{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2601

By Committee on Child Welfare and Foster Care

Requested by Representative Howerton

1-29

AN ACT concerning children and minors; relating to child abuse or neglect; establishing a child abuse and neglect registry to be maintained by the secretary for children and families; requiring administrative hearings and an opportunity for appeal before placing an individual on the registry; allowing for expungement from the registry; limiting use of information on the registry; permitting the secretary to maintain other registries or records to meet federal requirements; **voiding existing rules and regulations;** amending K.S.A. 59-2132 and K.S.A. 2025 Supp. 38-2272a, 65-516 and 75-7719 and repealing the existing sections.

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

New Section 1. (a) There is hereby established a child abuse and neglect registry to be maintained by the secretary for children and families.

(b) Except as provided in subsections (c) and (d), the secretary shall not place an individual who ~~is an alleged perpetrator~~ **has been alleged to have abused or neglected a child** on the registry without providing notice and an opportunity for a hearing and any subsequent appeals as provided for in this section.

(1) If the secretary investigates and determines that a report of child abuse or neglect is substantiated, the secretary shall place the individual on the registry ***{only }***after proper notice and an opportunity for a hearing in accordance with the Kansas administrative procedure act except as otherwise provided in this subsection.

(2) The presiding officer of a proceeding initiated under this subsection shall not be the secretary for children and families or a person designated by the secretary.

(3) An individual may waive the right to a hearing and not contest placement on the registry. Such waiver shall not be presented as evidence or admission of guilt in other administrative or judicial proceedings. ***Prior to any hearing or waiver of the right to a hearing, the individual shall***

have access to the records from the department for children and families pertaining to the report of the alleged instance of abuse or neglect.

(4) The individual who is the subject of the proceeding may be represented by counsel before the presiding officer, including counsel appointed by a district court in a child in need of care or criminal proceeding related to the report of child abuse or neglect.

(5) The presiding officer shall enter an order containing findings of fact and whether the evidence supports the secretary's determination that a report of child abuse or neglect is substantiated. If the presiding officer finds by ~~a preponderance of the~~ ***{clear and convincing}*** evidence that the report of child abuse or neglect is substantiated, the presiding officer shall order the secretary to place the individual on the registry, otherwise the presiding officer shall order the secretary not to place the individual on the registry. ***{The presiding officer shall provide a copy of such order to the individual, and such order shall be accompanied with information on how to appeal such order in accordance with paragraph (6).}***

(6) An individual ordered to be placed on the registry may appeal such decision to the district court pursuant to the Kansas judicial review act within ~~12 months~~ **30 days** after the order was entered.

(c) If a county attorney or district attorney files a petition alleging that an individual has committed a crime against a child or has abused or neglected a child pursuant to the revised Kansas code for care of children, the attorney shall ~~also request in the petition that the court order the secretary to place the individual on the registry. A court order to place the individual on the registry pursuant to this subsection may be appealed in the manner provided for civil cases in article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto~~**transmit information regarding such petition to the secretary so that the secretary may investigate and place the individual on the registry subject to this section**.

(d) If an individual is convicted of or adjudicated to have committed a crime against a child or found to have abused or neglected a child pursuant to the revised Kansas code for care of children, the court shall order the secretary to place the individual on the registry.

(e) **(1)** The secretary ~~shall~~ **may** expunge the name of an individual ordered to be placed on the registry from the registry under this section when:

~~(1)~~**(A)** The individual has requested the expungement in a form and manner prescribed by the secretary; ~~and~~

~~(2) (A)~~(B) three years have elapsed since the order was entered; ~~or~~ **and**

~~(B) there is a change of circumstances or identification of new information regarding the allegation that would otherwise change the~~

~~secretary's determination and warrant the removal of the individual's name from the registry~~

(C) the secretary has considered the following in granting such expungement:

(i) The nature and severity of the abuse or neglect case against the applicant;

(ii) the number of any other substantiated reports of abuse or neglect involving the applicant;

(iii) circumstances that no longer contribute to the finding;

(iv) whether the applicant was a juvenile at the time of the finding; and

(v) actions taken by the applicant to prevent the reoccurrence of abuse or neglect.

