

SENATE BILL No. 360

By Committee on Judiciary

1-31

1 AN ACT concerning the state child death review board; amending K.S.A.
2 22a-243 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 22a-243 is hereby amended to read as follows: 22a-
6 243. (a) There is hereby established a state child death review board,
7 which shall be composed of:

8 (1) One member appointed by each of the following officers to
9 represent the officer's agency: The attorney general, the director of the
10 Kansas bureau of investigation, the secretary of social and rehabilitation
11 services, the secretary of health and environment and the commissioner of
12 education;

13 (2) three members appointed by the state board of healing arts, one of
14 whom shall be a district coroner and two of whom shall be physicians
15 licensed to practice medicine and surgery, one specializing in pathology
16 and the other specializing in pediatrics;

17 (3) one person appointed by the attorney general to represent
18 advocacy groups which focus attention on child abuse awareness and
19 prevention; and

20 (4) one county or district attorney appointed by the Kansas county
21 and district attorneys association.

22 (b) The chairperson of the state review board shall be the member
23 appointed by the attorney general to represent the office of the attorney
24 general.

25 (c) The state child death review board shall be within the office of the
26 attorney general as a part thereof. All budgeting, purchasing and related
27 management functions of the board shall be administered under the
28 direction and supervision of the attorney general. All vouchers for
29 expenditures and all payrolls of the board shall be approved by the
30 chairperson of the board and by the attorney general. The state review
31 board shall establish and maintain an office in Topeka.

32 (d) The state review board shall meet at least annually to review all
33 reports submitted to the board. The chairperson of the state review board
34 may call a special meeting of the board at any time to review any report of
35 a child death.

36 (e) Within the limits of appropriations therefor, the state review board

1 shall appoint an executive director who shall be in the unclassified service
2 of the Kansas civil service act and shall receive an annual salary fixed by
3 the state review board.

4 (f) Within the limits of appropriations therefor, the state review board
5 may employ other persons who shall be in the classified service of the
6 Kansas civil service act.

7 (g) Members of the state review board shall not receive
8 compensation, subsistence allowances, mileage and expenses as provided
9 by K.S.A. 75-3223, and amendments thereto, for attending meetings or
10 subcommittee meetings of the board.

11 (h) The state review board shall develop a protocol to be used by the
12 state review board. The protocol shall include written guidelines for
13 coroners to use in identifying any suspicious deaths, procedures to be used
14 by the board in investigating child deaths, methods to ensure coordination
15 and cooperation among all agencies involved in child deaths and
16 procedures for facilitating prosecution of perpetrators when it appears the
17 cause of a child's death was from abuse or neglect. The protocol shall be
18 adopted by the state review board by rules and regulations.

19 (i) The state review board shall submit an annual report to the
20 governor and the legislature on or before October 1 of each year,
21 commencing October 1993. Such report shall include the findings of the
22 board regarding reports of child deaths, the board's analysis and the board's
23 recommendations for improving child protection, including
24 recommendations for modifying statutes, rules and regulations, policies
25 and procedures.

26 (j) *Except as provided further*, information acquired by, and records
27 of, the state review board shall be confidential, shall not be disclosed and
28 shall not be subject to subpoena, discovery or introduction into evidence in
29 any civil or criminal proceeding, ~~except that~~.

30 (1) Such information and records may be disclosed to any member of
31 the legislature or any legislative committee which has legislative
32 responsibility of the enabling or appropriating legislation, carrying out
33 such member's or committee's official functions. The legislative
34 committee, in accordance with K.S.A. 75-4319, and amendments thereto,
35 shall recess for a closed or executive meeting to receive and discuss
36 information received by the committee pursuant to this subsection.

37 (2) *Such information and records may be disclosed for research and*
38 *public health purposes when approved by the state review board, in*
39 *accordance with rules and regulations adopted by the board.*

40 (k) The state review board may adopt rules and regulations as
41 necessary to carry out the provisions of K.S.A. 22a-241 through 22a-244,
42 and amendments thereto.

43 Sec. 2. K.S.A. 22a-243 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.