

SENATE BILL No. 186

By Senator Adkins

2-10

AN ACT concerning penitential communication; relating to the duties of ministers; amending K.S.A. 2002 Supp. 38-1522 and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 38-1522 is hereby amended to read as follows: 38-1522. (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed masters level psychologists; licensed clinical psychotherapists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; licensed marriage and family therapists; licensed clinical marriage and family therapists; licensed professional counselors; licensed clinical professional counselors; registered alcohol and drug abuse counselors; 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; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake and assessment workers; *regular or duly ordained ministers of religion as defined by K.S.A. 60-429, and amendments thereto*; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written 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

1 care, the child's age, the nature and extent of the child's injury (including
2 any evidence of previous injuries) and any other information that the
3 maker of the report believes might be helpful in establishing the cause
4 of the injuries and the identity of the persons responsible for the injuries.

5 (b) Any other person who has reason to suspect that a child has been
6 injured as a result of physical, mental or emotional abuse or neglect or
7 sexual abuse may report the matter as provided in subsection (c) or (e).

8 (c) Except as provided by subsection (e), reports made pursuant to
9 this section shall be made to the state department of social and rehabil-
10 itation services. When the department is not open for business, the re-
11 ports shall be made to the appropriate law enforcement agency. On the
12 next day that the state department of social and rehabilitation services is
13 open for business, the law enforcement agency shall report to the de-
14 partment any report received and any investigation initiated pursuant to
15 subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports
16 may be made orally or, on request of the department, in writing.

17 (d) Any person who is required by this section to report an injury to
18 a child and who knows of the death of a child shall notify immediately
19 the coroner as provided by K.S.A. 22a-242, and amendments thereto.

20 (e) Reports of child abuse or neglect occurring in an institution op-
21 erated by the secretary of social and rehabilitation services or the com-
22 missioner of juvenile justice shall be made to the attorney general. All
23 other reports of child abuse or neglect by persons employed by or of
24 children of persons employed by the state department of social and re-
25 habilitation services or the juvenile justice authority shall be made to the
26 appropriate law enforcement agency.

27 (f) Willful and knowing failure to make a report required by this sec-
28 tion is a class B misdemeanor.

29 (g) Preventing or interfering with, with the intent to prevent, the
30 making of a report required by this section is a class B misdemeanor.

31 Sec. 2. K.S.A. 2002 Supp. 38-1522 is hereby repealed.

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

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