(2) ***{The secretary shall provide notice to the individual indicating whether a request for expungement pursuant to paragraph (1) was granted or denied, and such notice shall be accompanied with information on how to appeal such decision. If the secretary does not grant an expungement, the individual may appeal such decision to the district court pursuant to the Kansas judicial review act within 30 days after such notice is provided.***

(3) }**After an individual has been on the registry for 20 years, the secretary shall review and may expunge the name of such individual using the criteria described in this subsection**.

(f) Information contained in the registry shall be confidential and protected under K.S.A. 38-2209 through 38-2213, 45-221 and 77-501 et seq., and amendments thereto, except for the purposes of K.S.A. 38-2272, 59-2132, 65-516 and 75-7719, and amendments thereto.

(g) **On and after July 1, 2027, any existing rule and regulation adopted by the secretary concerning any child abuse and neglect registry shall be null, void and unenforceable. The secretary shall adopt new rules and regulations to implement the provisions of this section.**

(h) This section shall not be construed to prohibit the secretary for children and families from maintaining any child abuse and neglect registry or record required by federal law. If such a registry or record is maintained by the secretary, information contained in such registry or record shall be confidential and not disclosed unless otherwise required by federal law for the maintenance of such registry or record.

~~(h)~~**(i)** This section shall be a part of and supplemental to the revised Kansas code for care of children.

Sec. 2. K.S.A. 2025 Supp. 38-2272a is hereby amended to read as follows: 38-2272a. (a) SOUL family legal permanency may be appointed with:

(1) Agreement and approval of a child 16 years of age or older;

(2) agreement and consent of the child's parent unless there has been a finding of unfitness or termination of parental rights and parental consent is no longer required; and

(3) approval of the court set forth in a court order.

(b) The court may order SOUL family legal permanency:

(1) After a finding of unfitness pursuant to K.S.A. 38-2269, and amendments thereto;

(2) after termination of parental rights pursuant to K.S.A. 38-2270, and amendments thereto; or

(3) when determined by the court to be in the best interests of a child 16 years of age or older and the requirements of subsection (a) are met.

(c) Prior to submitting SOUL family legal permanency for appointment by the court, the secretary for children and families shall:

(1) Observe the child in the home of the potential SOUL family legal permanency custodian with whom the child will reside and determine the ability and suitability of the potential custodian to care for the child;

(2) determine whether the names of any potential SOUL family legal permanency custodians appear on the ~~Kansas department for children and families~~ child abuse and neglect registry *established pursuant to section 1, and amendments thereto,* and whether any potential custodians have been convicted of crimes specified in K.S.A. 59-2132(e), and amendments thereto;

(3) consider, to the extent the secretary determines the appointment to be in the best interests of the child, appointing a relative or an individual with whom the child has close emotional ties; and

(4) submit a report to the court containing determinations required by this subsection.

(d) Prior to ordering SOUL family legal permanency, the court shall review and consider:

(1) The report submitted by the secretary pursuant to subsection (c); and

(2) information provided by the secretary related to benefits, including, but not limited to, financial support, medical coverage and educational support, if SOUL family legal permanency is established by the court.

(e) The court shall ensure the child has access to the maximum allowable benefits available under other permanency options pursuant to K.S.A. 38-2264, and amendments thereto.

(f) When appointing SOUL family legal permanency, the court shall consider, to the extent the court finds it is in the child's best interest, appointing a relative or an individual with whom the child has close emotional ties. If the court appoints more than one individual as a SOUL

family legal permanency custodian, the child and the individual may be unrelated.

(g) Upon the establishment of SOUL family legal permanency, the secretary's custody of the child shall cease. The court's jurisdiction over the child shall continue unless the court enters an order terminating jurisdiction pursuant to K.S.A. 38-2203, and amendments thereto, and this section.

(h) If there is more than one SOUL family legal permanency custodian, one individual shall be designated as primary custodian by the court with the approval of the child and the individual to serve in such role. If a dispute arises between the child and the SOUL family legal permanency custodian or between custodians, the primary custodian shall consider information provided by the child and other SOUL family legal permanency custodians for possible resolution of a dispute. If a dispute remains unresolved prior to the child reaching 18 years of age, or June 1 of the school year during which the child became 18 years of age if the child is still attending high school, subsequent to the filing of a motion by the child or SOUL family legal permanency custodian, the court may consider such motion and may order alternative dispute resolution. If the court has previously terminated jurisdiction pursuant to K.S.A. 38-2203, and amendments thereto, or this section, the court may reinstate the child's case to consider such motion.

