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Testimony in Support of House Bill 2438

**Presented to the House Committee on Children and Seniors
By Senior Assistant Attorney General Melissa G. Johnson
Chair, State Child Death Review Board**

January 22, 2020

Chair Concannon and members of the committee:

Thank you for the opportunity to testify in support of HB 2438 on behalf of the State Child Death Review Board and Kansas Attorney General Derek Schmidt.

This bill will accomplish four goals:

- Allow more information to be provided to Kansas law enforcement agencies and District and County Attorneys in cases of a child's death caused by abuse or neglect to assist them with conducting a complete investigation and/or reviewing the evidence for prosecution;
- Allow board members who are licensed professionals to report necessary information for a disciplinary complaint required by their professional licensure;
- Allow access to the Child Death Review Case Reporting System (CRS) for record keeping purposes as long as the information is de-identified; and
- Allow access for researchers, who have been approved by the United States Department of Health and Human Services (HHS) and signed a confidentiality agreement, to use de-identified information in approved research projects.

In its current form, K.S.A. 22a-243 has very limited exceptions on when information may be disclosed in order to maintain confidentiality. While it is imperative to retain the information confidentially, the addition of the limited purposes above will assist the State Child Death Review Board in its goal of working to prevent future child deaths.

The existing statute prevents the Board from being able to provide information to law enforcement that they may not be aware of about a child's death that they are investigating. Similarly, the Board may have information that would change a prosecutors' decision on whether or not to charge someone in a specific case that we are currently restricted from providing to them. Additionally, by having access to the national database, we would be able to compare our

data to those of surrounding states to assess areas that we could improve upon based on the lessons learned from others.

All child deaths are a tragedy, but also provide an opportunity to honor the lives lost by ensuring that decision and policymakers in our state have access to the necessary information to attempt to prevent future child deaths. House Bill 2438 is a step in that direction and will allow for the more effective use of the board's data.

I appreciate the opportunity to appear before the committee today and would be happy to answer any questions that the committee members may have.