

2021 Kansas Statutes

22a-243. State child death review board; executive director; development of protocol; annual report; confidentiality of records; exceptions for disclosure; rules and regulations. (a) There is hereby established a state child death review board, which shall be composed of:

- (1) One member appointed by each of the following officers to represent the officer's agency: The attorney general, the director of the Kansas bureau of investigation, the secretary for children and families, the secretary of health and environment and the commissioner of education;
- (2) three members appointed by the state board of healing arts, one of whom shall be a district coroner and two of whom shall be physicians licensed to practice medicine and surgery, one specializing in pathology and the other specializing in pediatrics;
- (3) one person appointed by the attorney general to represent advocacy groups that focus attention on child abuse awareness and prevention; and
- (4) one county or district attorney appointed by the Kansas county and district attorneys association.

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

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

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

(e) Within the limits of appropriations therefor, the state review board shall appoint an executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the state review board.

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

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

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

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

(j) Information acquired by, and records of, the state review board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into

evidence in any civil or criminal proceeding, except that the state review board or the board's designee may disclose such information and records to:

- (1) Any member of the legislature or a legislative committee that has legislative responsibility of the enabling or appropriating legislation, if such member or committee is carrying out the official functions of such member or committee, and if any such committee recesses into a closed or executive meeting pursuant to K.S.A. 75-4319(a), and amendments thereto, and has taken appropriate steps to preserve its privacy;
- (2) any person or entity contracting with the state review board, if the board has determined that disclosure of such information and records is essential for completion of the contract, and the board has taken appropriate steps to preserve confidentiality;
- (3) any person or entity, if the information and records being disclosed are statistics or conclusions of the state review board of the same type included in its annual report pursuant to subsection (i);
- (4) any law enforcement agency of the state or any political subdivision thereof, if the state review board determines that the information and records being disclosed were not previously available to such law enforcement agency for the investigation of the cause of the child's death; and:
 - (A) The board determines that the cause of the child's death was from abuse or neglect; or
 - (B) the board does not determine that the child's death was from abuse or neglect and has knowledge of a law enforcement investigation based on an official offense report as required in K.S.A. 2021 Supp. 21-2501a, and amendments thereto, of abuse or neglect involving the death of a child;
- (5) any county or district attorney, if the state review board determines that the information and records being disclosed were not previously available to such county or district attorney for the prosecution of any crimes related to the cause of the child's death; and:
 - (A) The board determines that the cause of the child's death was from abuse or neglect; or
 - (B) the board does not determine that the child's death was from abuse or neglect and has knowledge of a law enforcement investigation based on an official offense report as required in K.S.A. 2021 Supp. 21-2501a, and amendments thereto, of abuse or neglect involving the death of a child;
- (6) (A) any entity established by a city or county for the express purpose of providing a local review of child deaths if the information and records being disclosed are related to a child's death in an instance when:
 - (i) Such death occurred in such city or county; or
 - (ii) such child was a resident of such city or county;(B) the provisions of this paragraph shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions prior to July 1, 2026; and
- (C) the joint committee on child welfare system oversight shall review the provisions of this paragraph pursuant to K.S.A. 46-3901, and amendments thereto;
- (7) any licensing body as defined by K.S.A. 74-146, and amendments thereto, if:
 - (A) The information and records being disclosed are related to a disciplinary complaint against a person licensed by such licensing body;
 - (B) any member of the state review board is under a professional obligation to make a disciplinary complaint against a person licensed by such licensing body; or
 - (C) a person licensed by such licensing body may have caused or contributed to the child's death; and
- (8) a governmental agency or an organization that has a federalwide assurance (FWA) for the protection of human subjects in good standing with the United States department of health and human services officer for human research protections, if:

- (A) The agency or organization provides documentation that an institutional review board designated in the FWA has reviewed the organization's research proposal;
 - (B) personally identifiable information is redacted from the disclosure;
 - (C) the disclosure is only for the purpose of health or education; and
 - (D) the agency or organization requires all persons granted access to the disclosed information and records to sign a confidentiality agreement prior to receipt of the disclosed information and records.
- (k) The state review board may adopt rules and regulations as necessary to carry out the provisions of K.S.A. 22a-241 through 22a-244, and amendments thereto.

History: L. 1992, ch. 312, § 33; L. 1994, ch. 279, § 28; L. 2014, ch. 115, § 29; L. 2021, ch. 111, § 2; June 3.