AN ACT concerning the revised Kansas code for care of children; relating to certain persons making reports of abuse or neglect of children; amending K.S.A. 2011 Supp. 38-2223 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2011 Supp. 38-2223 is hereby amended to read as follows: 38-2223. (a) Persons making reports. (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

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

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors, licensed addiction counselors and licensed clinical addiction counselors;

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

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers and community corrections officers, case managers appointed under K.S.A. 23-1001 et seq., K.S.A. 2011 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 23-602 K.S.A. 2011 Supp. 23-3502, and amendments thereto; and

(E) any person employed by or who works as a volunteer for any
organization, whether for profit or not-for-profit, that provides social
services to pregnant teenagers, including, but not limited to, counseling,
adoption services and pregnancy education and maintenance; and
(F) any currently ordained member of the clergy or religious
authority of any religious denomination or society.
(2) In addition to the reports required under subsection (a)(1), any
person who has reason to suspect that a child may be a child in need of
care may report the matter as provided in subsection (b) and (c).
(b) Form of report. (1) The report may be made orally and shall be
followed by a written report if requested. Every report shall contain, if
known: The names and addresses of the child and the child's parents or
other persons responsible for the child's care; the location of the child if
not at the child's residence; the child's gender, race and age; the reasons
why the reporter suspects the child may be a child in need of care; if abuse
or neglect or sexual abuse is suspected, the nature and extent of the harm
to the child, including any evidence of previous harm; and any other
information that the reporter believes might be helpful in establishing the
cause of the harm and the identity of the persons responsible for the harm.
(2) When reporting a suspicion that a child may be in need of care,
the reporter shall disclose protected health information freely and
cooperate fully with the secretary and law enforcement throughout the
investigation and any subsequent legal process.
(c) To whom made. Reports made pursuant to this section shall be
made to the secretary, except as follows:
(1) When the department of social and rehabilitation services is not
open for business, reports shall be made to the appropriate law
enforcement agency. On the next day that the department is open for
business, the law enforcement agency shall report to the department any
report received and any investigation initiated pursuant to K.S.A. 2011
Supp. 38-2226, and amendments thereto. The reports may be made orally
or, on request of the secretary, in writing.
(2) Reports of child abuse or neglect occurring in an institution
operated by the secretary of social and rehabilitation services or the
commissioner of juvenile justice shall be made to the attorney general. All
other reports of child abuse or neglect by persons employed by or of
children of persons employed by the department of social and
rehabilitation services shall be made to the appropriate law enforcement
agency.
(d) Death of child. Any person who is required by this section to
report a suspicion that a child is in need of care and who knows of
information relating to the death of a child shall immediately notify the
coroner as provided by K.S.A. 22a-242, and amendments thereto.
(e) Violations. (1) Willful and knowing failure to make a report
required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

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

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

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

Sec. 2. K.S.A. 2011 Supp. 38-2223 is hereby repealed.

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