

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2497

As Amended by House Committee of the Whole

Brief*

HB 2497 would amend the statute that prohibits persons who have been convicted or adjudicated of committing certain crimes from working, residing or volunteering in a child care facility or family day care home. New provisions would require the Secretary of Health and Environment to share criminal history background investigation information with child placement agencies when those agencies request that information to evaluate potential foster families.

The Secretary would be required to provide criminal history background information, including information provided by the Kansas Bureau of Investigation, to child placement agencies requesting that information in order to assess the fitness of a person living, working or regularly volunteering in a family foster home. For purposes of obtaining and disseminating Kansas-issued background information obtained pursuant to the bill, the child placement agency would be considered to be a governmental entity and a designee of the Secretary. Background information could be provided to the child placement agency regardless of whether the person about whom the information was sought had been convicted of a crime. The Secretary would be required to provide notice to the child placement agency if the background investigation shows that the person being investigated did not have a criminal history.

Staff of child placement agencies that receive background information under the bill would be required to keep the information confidential, with specific exceptions. Staff of the child placement agency would be authorized, but not required, to disclose the information, on a need to know basis, to:

- The person being investigated;
- The applicant or operator of the family foster home in which the person being investigated lives, works or volunteers; and

*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 departments of Health and Environment and Social and Rehabilitation Services (SRS), the Juvenile Justice Authority and the courts.

Any unauthorized disclosure of background information would be an unclassified misdemeanor subject to a \$100 fine for each violation.

The bill also would amend provisions of the statute regarding persons who are prohibited from living, working or volunteering in child care facilities or family day care homes. Those amendments would:

- Extend the prohibitions to include persons who had, as adults or as juveniles, violated certain laws in other states or specified federal laws;
- Extend the prohibition to persons convicted of conspiracy to commit a crime against a person, a sex offense, or a crime affecting family relationships and children (articles 34, 35, and 36, respectively, of chapter 21 of the Kansas Statutes Annotated);
- Authorize the Secretary of Health and Environment to have access to diversion agreements that are part of the Kansas Bureau of Investigation's criminal history record information;
- Authorize the Secretary of Health and Environment to conduct national criminal history record checks and to require submission of fingerprints to the KBI and the FBI for identification purposes for persons undergoing national background investigations pursuant to the bill; and
- Make a technical amendment to the description of the outcome of an SRS investigation of abuse or neglect.

Background

At the House Health Committee hearing on the bill, proponents who presented testimony to the Committee included representatives of the Children's Alliance of Kansas, the Department of Health and Environment (KDHE), and St. Francis Academy. KDHE suggested amendments to the bill.

The House Committee adopted most of the KDHE suggested

amendments. Those amendments would:

- Extend the prohibitions to include persons who had violated certain laws in other states or specified federal laws and who had been convicted of conspiracy to commit a crime against a person, a sex offense, or a crime affecting family relationships and children;
- Authorize the Secretary of Health and Environment to have access to diversion agreements and to require that persons being investigated submit fingerprints; and
- Make a technical amendment to the description of the outcome of an SRS investigation of abuse or neglect.

The House Committee of the Whole amended the bill to include specific language authorizing the Secretary of Health and Environment to conduct a national criminal history records check to determine a person's fitness to reside, work or volunteer in a child care facility or family day care home.

The fiscal note prepared by the Division of the Budget for the introduced version of the bill states that child placement agencies would realize an estimated savings of \$9,000 attributable to enactment of the bill. The fiscal note also states that the fiscal impact attributed to the bill was not reflected in *The FY 2006 Governor's Budget Report*. The House amendments may change the fiscal impact of the bill.