Session of 2025

SENATE BILL No. 102

By Senator Shane

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AN ACT concerning children and minors; relating to the secretary for children and families; requiring coroners to report certain information to the secretary; clarifying the identifying information in mandatory reports of abuse or neglect of children to the secretary; increasing the penalty for failing to report such abuse or neglect from a misdemeanor to a felony; amending K.S.A. 2024 Supp. 22a-242 and 38-2223 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 22a-242 is hereby amended to read as follows: 22a-242. (a) When a child dies, any law enforcement officer, health care provider or other person having knowledge of the death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. If the notice to the coroner identifies any suspicious circumstances or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243, and amendments thereto, the coroner shall immediately: (1) Investigate the death to determine whether the child's death included any such suspicious circumstance or unknown cause; and (2) direct a pathologist to perform an autopsy.

(b) If, after investigation and an autopsy, the coroner determines that the death of a child does not include any suspicious circumstances or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243, and amendments thereto, no further action by the coroner is required.

(c) If, after investigation and an autopsy, the coroner determines that the death of a child includes any suspicious circumstance or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243, and amendments thereto, the coroner shall notify, within 24 hours, the county or district attorney of the county where the death of the child occurred.

(d) The coroner shall attempt to notify any parent or legal guardian of the deceased child prior to the performance of an autopsy pursuant to this section. Once the autopsy has been completed, the coroner shall immediately notify the parent or legal guardian that such autopsy has been completed and provide information on how to obtain the results.

(e) A coroner shall not make a determination that the death of a child less than one year of age was caused by sudden unexplained infant death syndrome unless an autopsy is performed.

(f) The fee for an autopsy performed under this section shall be the usual and reasonable fee and travel allowance authorized under K.S.A. 22a-233, and amendments thereto, and shall be paid from the district coroners fund.

(g) The secretary ~~for~~ *of* health and environment shall provide a copy of the death certificate to the state child death review board that meets requirements developed by the board pursuant to K.S.A. 22a-243, and amendments thereto.

(h) Any coroner who is notified of a death pursuant to this section shall report the known facts concerning the time, place, manner and circumstances of such death to the secretary for children and families.

Sec. 2. K.S.A. 2024 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 *inflicted by any person having contact with the child, either in person or through electronic means*, the person shall report the matter promptly as provided in subsections (b) and (c)~~;~~*:*

(A) ~~The following~~ Persons providing medical care or treatment~~:~~*, including* 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~~:~~*, including* licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators and other employees of an educational institution that the child is attending and any member of the board of directors of the Kansas state high school activities association referenced in K.S.A. 72-7114, and amendments thereto, and any person who is employed by or is an officer of such association;

(D) 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;

(E) 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. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 23-3502, and amendments thereto; ~~and~~

(F) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, ~~that~~ *and who* provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance*; and*

(G) any unlicensed person employed by or working for an agency serving children who perform job responsibilities similar to those found in subparagraph (B).

(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. 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 of corrections shall be made to the attorney general or the secretary of corrections. Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services shall be made to the appropriate law enforcement agency. All other reports of child abuse or neglect by persons

employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either department, 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~~ *severity level 10, person felony.* 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~~ *severity level 10, person felony.*

(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~~ *severity level 10, person felony.*

(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 *that* 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~~ *such* report shall have immunity from any civil liability that might otherwise be incurred or imposed.

Sec. 3. K.S.A. 2024 Supp. 22a-242 and 38-2223 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.