

HOUSE BILL No. 2222

By Committee on Corrections and Juvenile Justice

1-31

1 AN ACT concerning children and minors; relating to mandatory reporting
2 of suspected child abuse or neglect; amending K.S.A. 2016 Supp. 38-
3 2223 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 38-2223 is hereby amended to read as
7 follows: 38-2223. (a) *Persons making reports.* (1) When any of the
8 following persons has reason to suspect that a child has been harmed as a
9 result of physical, mental or emotional abuse or neglect or sexual abuse,
10 the person shall report the matter promptly as provided in subsections (b)
11 and (c);

12 (A) The following persons providing medical care or treatment:
13 Persons licensed to practice the healing arts, dentistry and optometry,
14 persons engaged in postgraduate training programs approved by the state
15 board of healing arts, licensed professional or practical nurses and chief
16 administrative officers of medical care facilities;

17 (B) the following persons licensed by the state to provide mental
18 health services: Licensed psychologists, licensed masters level
19 psychologists, licensed clinical psychotherapists, licensed social workers,
20 licensed marriage and family therapists, licensed clinical marriage and
21 family therapists, licensed behavioral analysts, licensed assistant
22 behavioral analysts, licensed professional counselors, licensed clinical
23 professional counselors and registered alcohol and drug abuse counselors;

24 (C) teachers, school administrators or other employees of an
25 educational institution which the child is attending and persons licensed by
26 the secretary of health and environment to provide child care services or
27 the employees of persons so licensed at the place where the child care
28 services are being provided to the child;

29 (D) firefighters, emergency medical services personnel, law
30 enforcement officers, juvenile intake and assessment workers, court
31 services officers, community corrections officers, case managers appointed
32 under K.S.A. 2016 Supp. 23-3508, and amendments thereto, and mediators
33 appointed under K.S.A. 2016 Supp. 23-3502, and amendments thereto;
34 ~~and~~

35 (E) any person employed by or who works as a volunteer for any
36 organization, whether for profit or not-for-profit, that provides social

1 services to pregnant teenagers, including, but not limited to, counseling,
2 adoption services and pregnancy education and maintenance; and

3 (F) *animal control officers, as defined in K.S.A. 47-1701, and*
4 *amendments thereto, and persons authorized to take custody of an animal*
5 *pursuant to K.S.A. 2016 Supp. 21-6412(e), and amendments thereto, when*
6 *investigating suspected cruelty to animals.*

7 (2) In addition to the reports required under subsection (a)(1), any
8 person who has reason to suspect that a child may be a child in need of
9 care may report the matter as provided in subsection (b) and (c).

10 (b) *Form of report.* (1) The report may be made orally and shall be
11 followed by a written report if requested. Every report shall contain, if
12 known: The names and addresses of the child and the child's parents or
13 other persons responsible for the child's care; the location of the child if
14 not at the child's residence; the child's gender, race and age; the reasons
15 why the reporter suspects the child may be a child in need of care; if abuse
16 or neglect or sexual abuse is suspected, the nature and extent of the harm
17 to the child, including any evidence of previous harm; and any other
18 information that the reporter believes might be helpful in establishing the
19 cause of the harm and the identity of the persons responsible for the harm.

20 (2) When reporting a suspicion that a child may be in need of care,
21 the reporter shall disclose protected health information freely and
22 cooperate fully with the secretary and law enforcement throughout the
23 investigation and any subsequent legal process.

24 (c) *To whom made.* Reports made pursuant to this section shall be
25 made to the secretary, except as follows:

26 (1) When the Kansas department for children and families is not open
27 for business, reports shall be made to the appropriate law enforcement
28 agency. On the next day that the department is open for business, the law
29 enforcement agency shall report to the department any report received and
30 any investigation initiated pursuant to K.S.A. 2016 Supp. 38-2226, and
31 amendments thereto. The reports may be made orally or, on request of the
32 secretary, in writing.

33 (2) Reports of child abuse or neglect occurring in an institution
34 operated by the Kansas department of corrections shall be made to the
35 attorney general or the secretary of corrections. Reports of child abuse or
36 neglect occurring in an institution operated by the Kansas department for
37 aging and disability services shall be made to the appropriate law
38 enforcement agency. All other reports of child abuse or neglect by persons
39 employed by the Kansas department for aging and disability services or
40 the Kansas department for children and families, or of children of persons
41 employed by either department, shall be made to the appropriate law
42 enforcement agency.

43 (d) *Death of child.* Any person who is required by this section to

1 report a suspicion that a child is in need of care and who knows of
2 information relating to the death of a child shall immediately notify the
3 coroner as provided by K.S.A. 22a-242, and amendments thereto.

4 (e) *Violations.* (1) Willful and knowing failure to make a report
5 required by this section is a class B misdemeanor. It is not a defense that
6 another mandatory reporter made a report.

7 (2) Intentionally preventing or interfering with the making of a report
8 required by this section is a class B misdemeanor.

9 (3) Any person who willfully and knowingly makes a false report
10 pursuant to this section or makes a report that such person knows lacks
11 factual foundation is guilty of a class B misdemeanor.

12 (f) *Immunity from liability.* Anyone who, without malice, participates
13 in the making of a report to the secretary or a law enforcement agency
14 relating to a suspicion a child may be a child in need of care or who
15 participates in any activity or investigation relating to the report or who
16 participates in any judicial proceeding resulting from the report shall have
17 immunity from any civil liability that might otherwise be incurred or
18 imposed.

19 Sec. 2. K.S.A. 2016 Supp. 38-2223 is hereby repealed.

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