



**Kansas Legislative Research Department**

*Providing nonpartisan, objective research and fiscal  
analysis for the Kansas Legislature since 1934*

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## **CITIZEN REVIEW BOARDS**

Citizen Review Panels, also known as Citizen Review Boards (CRBs), were created in accordance to a requirement added to federal law in the 1996 reauthorization of the Child Abuse and Prevention Treatment Act (CAPTA),<sup>1</sup> section 106(c). The CRBs are responsible for assessing state child welfare agencies and providing recommendations for development in child protective services. As part of the assessment, they must evaluate how well the State is facilitating adoption and foster care programs, as well as review child fatalities.

### **Child Abuse and Prevention Treatment Act**

CAPTA provides federal funding and guidance to states in support of prevention, assessment, investigation, prosecution, and treatment activities and also provides grants to public agencies and nonprofit organizations, including Indian Tribes and Tribal organizations, for demonstration programs and projects. Additionally, CAPTA identifies the federal role in supporting research, evaluation, technical assistance, and data collection activities; establishes the Office on Child Abuse and Neglect; and establishes a national clearinghouse of information relating to child abuse and neglect, which operates as the Child Welfare Information Gateway.<sup>2</sup>

Section 106(c) (42 USC 5106a(c)) requires each state to establish a minimum of three CRBs, except those states receiving the minimum CAPTA allotment, which must each establish one CRB. States may use CRBs previously established under state or federal law if they meet CAPTA requirements.

### **Membership and Function**

CRB members are volunteers who are broadly representative of the community in which such board is established, including members who have expertise in the prevention and treatment of child abuse and neglect, and may include adult former victims of child abuse or neglect. CRBs must meet not less than once every three months to examine the policies, procedures, and practices of state and local agencies and, where appropriate, specific cases and to evaluate the extent to which state and local child protection system agencies are effectively discharging their child protection responsibilities in accordance with CAPTA. Members may examine any other criteria that the board considers important to ensure the protection of children, including a review of the extent to which the state and local child protective services system is coordinated with the foster care and adoption programs

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<sup>1</sup> [Child Abuse Prevention and Treatment Act](#)

<sup>2</sup> [www.childwelfare.gov](http://www.childwelfare.gov)

established Title IV-E of the Social Security Act (42 USC 671 *et seq.*) and a review of child fatalities and near fatalities as defined in CAPTA.

## **Reports**

CAPTA section 106(c)(6) mandates CRBs prepare and make available to the State and the public, on an annual basis, a report containing a summary of the activities of the board and its recommendations to improve the child protection services system at the state and local levels. Not later than six months after the date on which a report is submitted by the panel to the State, the appropriate state agency must submit a written response to state and local child protection systems and the CRB that describes whether or how the State will incorporate the recommendations of such board (where appropriate) to make measurable progress in improving the state and local child protection system.

### ***Report to Congress on Effectiveness of Citizen Review Boards***

The CAPTA Reauthorization Act of 2010 required the U.S. Department of Health and Human Services (HHS) to conduct a study to determine the effectiveness of CRBs. Known as the *Report to Congress on Effectiveness of Citizen Review Panels*,<sup>3</sup> this study examined the policies, procedures, and practices of state and local child protection agencies and evaluated the extent to which such state and local child protection agencies were fulfilling their child protection responsibilities. The report concluded CRBs generally seemed to be meeting the CAPTA requirements, but there was room for improvement. The evidence suggested some states were not responding to the annual reports made by the CRBs and, if the State did respond, did not address all of the recommendations made by the CRBs. There was additional concern over the lack of CRB membership lists and record keeping, which made it difficult to determine whether board members met CAPTA requirements.

## **Kansas**

KSA 2019 Supp. 38-2208<sup>4</sup> establishes a CRB's ability to review each case referred to them, and such additional cases as the board deems appropriate, of a child who is the subject of a child in need of care petition or who has been adjudicated a child in need of care. It also allows a CRB to receive verbal information from all persons with pertinent knowledge of the case and to access materials contained in the court's files on the case.

Members of the board are governed by KSA 2019 Supp. 38-2207, which allows for the funding of CRBs through the Permanent Families account of the Family and Children Investment Fund. A CRB must be established within a judicial district upon the request from that judicial district. Board members are appointed by the chief judge of the judicial district, or another judge designated by the chief judge. Currently, the following judicial districts<sup>5</sup> in Kansas have CRBs:

- 3rd Judicial District (Shawnee);
- 5th Judicial District (Chase, Lyon);

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3 [Report to Congress on Effectiveness of Citizen Review Panels \(2013\)](#)

4 [KSA 38-2208](#)

5 [www.kscourts.org](http://www.kscourts.org)

- 7th Judicial District (Douglas);
- 9th Judicial District (Harvey, McPherson);
- 20th Judicial District (Barton, Ellsworth, Rice, Russell);
- 24th Judicial District (Edwards, Hodgeman, Lane, Ness, Pawnee, Rush);
- 27th Judicial District (Reno); and
- 28th Judicial District (Ottawa, Saline).

The Kansas Department for Children and Families has three CRBs, each tasked with reviewing specific program areas: the Intake to Petition panel focuses on areas of investigations for child abuse or neglect, family services, and family preservation; the Custody to Transition panel focuses on the processes from petition through permanency; and the Child Death Review Board analyzes child deaths in Kansas.<sup>6</sup>

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<sup>6</sup> [Department for Children and Families, Prevention and Protection Services](#). The Child Death Review Board was created in 1992 with KSA 22a-243.