

SESSION OF 2004

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE
FOR HOUSE BILL NO. 2602**

As Amended by Senate Committee on
Judiciary

Brief*

Senate Sub. for HB 2602 would amend the statutes concerning the Child Death Review Board by requiring the Department of Social and Rehabilitation Services (SRS) to refer cases of a child death or near fatality on or after January 1, 2001, when the child is a ward of the state or at any time has been identified as a child in need of care. The referral would be made within 30 days, when the injury or death is the result of child abuse or neglect, or if child abuse or neglect is suspected to have contributed to the injury or death. The bill would require the Child Death Review Board to issue a report, within 60 days of the referral, which includes the following specific findings:

- ! The cause of the death or injury;
- ! The extent to which child abuse or neglect contributed to the death or injury;
- ! Findings regarding whether the death or injury could have been prevented;
- ! What policies, procedures, rules, regulations, and actions or failure to act by state agencies or their contractors contributed to the death or injury;
- ! Recommendations for policy changes to prevent any similar death or injury.

The public release of the report could be delayed upon the request of a law enforcement agency or a prosecuting attorney, if releasing the report would compromise an ongoing criminal investigation or prosecution. The report could also be kept confidential through a court order.

*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>

The Senate Committee struck provisions of HB 2602 and added the contents of SB 489.

Background

HB 2602 as it passed the House would amend the Juvenile Offender Code by allowing certain juveniles to be considered for immediate intervention programs, which are similar to diversion programs. Juveniles facing pending charges involving a severity level 1, 2, or 3 felony for nondrug crimes or drug severity level 1 or 2 felony for drug crimes in addition to other current law violations, would be ineligible for immediate intervention programs.

A conferee from the Kansas County and District Attorneys Association appeared in favor of House version bill. Written support was received on behalf of the Sedgwick County District Attorney. The fiscal note indicates there could be a savings of 16 to 46 beds at the juvenile facilities. Since the diversions would be handled at the local level, there could be costs to local communities. Due to variations within each community program, the fiscal effect is not known.

The fiscal note on SB 489 states that according to the Attorney General, there would be a large number of additional cases that would require investigation by the Child Death Review Board. The agency estimates the need for 5.0 additional FTE positions and additional funding of \$432,129 in FY 2005 and \$301,024 each year thereafter. The new positions would include 3.0 full-time child death investigators and 2.0 full-time support staff. Annual salary and travel for the investigators are estimated at \$214,296. Annual salary expenditures for the support staff are estimated at \$77,728, and annual operating expenses would be \$9,000. Finally, the Attorney General states that a one-time expenditure of \$131,105 for additional workstations and the associated equipment would be necessary.