(i) Subject to subsection (j), a SOUL family legal permanency custodian shall stand in loco parentis to the child and exercise all of the rights and responsibilities of a parent, except that such custodian shall not:

(1) Consent to an adoption of the child; or

(2) be subject to court-ordered child support or medical support for the child.

(j) The court, upon motion of parties or interested parties or its own motion, may impose limitations or conditions upon the rights and responsibilities of the SOUL family legal permanency as determined by the court to be in the best interests of the child.

(k) Absent a judicial finding of unfitness or court-ordered limitations pursuant to subsection (i), a SOUL family legal permanency custodian may share parental responsibilities with a parent of the child if the SOUL family legal permanency custodian determines sharing of parental responsibilities is in the best interests of the child. Sharing parental responsibilities does not relieve the SOUL family legal permanency custodian of legal responsibility.

(l) When parental consent is required for the appointment of SOUL family legal permanency, the consent shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the consent is

acknowledged before a judge of a court of record, it shall be the duty of the court before ~~that~~ *such* consent is acknowledged to advise the consenting parent of the consequences of the consent, including *asking* the following:

(1) Do you understand that your parental rights are not being terminated by the order establishing SOUL family legal permanency and you can be ordered to pay child support and medical support for your child?

(2) Do you understand that to exercise the rights you still have with your child, you must keep the court up to date about how to contact you? This means that the court needs to always have your current address and telephone number.

(3) Do you understand that if you want information about your child's health or education, you will have to keep the information you give the court about where you are up to date because the information about your child will be sent to the last known address the court has?

(4) Do you understand that you may be able to have some contact with your child, but only if the SOUL family legal permanency custodian decides it is in the best interests of the child and if the court allows the contact?

(5) Do you understand that unless the court orders differently, the SOUL family legal permanency custodian has the right to make decisions about day-to-day care of your child?

(m) A parental consent is final when executed, unless the parent whose consent is at issue, prior to issuance of the order appointing a SOUL family legal permanency custodian, proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with that parent.

(n) If a parent has consented to appointment of a SOUL family legal permanency based upon a belief that the child's other parent would so consent or be found unfit, and such other parent does not consent, the consent shall be null and void.

(o) If a SOUL family legal permanency custodian is ordered after a judicial finding of parental unfitness without a termination of parental rights, all parental rights transfer to the SOUL family legal permanency, except ~~for~~:

(1) The obligation to pay child support and medical support;

(2) the right to inherit from the child; and

(3) the right to consent to adoption of the child.

(p) If SOUL family legal permanency is ordered after termination of parental rights, the parent retains no rights or responsibilities to the child pursuant to the termination by the court.

(q) The court may recognize other individuals in addition to the individuals appointed by the court as the child's SOUL family legal permanency custodian, who shall testify to the court, with request and approval by the child, that they will provide support as requested by and agreed upon with the child and the SOUL family legal permanency custodian. Such other individuals shall have no legal obligations or rights related to the child pursuant to the court's recognition as set out in this subsection.

(r) All SOUL family legal permanency custodians acting in such capacity shall execute sworn documents related to the appointment confirming the custodian's willingness to serve as a SOUL family legal permanency custodian and an order of the court. Such documents shall be filed with the court.

(s) If SOUL family legal permanency custodians are married to each other and, subsequent to the SOUL family legal permanency appointment, are divorced, the marriage is annulled or the court orders separate maintenance, the court shall make custody determinations between the SOUL family legal permanency custodians.

(t) A SOUL family legal permanency custodian shall consider whether the custodian will provide any rights of inheritance to the child and medical power of attorney for the child for whom they were appointed a SOUL family legal permanency custodian and separately execute such agreements.

(u) This section shall be a part of and supplemental to the revised Kansas code for care of children.

