

Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

Senate Judiciary Committee

March 08, 2004

SB 489 - Review of Child Deaths

Office of the Secretary

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Senator Vratil and members of the committee, I am Janet Schalansky, Secretary of Social and Rehabilitation Services (SRS). Thank you for the opportunity to appear today to discuss the provisions of SB 489. This bill amends statutes of the State Child Death Review Board (SCDRB) by requiring referral of cases of a child death or near fatality, to the SCDRB within 30 days of the injury or death of the child when the death is the result of child abuse or neglect. The bill further clarifies cases will be referred when the child's death occurred on or after January 1, 2001, the child is a ward of the State, or has at any time been determined to be a child in need of care. SRS supports many components of this bill.

SRS supports openness and oversight by the SCDRB. We can not protect children in isolation but are dependent upon the support of the communities we serve. Openness will enhance understanding of the challenges and complexities of child protection, foster care and adoption. We also believe openness tends to increase efficiency and accountability for all branches of government. The challenge is to carefully balance openness with the privacy of individuals involved in a child welfare case.

The proposed legislation requires the SCDRB to issue a report concerning the case within 60 days of case referral. The report is to incorporate findings regarding the death or injury, the extent to which child abuse or neglect contributed to the death or injury; what policies and procedures, rules and regulations, and actions or failure to act, by any State agency or agent or employee or contractor of the State contributed to the death and injury to the child; and what changes in public policy should be enacted to prevent any similar death or injury to a child in the future.

SRS currently provides information on child deaths to the SCDRB. SRS supports access to and full review of records and the investigative review by the SCDRB. Because the Attorney General has oversight of the SCDRB, SRS has been engaged in dialogue with the Attorney General's Office on this same concept of an independent investigation of child deaths, when the child has been in state custody.

The Department supports a report of findings and recommendations, with a suggestion the report be focused on the system and recommendations for system improvements. To ensure the privacy of vulnerable individuals, SRS suggests parties noted in the report be provided an opportunity to obtain a court order to prevent the disclosure of any or all records.

To ensure compliance with federal regulations, the Department has requested an opinion on SB 489 from the Administration for Children and Families (ACF). Although ACF is still in the process of reviewing the proposed legislation, the preliminary feedback is SB 489 does not violate federal regulations.

SRS would like to recommend a change to the time frame provisions of this bill. As noted, the bill as written, requires reporting a child death or near fatality for any child who has “at any time” been determined to be a child in need of care. We suggest limiting the scope to children who had been a ward of the state within three years prior to the child’s death or near fatality. Please see the attached balloon.

Thank you for the opportunity to present. I would be happy to stand for questions.