AN ACT concerning children and families; enacting the safe supporting families act; relating to reporting of child abuse or neglect; amending K.S.A. 2014 Supp. 38-2223 and repealing the existing section.

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

New Section 1. Sections 1 through 6 shall be known and may be cited as the safe supporting families act.

New Sec. 2. As used in the safe supporting families act:

(a) "Attorney in fact" shall have the same meaning as defined in K.S.A. 58-651, and amendments thereto.

(b) "Serving parent" means a parent who is a member of the reserves of the army, navy, air force, marine corps or coast guard of the United States or the commissioned corps of the national oceanic and atmospheric administration or the public health service of the United States department of health and human services detailed by proper authority for duty with the army or navy of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the president of the United States or to serve on state active duty.

New Sec. 3. (a) A parent or legal custodian of a child may by a properly executed power of attorney provided in section 4, and amendments thereto, delegate to another person known as the attorney in fact, for a period not to exceed one year, except as provided in subsection (f), any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child.

(b) The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by subsection (a) at any time. Except as provided in subsection (f), if the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney the child shall be returned to the custody of the parents as soon as
reasonably possible.

(c) Unless the authority is revoked or withdrawn by the parent the attorney in fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney authorized by subsection (a) and shall not be subject to any laws or rules or regulations dealing with the licensing or regulation of foster care homes, except that the department for children and families shall conduct a background check on such person similar to background checks conducted on prospective foster parents. Prior to execution of any power of attorney pursuant to this section, the department shall verify in writing that the department has conducted the background check required by this subsection and, based on such background check, found no reason to object to the execution of the power of attorney. The background check required by this subsection shall not be required for an attorney-in-fact who is a grandparent, aunt, uncle or adult sibling of the child.

(d) Except as otherwise provided by law, the execution of a power of attorney by a parent or legal custodian, as authorized in subsection (a), shall not constitute abandonment, abuse or neglect as defined in K.S.A. 38-2202, and amendments thereto, unless the parent or legal custodian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed.

(e) Under a delegation of powers as authorized by subsection (a), the child or children subject to the power of attorney shall not be considered as placed in foster care and the parties shall not be subject to any of the requirements or licensing laws, rules or regulations for foster care, except as otherwise provided in this section, or other regulations relating to community care for children.

(f) A serving parent may delegate the power designated in subsection (a) for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus 30 days.

Sec. 4. (a) The following statutory form of power of attorney to delegate parental or legal authority as authorized by section 3, and amendments thereto, is legally sufficient:

Statutory Form for Power of Attorney to Delegate Parental or Legal Custodian Powers

1. "I certify that I am the parent or legal custodian of:

___________________________   ___________________________
(Full name of minor child)   (Date of birth)

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(Full name of minor child)   (Date of birth)

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(Full name of minor child)   (Date of birth)

2. "I designate ___________________(Full name of Attorney in fact),
____________________________________________________________
(Street address, city, state and zip code of Attorney in fact)

_________________________   ___________________________
(Home phone of Attorney in fact)  (Work phone of Attorney in fact)

as the attorney in fact of each minor child named above."

3. "I delegate to the attorney in fact all of my power and authority
regarding the care, custody and property of each minor child named above;
including, but not limited to, the right to enroll the child in school, inspect
and obtain copies of education records and other records concerning the-
child, the right to attend school activities and other functions concerning
the child, and the right to give or withhold any consent or waiver with-
respect to school activities, medical and dental treatment, and any other
activity, function or treatment that may concern the child. This delegation
shall not include the power or authority to consent to marriage or adoption
of the child, the performance or inducement of an abortion on or for the
child, or the termination of parental rights to the child." or

4. I delegate to the attorney in fact the following specific powers and
responsibilities (write in):
_________________________________________________________  
(In the event paragraph 4 is completed paragraph 3 does not apply).

This delegation shall not include the power or authority to consent to
marriage or adoption of the child, the performance or inducement of an
abortion on or for the child, or the termination of parental rights to the
child."

5. "This power of attorney is effective for a period not to exceed one
year, beginning _____________, 20__, and ending _____________, 20__.
I reserve the right to revoke this authority at any time."

6. I am a serving parent as defined in the safe families act. My active
duty is estimated to be completed on __________________. I
acknowledge that in no event may this delegation of power last more than
one year or the term on my active duty plus 30 days, whichever is longer.
By: ______________________________________________
(Parent/Legal Custodian signature)"

7. "I hereby accept my designation as attorney in fact for
_________________________________________________________  

_________________________________________________________
New Sec. 4. The Kansas judicial council shall create a form of 
power of attorney to delegate parental or legal authority consistent 
with the requirements of section 3, and amendments thereto.

(b) The power of attorney is legally sufficient under the safe—
supporting families act, if the wording of the form complies substantially 
with the power of attorney form created by the Kansas judicial council 
pursuant to subsection (a), the form is properly completed and the 
signatures of the parties are acknowledged.

New Sec. 5. During any child protective investigation by the Kansas 
department for children and families that does not result in an out of home 
placement resulting from abuse of a child, a child protective investigator 
the Kansas department for children and families shall provide 
information to the parent or custodians who are under financial distress, 
unemployed, homeless or experiencing other family crises about 
community service programs that provide respite care, voluntary 
guardianship, other support services for families in crisis, including 
churches and other organizations that work with safe supporting families 
for children, and the safe supporting families act.

New Sec. 6. Any attorney in fact delegated authority under the safe—
supporting families act by a parent or legal custodian is not subject to the
requirements of any other child care facility licensing statutes, rules or
regulations or foster care licensing laws or rules or regulations, except as
provided in section 3, and amendments thereto, and will not constitute
an out-of-home child placement under the child in need of care code,
K.S.A. 38-2201 et seq., and amendments thereto.

New Sec. 7. The Kansas department for children and families is
hereby authorized to work with families who are in financial distress,
unemployed, homeless or experiencing other family crises by detailing
community resources available to such families in the community,
including, but not limited to, respite care, voluntary guardianship under the
safe supporting families act and information regarding churches and other
organizations that work as host families for safe families for children in the
state.

Sec. 8. K.S.A. 2014 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;

(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;

(D) firefighters, emergency medical services personnel, law
enforcement officers, juvenile intake and assessment workers, court
services officers, community corrections officers, case managers
appointed under K.S.A. 2014 Supp. 23-3508, and amendments thereto,
and mediators appointed under K.S.A. 2014 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 attorney-in-fact delegated power regarding the custody and
care of a child pursuant to sections 1 through 7, and amendments thereto.
(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 Kansas department for children and families 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.
2014 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 Kansas department for aging and disability 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 Kansas
department for aging and disability services and the Kansas
department for children and families 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. 9. K.S.A. 2014 Supp. 38-2223 is hereby repealed.

Sec. 8-10. This act shall take effect and be in force from and after its publication in the statute book.