Sec. 3. K.S.A. 59-2132 is hereby amended to read as follows: 59-2132. (a) Except as provided in subsection (h), in independent and agency adoptions, the court shall require the petitioner to obtain an assessment of the advisability of the adoption by a court approved:

(1) (A) Licensed social worker, licensed specialist social worker, licensed specialist clinical social worker, licensed masters social worker, licensed baccalaureate social worker or licensed associate social worker licensed by the behavioral sciences regulatory board;

(B) licensed clinical marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(C) licensed marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(D) licensed clinical professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(E) licensed professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(F) licensed psychologist as defined in K.S.A. 65-6319, and amendments thereto;

(G) licensed masters level psychologist as defined in K.S.A. 74-5362, and amendments thereto;

(H) licensed clinical psychotherapist as defined in K.S.A. 74-5363, and amendments thereto; or

(I) a licensed child-placing agency.

(2) Any person performing an assessment pursuant to this subsection shall:

(A) Possess a minimum of two years experience in adoption services or be supervised by a person with such experience; or

(B) if licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders in independent practice, possess a minimum of one year of experience in adoption services or be supervised by a person with such experience.

(b) The petitioner shall file with the court before the hearing on the petition a report of the assessment and, if necessary, confirmation or clarification of the information filed under K.S.A. 59-2130, and amendments thereto.

(c) If there is no one authorized pursuant to this section available to make the assessment and report to the court, the court may use the Kansas department for children and families for that purpose.

(d) The costs of making the assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(e) In making the assessment, the person authorized pursuant to this section or Kansas department for children and families is authorized to observe the child in the petitioner's home, verify financial information of the petitioner, ~~shall~~ clear the name of the petitioner with the child abuse and neglect registry through the Kansas department for children and families *as established in section 1, and amendments thereto,* and, ~~when~~ *if* appropriate, with a similar registry in another state or nation, ~~shall~~ determine whether the petitioner has been convicted of a felony for any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, *and amendments thereto,* or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, or, within the last five years been convicted of a felony violation of K.S.A. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, and, ~~when~~ *if* appropriate, any similar conviction in another jurisdiction, and ~~to~~ contact the agency or individuals consenting to the adoption and confirm and, if necessary, clarify any genetic and medical history filed with the petition. This information shall be made a part of the

report to the court. The report to the court by any person authorized pursuant to this section to perform this assessment shall include the results of the investigation of the petitioner, the petitioner's home and the ability of the petitioner to care for the child.

(f) In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner's state of residence by a person authorized in that state to conduct such assessments.

(g) The assessment and report required by this section shall comply with any applicable rules and regulations of the department of health and environment and shall have been completed not more than one year prior to the filing of the petition for adoption.

(h) The assessment and report required by this section may be waived by the court upon:

(1) Review of a petition requesting such waiver by a relative of the child; or

(2) the court's own motion.

Sec. 4. K.S.A. 2025 Supp. 65-516 is hereby amended to read as follows: 65-516. (a) No person shall knowingly maintain a child care facility if an employee who, in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments

thereto, or similar statutes of any other state or the federal government;

(2) except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act which, if committed by an adult, would constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or as a sex offender on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to ~~K.S.A. 38-2226~~ *section 1*, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) ~~The person~~ Has failed to successfully complete a corrective action plan that ~~had~~ *has* been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) ~~the~~ *such person's* record has not been expunged ~~pursuant to rules and regulations adopted by the secretary for children and families or similar entities in any other state or the federal government~~;

(5) has had a child removed from home based on a court order pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the revised Kansas code for care of children, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement

pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) If the secretary determines that there is no safety concern, the secretary may license a family foster home, as defined in K.S.A. 38-134, and amendments thereto, ~~when~~ *if* a person who has been adjudicated as a juvenile offender for an offense described in subsection (a)(2):

(1) Was a child in the custody of the secretary and placed with such family foster home by the secretary;

(2) is 18 years of age or older;

(3) (A) maintains residence at such family foster home; or

(B) has been legally adopted by any person who resides at such family foster home; and

(4) six months have passed since the date of adjudication.

(c) No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(d) Any person who resides in a child care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(e) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning employees in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

(f) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on employees in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history in accordance with K.S.A. 2025 Supp. 22-4714, and amendments thereto.

(g) (1) The secretary shall adopt rules and regulations to fix a fee for fingerprinting employees in a child care facility, as may be required by the department to reimburse the department for the cost of the fingerprinting.

(2) The secretary shall remit all moneys received from the fees established under this section to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such

remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the child care criminal background and fingerprinting fund.

(h) The child care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the secretary of health and environment. All moneys credited to the child care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the department. All expenditures from the child care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

(i) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsections (a)(1) through (8) with regard to the person who is the subject of the review.

