

## HOUSE BILL No. 2308

By Committee on Judiciary

2-10

1 AN ACT concerning coroners; relating to child death investigations;  
2 providing a process to identify a child's death as suspicious prior to  
3 performing an autopsy; amending K.S.A. 22a-242 and repealing the  
4 existing section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 22a-242 is hereby amended to read as follows: 22a-  
8 242. (a) When a child dies, any law enforcement officer, ~~health care~~  
9 *healthcare* provider or other person having knowledge of the death shall  
10 immediately notify the coroner of the known facts concerning the time,  
11 place, manner and circumstances of the death. If the notice to the coroner  
12 identifies any suspicious circumstances or unknown cause, ~~as described in~~  
13 ~~the protocol developed by the state review board under K.S.A. 22a-243,~~  
14 ~~and amendments thereto,~~ the coroner shall immediately: ~~(1) investigate the~~  
15 ~~death to determine identify~~ whether the child's death ~~included any such~~  
16 ~~was suspicious circumstance or unknown cause; and (2) pursuant to the~~  
17 ~~protocol adopted by the state child death review board under K.S.A. 22a-~~  
18 ~~243, and amendments thereto. If the coroner identifies any suspicious~~  
19 ~~circumstances were present at or during the time leading up to the death~~  
20 ~~of the child, or if the child's cause of death is unknown, the coroner shall~~  
21 direct a pathologist to perform an autopsy.

22 (b) *If, after investigation, the coroner determines that the death of a*  
23 *child does not include any suspicious circumstances, an unknown cause,*  
24 *or previous diagnosis of pre-existing health conditions, as described in the*  
25 *protocol developed by the state child death review board under K.S.A.*  
26 *22a-243, and amendments thereto, the coroner shall complete and sign a*  
27 *nonsuspicious child death form.*

28 (c) If, after investigation and an autopsy, the coroner determines that  
29 the death of a child does not include any suspicious circumstances or  
30 unknown cause, as described in the protocol developed by the state *child*  
31 *death* review board under K.S.A. 22a-243, and amendments thereto, the  
32 coroner shall complete and sign a nonsuspicious child death form.

33 ~~(e)(d)~~ If, after investigation and an autopsy, the coroner determines  
34 that the death of a child includes any suspicious circumstance or unknown  
35 cause, as described in the protocol developed by the state *child death*  
36 review board under K.S.A. 22a-243, and amendments thereto, the coroner

1 shall notify, within 30 days, the chairperson of the state *child death* review  
2 board and shall notify, within 24 hours, the county or district attorney of  
3 the county where the death of the child occurred.

4 ~~(d)~~(e) The coroner shall ~~attempt to notify~~ *make reasonable effort to*  
5 *identify and contact* any parent or legal guardian of the deceased child  
6 prior to the performance of an autopsy pursuant to this section and ~~attempt~~  
7 *reasonable effort* to notify any such parent or legal guardian of the results  
8 of the autopsy, *unless a parent or legal guardian of the deceased child has*  
9 *opted, in writing, to not receive the autopsy results.*

10 ~~(e)~~(f) A coroner shall not make a determination that the death of a  
11 child less than one year of age was caused by sudden infant death  
12 syndrome unless an autopsy is performed.

13 ~~(f)~~(g) The fee for an autopsy performed under this section shall be the  
14 usual and reasonable fee and travel allowance authorized under K.S.A.  
15 22a-233, and amendments thereto, and shall be paid from the district  
16 coroners fund.

17 Sec. 2. K.S.A. 22a-242 is hereby repealed.

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