

State of Kansas  
House of Representatives



**Representative Tom Burroughs**

Testimony for HB 2304

March 22, 2017

I am here before you today to advocate for a bill that has the potential to provide statewide reform for child care facilities in our great state. In Oklahoma's State Legislature last year, they passed "Shepard's Law" named after eleven-month old Sheppard Dodd, who was put to sleep in a car seat at a home daycare and passed away due to the unsafe conditions. Shepard's Law was set in place to protect any future unsafe practice in child care facilities. These incidents are not isolated either as big news stories like seventeen-month-old Amelia Smith of Iowa passed away from a car seat nap in the presence of an uncertified provider. Seven-month-old Owen Haber of Missouri who passed away from a nap under a weighted blanket. Five-month old Bryce Mosier of Kansas who passed away at a day care after he was placed on his stomach for a nap. A total of thirty-seven babies died from Sudden Infant Death Syndrome (SIDs) in Kansas alone in 2014.

Every year in the United States, about 3,500 Sudden Unexpected Infant Deaths (SUID) deaths occur. Many of these deaths are due to mechanical or positional asphyxia that are preventable by child care providers. A 2013 analysis by the U.S. Consumer Product Safety Commission found 36 deaths of children under age 5 associated with infant carriers and car seats between 2008 and 2010. The most common incidents involved children becoming entangled in restraint straps and suffocating. Hazardous placement in car seats, toys, swings, blankets, or pillows have resulted in dangerous cases of unrestrained children getting into dangerous positions especially with neglect from a care provider who does not heed proper safe sleeping habits.

HB 2304 would follow similar guidelines of Oklahoma's Shepard's Law and reinforce and expand Kansas' Lexie's Law to create minimum requirements for safe sleeping practices of child care providers. By 2018, we hope to prohibit the placement or application of harmful objects or unsafe sleeping positions from being carried out in Kansas. Think of your own children, grandchildren, friends, nieces, nephews, or your neighbors and how this bill can ensure their survival if enacted to provide tomorrow's Kansan's with the best chance for their future with safe child care practices.

**NO CHILD DESERVES A FATE OF NEGLECT DUE TO IMPROPER CARE PRACTICES.** On behalf of the parents, family members, and guardians of Kansas, I strongly urge your support of HB 2304 and its health, safety, and welfare mandates to create a safe environment for our young Kansans.

### Reported Child Care Deaths\* Calendar Years 2007-2017

#### 2007: 13 deaths

- 5-Registered Day Care Home  
Ages: 2 months, 3 months, 3 months, 4 months, 7 months  
Causes: 1 Traumatic Asphyxia, 4 SIDS
- 4-Licensed Day Care Home  
Ages: 1 month, 4 months, 6 months, 9 months  
Causes: 3 SIDS, 1 Positional Asphyxia
- 2-Group Day Care Home  
Ages: 3 months, 3 months  
Causes: 2 SIDS
- 1-School Age Program  
Age: 12 years Cause: Drowning
- 1-Day Care Home without a license/certificate  
Age: 4 months Cause: SIDS

#### 2008: 3 deaths

- 1-Licensed Day Care Home  
Age: 13 months Cause: Strangulation
- 1-Group Day Care Home  
Age: 7 months Cause: SIDS
- 1-Child Care Center  
Age: 3 months Cause: SIDS

#### 2009: 8 deaths

- 3-Registered Day Care Home  
Ages: 6 months, 9 months, 18 months  
Causes: 2 SIDS, 1 Strangulation
- 2-Licensed Day Care Home  
Ages: 1 month, 3 years  
Causes: Hypoxic ischemic encephalopathy, Drowning
- 2-Group Day Care Home  
Ages: 7 months, 2 months  
Causes: Blunt force injuries, SIDS
- 1-Day Care Home without a license/certificate  
Age: 1 month Cause: SIDS

#### 2010: 4 deaths

- 2-Registered Day Care Homes  
Ages: 3 months, 4 months  
Causes: 2 SIDS
- 1-Licensed Day Care Home  
Age: 4 months Cause: SIDS
- 1-Day Care Home without a license/certificate  
Age: 3 months Cause: SIDS

#### 2011: 4 deaths

- 4-Licensed Day Care Home  
Ages: 17 months, 3 months, 2 months, 5 months  
Causes: 1 Asphyxiation/Suffocation, 3 SIDS

#### 2012: 1 death

- 1-Licensed Day Care Home  
Age: 3 years Cause: Cerebral hypoxia (by hanging)

#### 2013: 6 deaths

- 2-Group Day Care Home  
Ages: 10 months, 11 months  
Causes: 2 SIDS
- 1-Licensed Day Care Home  
Age: 2 months Cause: Hypoxic Brain Injury
- 1-Child Care Center  
Age: 11 months Cause: SIDS 2
- 2-Day Care Home without a license  
Ages: 5 months, 5 months  
Causes: 2 SIDS

#### 2014: 6 deaths

- 3-Licensed Day Care Home  
Ages: 2 months, 18 months, 12 years  
Causes: Pneumonia, Undetermined, Cardiopulmonary failure
- 2-Group Day Care Home  
Age: 3 months, 4 months  
Causes: Undetermined, Undetermined
- 1-Day Care Home without a license  
Age: 1.5 months  
Cause: SIDS

#### 2015: 0 deaths

#### 2016: 4 deaths

- 1-Licensed Day Care Home  
Age: 14 months Cause: Pending
- 1-Group Day Care Home  
Age: 8 months Cause: Pending
- 2-Day Care Home without a license/certificate  
Ages: 4 months, 10 months Causes: 2 Pending

#### 2017- 0 (no deaths reported as of 1/30/2017)

**Breakdown by Facility Type (49 Total):** Licensed Day Care Home (18), Registered Day Care Home<sup>^</sup> (10), Group Day Care Home (10), Child Care Center (2), School Age Program (1), No License/Illegal Care (8)

<sup>^</sup>Registered Day Care Home was eliminated as a category of care in 2011 pursuant to Lexie's Law.

\*Does not include 24-hour residential programs/Foster Homes; tracking child care deaths begin January 2007.