

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2582

As Further Amended by House Committee on
Judiciary

Brief*

HB 2582, as further amended, would amend a law governing access, exchange, and disclosure of information in the Revised Kansas Code for Care of Children to require the Secretary for Children and Families to disclose confidential agency records of a child alleged or adjudicated to be a child in need of care to the law enforcement agency investigating the alleged or substantiated report or investigation of abuse or neglect, regardless of the disposition of such report or investigation.

The bill would require the records to include, but not be limited to:

- Any information regarding such report or investigation;
- Records of past reports or investigations concerning such child and such child's siblings and the perpetrator or alleged perpetrator; and
- The name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators, or contracting agency employees assigned to or investigating such report.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would state that such records shall only be used for the purposes of investigating the alleged or substantiated report or investigation of abuse or neglect.

The bill would clarify that a law enforcement agency investigating or receiving a report of a child who is alleged or adjudicated to be in need of care would be able to freely exchange information and the above-described records with persons or entities specified in continuing law.

The bill also would add an investigating law enforcement agency to the lists of persons or entities with access to the official and social files of a child in need of care proceeding.

Background

The bill was introduced by the House Committee on Children and Seniors at the request of Representative Concannon.

House Committee on Children and Seniors

In the House Committee on Children and Seniors hearing on February 9, 2022, the Secretary for Children and Families and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association and a representative of the Kansas Police Officers Association provided **proponent** testimony. The proponents stated the bill would address the information gap between law enforcement investigators and the Kansas Department for Children and Families (DCF).

Written-only proponent testimony was provided by two representatives of the Kansas County and District Attorneys Association.

No other testimony was provided.

The House Committee on Children and Seniors amended the bill to add to the list of information the Secretary for Children and Families must disclose the name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators, or contracting agency employees assigned to or investigating a report of abuse or neglect.

On February 23, 2022, the bill was referred to the House Committee on Appropriations. On March 1, 2022, the bill was referred to the House Committee on Judiciary.

House Committee on Judiciary

In the House Committee on Judiciary hearing on March 3, 2022, the same conferees provided **proponent** and written-only proponent testimony as in the previous hearing.

On March 7, 2022, the House Committee on Judiciary amended the bill to clarify that records disclosed to an investigating law enforcement agency may only be used for the purposes of the investigation.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, DCF, the Department of Corrections, the Office of Judicial Administration, and Kansas Highway Patrol indicate enactment of the bill would have no fiscal effect on the agencies or the Judicial Branch, respectively. The Kansas Association of Counties indicates enactment of the bill would result in the sharing of information between DCF and county law enforcement officials and would likely reduce county costs by preventing duplicated investigative efforts.

Revised Kansas Code for Care of Children; child in need of care; law enforcement agencies; investigation; exchange of information; confidentiality