

## HOUSE BILL No. 2451

By Committee on Federal and State Affairs

1-13

1 AN ACT concerning children and minors; relating to mandatory reporting  
2 of suspected child abuse or neglect; amending K.S.A. 2015 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. 2015 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 professional counselors, licensed clinical  
22 professional counselors and registered alcohol and drug abuse counselors;

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

28 (D) firefighters, emergency medical services personnel, law  
29 enforcement officers, juvenile intake and assessment workers, court  
30 services officers, community corrections officers, case managers appointed  
31 under K.S.A. 2015 Supp. 23-3508, and amendments thereto, and mediators  
32 appointed under K.S.A. 2015 Supp. 23-3502, and amendments thereto;  
33 ~~and~~

34 (E) any person employed by or who works as a volunteer for any  
35 organization, whether for profit or not-for-profit, that provides social  
36 services to pregnant teenagers, including, but not limited to, counseling,

1 adoption services and pregnancy education and maintenance; and

2 (F) animal control officers, as defined in K.S.A. 47-1701(k), and  
3 amendments thereto, and persons authorized to take custody of an animal  
4 pursuant to K.S.A. 2015 Supp. 21-6412(e), and amendments thereto, when  
5 investigating suspected cruelty to animals.

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

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

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

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

25 (1) When the Kansas department for children and families is not open  
26 for business, reports shall be made to the appropriate law enforcement  
27 agency. On the next day that the department is open for business, the law  
28 enforcement agency shall report to the department any report received and  
29 any investigation initiated pursuant to K.S.A. 2015 Supp. 38-2226, and  
30 amendments thereto. The reports may be made orally or, on request of the  
31 secretary, in writing.

32 (2) Reports of child abuse or neglect occurring in an institution  
33 operated by the Kansas department for aging and disability services or the  
34 commissioner of juvenile justice shall be made to the attorney general. All  
35 other reports of child abuse or neglect by persons employed by or of  
36 children of persons employed by the Kansas department for aging and  
37 disability services and the Kansas department for children and families  
38 shall be made to the appropriate law enforcement agency.

39 (d) *Death of child.* Any person who is required by this section to  
40 report a suspicion that a child is in need of care and who knows of  
41 information relating to the death of a child shall immediately notify the  
42 coroner as provided by K.S.A. 22a-242, and amendments thereto.

43 (e) *Violations.* (1) Willful and knowing failure to make a report

1 required by this section is a class B misdemeanor. It is not a defense that  
2 another mandatory reporter made a report.

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

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

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

15 Sec. 2. K.S.A. 2015 Supp. 38-2223 is hereby repealed.

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