



Senate Committee on Judiciary

February 16, 2016

Testimony on:

SB 408

Presented by:

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Testimony of:

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Chair King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:

I am Kathy Armstrong, Assistant Director for Legal Services, Prevention and Protection Services, Kansas Department for Children and Families (DCF). Thank you for this opportunity to provide testimony regarding SB 408.

The bill amends K.S.A. 38-2223(c)(2) to require that reports occurring in “an institution” operated by DCF be made to the “appropriate law enforcement agency”. DCF does not operate any institutions. As of July 1, 2015, DCF does process and approve licensure of certain facilities and oversees such licensure, but does not operate the facilities. DCF does, through its contractors, place in certain licensed facilities, but again does not operate any facilities or institutions. K.S.A. 38-2226 (c) also adds language that requires “Any suspected child abuse or neglect in an institution operated by... the Kansas department for children and families” shall be investigated by the appropriate law enforcement agency. As stated previously, there are no institutions operated by DCF.

K.S.A. 75-723 created the Abuse, Neglect and Exploitation Unit (ANE Unit) in the Office of the Attorney General in 2006. SB 408 amends a number of provisions in the statute. DCF suggests that (b)(1) read “review” instead of “investigation,” as the proposed language is broad and could be interpreted to refer to the investigations DCF staff members conduct when there are assigned reports of abuse, neglect and exploitation. Current statute 38-2226 requires joint investigations between DCF and the “appropriate” law enforcement agency or agencies in specified types of abuse or neglect cases. Such investigations are generally conducted with local law enforcement that will contact other law enforcement agencies if deemed necessary and appropriate. Historically, DCF was to forward all substantiated findings of abuse and neglect and exploitation to the Attorney General’s ANE Unit. Historically, and pursuant to existing statute, the ANE Unit has not been involved in DCF’s investigations of abuse and neglect allegations, which result in a finding decision, unless the situation fell within the parameter of statutory or policy-required involvement of law enforcement. Any substantiated finding decision results in the name of the perpetrator of abuse and/or neglect being placed on the Kansas Child Abuse/Neglect Central Registry (if a child is the victim) or the Adult Registry (if an adult is the victim).

New provisions (b)(6) and (b)(7) to 75-723 allow for the ANE Unit to “assist in any investigation of child abuse or neglect conducted” by DCF (and, in certain cases, jointly with the appropriate law enforcement agency). It is suggested the word “criminal” be inserted in both new sections preceding the word “investigation” to clarify this is not referencing the finding decision investigation, but any criminal investigations of child abuse or neglect. These are two separate types of investigations that may overlap in some cases, but are conducted for different purposes with different decisions and consequences involved.

DCF supports the proposed language to establish the abuse, neglect or exploitation of adults who are “senior citizens, disabled or otherwise vulnerable” as a priority of the ANE Unit. This focusing of the scope of the Unit aligns well with the reason the Unit was created in the first place, and will help assist vulnerable adults in Kansas. (b)(4) provides for the Unit to “coordinate with and assist with Medicaid fraud and abuse division” of the Office of the Attorney General in the “prevention, detection and investigation of abuse, neglect and exploitation of persons”. This could provide valuable assistance and support for some persons who have come into contact with DCF.

DCF is neutral with regard to SB 408. Thank you for the opportunity to provide testimony before this Committee today. I am glad to take questions.