term "sudden infant death syndrome" with "sudden unexplained infant death syndrome."

Death Certificate Provided to SCDRB

The bill would require 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 SCDRB Membership

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

SCDRB Responsibilities

The bill would require 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.

SCDRB Member Compensation

The bill would allow 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 SCDRB Records

The bill would add the following to the list of those to whom disclosure of information acquired by and records of the SCDRB would be 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.

SCDRB Access to Agency Records

The bill would remove 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 current law, the SCDRB only has access to records within three years preceding the child's death.

Transmittal of Written Report

The bill would remove 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 would require 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. Current law requires the SCDRB to maintain the records permanently.

Background

The bill was introduced by the House Committee on Child Welfare and Foster Care at the request of a representative of the Office of the Attorney General and the SCDRB.

House Committee on Child Welfare and Foster Care

In the House Committee hearing, **proponent** testimony was provided by a representative on behalf of the Office of the Attorney General and the SCDRB, who stated the bill would modernize outdated language and codify current practices and notifications related to coroners, the Kansas Department of Health and Environment (KDHE), and DCF. The representative noted an additional appointment to the SCDRB from the State Board of Healing Arts would add further pediatric expertise for the review of child deaths and ensure manageable case assignments for SCDRB members. The representative stated allowing compensation for SCDRB members to attend meetings would be consistent with the practices of other state boards and would assist in finding suitable SCDRB appointments when the interested party lives several hours from the location of the monthly meetings.

The representative further noted that allowing disclosure of statistics or conclusions would allow the SCDRB to meet the federal funding requirements of existing grants and ensure competitive applications for future grants. The representative requested an amendment that would allow the SCDRB to report out information, statistics, and data to the Governor and Legislature to supplement the annual report submitted to those entities.

Written-only neutral testimony was provided by a representative of KDHE.

No other testimony was provided.

The House Committee amended the bill to allow for the disclosure of the SCDRB's conclusions and statistics to the Governor and Legislature for the purpose of supplementing the SCDRB's annual report to those parties.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the Attorney General indicated enactment of the bill would result in additional revenue, as the agency would receive private and federal grants, although a total could not be estimated. The agency notes it would be able to handle additional expenditures related to compensation for SCDRB members within existing resources.

KDHE states enactment of the bill would not have a fiscal effect on agency operations. The agency notes the bill would codify an existing process.

The State Board of Healing Arts also reports that enactment of the bill would not have a fiscal effect on the agency.

Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Children and minors; Child Death Review Board; sudden unexplained infant death; death certificate; notification of child death; State Board of Healing Arts; membership; compensation; disclosure and retention of records; coroner; Attorney General