(j) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility's or home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

(k) For the purpose of subsection ~~(a)(3)~~ *(a)(4)*, a person listed in the child abuse and neglect ~~central~~ registry *maintained by the Kansas department for children and families pursuant to section 1, and amendments thereto, or any other state or federal government* shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:

(1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and

(2) been given notice of the agency decision and an opportunity to appeal such decision ~~to the secretary and to the courts pursuant to the Kansas judicial review act~~ *as provided for in section 1, and amendments thereto*.

(l) In regard to Kansas issued criminal history records:

(1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency's sponsorship.

(2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.

(3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.

(4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history on record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.

(5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:

(A) The person who is the subject of the request for information;

(B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;

(C) the department of health and environment;

(D) the Kansas department for children and families;

(E) the department of corrections; and

(F) the courts.

(6) A violation of paragraph (5) shall be an unclassified misdemeanor punishable by a fine of $100 for each violation.

~~(m) (1) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010, or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.~~

~~(2) This subsection shall expire on June 30, 2026.~~

Sec. 5. K.S.A. 2025 Supp. 75-7719 is hereby amended to read as follows: 75-7719. (a) No person shall knowingly maintain a day care facility if an employee in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to

July 1, 2009;

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act which, if committed by an adult, would constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to ~~K.S.A. 38-2226~~ *section 1*, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) Has failed to successfully complete a corrective action plan that has been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) such person's record has not been expunged;

(5) has had a child removed from the home based on a court order pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a court order from any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child has reached the age of majority before being returned to the home and such person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the revised Kansas code for care of children, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) Notwithstanding the provisions in subsection (a), no person shall maintain a day care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) Any person who resides in a day care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(d) In accordance with this subsection, the director of the Kansas office of early childhood shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information, including, but not limited to, diversion agreements in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 38-2226, and amendments thereto, or the Kansas department for children and families or court of this state concerning employees in a day care facility. The director shall have access to these records for the purpose of determining whether or not the home meets the requirements of this section, K.S.A. 59-2132, and amendments thereto, and K.S.A. 2025 Supp. 75-7708 and 75-7713, and amendments thereto.

(e) In accordance with this subsection, the director is authorized to conduct national criminal history record checks to determine criminal history on employees in a day care facility. In order to conduct a national criminal history check, the director shall require fingerprinting for identification and determination of criminal history in accordance with K.S.A. 22-4714, and amendments thereto.

(f) (1) The director of the Kansas office of early childhood shall adopt

rules and regulations to fix a fee for fingerprinting employees in a day care facility, as may be required by the Kansas office of early childhood to reimburse the Kansas office of early childhood for the cost of the fingerprinting.

(2) The director shall remit all moneys received from the fees established under this section to the state treasurer in accordance with K.S.A. 72-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the day care criminal background and fingerprinting fund.

(g) The day care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the director of the Kansas office of early childhood. All moneys credited to the day care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the Kansas office of early childhood. All expenditures from the day care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director or the director's designee.

(h) The director shall notify the day care applicant or licensee within seven days by certified mail, with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsection (a)(1) through (a)(8) of the person who is the subject of the review.

(i) No day care facility or the employees thereof shall be liable for civil damages to any person who is refused employment or discharged from employment by reason of such facility's compliance with this section, if such facility acts in good faith to comply with this section.

(j) For the purpose of subsection ~~(a)(3)~~ *(a)(4)*, a person listed in the child abuse and neglect ~~central~~ registry *maintained by the Kansas department for children and families pursuant to section 1, and amendments thereto, or any other state or the federal government* shall not be prohibited from being an employee in a day care facility unless such person has:

(1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and

(2) been given notice of the agency decision and an opportunity to appeal such decision ~~to the director and to the courts pursuant to the Kansas judicial review act~~ *as provided for in section 1, and amendments thereto*.

(k) No person shall maintain a day care facility unless such person is

a high school graduate or the equivalent thereof, except that, if extraordinary circumstances exist, the director of the Kansas office of early childhood may exercise discretion to make exceptions from this requirement. This subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010.

~~(l) This section shall take effect on and after July 1, 2026.~~

Sec. 6. K.S.A. 59-2132 and K.S.A. 2025 Supp. 38-2272a, 65-516 and 75-7719 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.