Approved January 27, 1986
Date

MINUTES OF THE House COMMITTEE ON Judiciary.

The meeting was called to order by Chairman Joe Knopp at
Chairperson

3:30 ~~xxx~~a.m./p.m. on January 15, 1986 in room 313-S of the Capitol.

All members were present except:

Representatives Douville, Duncan and Snowbarger were excused.

Committee staff present:
Jerry Donaldson, Legislative Research Department
Jan Sims, Committee Secretary

Conferees appearing before the committee:

Honorable Robert L. Morrison, Chairman of the Attorney General's Task Force of Missing and Exploited Children

Judge Morrison introduced members of the Attorney General's Task Force and staff present. He presented a brief overview of the system currently in force in Sedgwick County combining social workers from SRS and members of local law enforcement agencies on investigations of child abuse and missing children. Judge Morrison presented the report of the Attorney General's Task Force to members of the committee. (Attachment 1).

Mr. Bob McGoy of the Wichita SRS office made a brief presentation to the committee outlining the procedure utilized in Sedgwick County for investigation of reports of missing and abused children. He stressed the benefits of the SRS office and law enforcement offices communicating and working these investigations jointly as being of benefit to the children involved.

Lt. Gary Johnson made a brief presentation to the committee pertaining to the incidence of child sexual abuse in Kansas and the plight of runaways both in Kasnas and intrastate runaways.

Capt. B. Q. Price made a presentation to the committee explaining portions of the Task Force report and a slide presentation relating to pedophiles. He stressed that this is a problem in Kansas and not one limited to more populated areas.

The meeting was adjourned at 4:45 P.M.

THE REPORT

OF THE

ATTORNEY GENERAL'S TASK FORCE

ON

MISSING AND EXPLOITED CHILDREN

DECEMBER 24, 1985

Attachment 1
House Judiciary
1/15/86

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ATTORNEY GENERAL'S TASK FORCE ON MISSING AND EXPLOITED CHILDREN

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INTRODUCTION

The Attorney General's Task Force on Missing and Exploited Children was appointed by the Honorable Robert T. Stephan, Attorney General of Kansas, in accordance with Senate Resolution No. 1823 of the 1985 session of the Kansas Legislature. (See Appendix) The Task Force had its organizational meeting in Topeka, Kansas on May 29, 1985 and decided it would conduct regional hearings at six locations to obtain as much information as possible from each area of the state with respect to problems being experienced regarding this subject.

The schedule of the regional hearings was publicized by both news releases and direct mailings to many public officials and other persons known to be interested in the welfare of children. Every effort was made to elicit testimony from all professionals and concerned citizens who might have something to say about missing and/or exploited children.

Regional hearings were held at Hutchinson on July 10, Chanute on July 19, Dodge City on July 25, Hays on July 26, Junction City on August 8, and Lawrence on August 9, 1985. More than 156 persons appeared before the Task Force at these meetings; 60 of them shared their concerns and problems in attempting to work with missing and exploited children. The Task Force heard from law enforcement officials, social workers, psychologists, child care providers, school counselors, foster parents, attorneys, prosecutors, judges, concerned and sometimes distraught parents and other family members and other concerned citizens.

Minutes were prepared and provided to all members of the Task Force so that those who were unable to attend would have the benefit of the information received at each hearing. Further, large amounts of material were disseminated to the members to inform them of the current laws and operations in Kansas. The Task Force then met to review the information received, enumerate the concerns voiced and develop its recommendations of appropriate action to improve the manner in which our state and its various communities handle these problems. It should perhaps be stated at the outset that, due to the limited time available, the work of this Task Force is not an exhaustive study of the problems.

This report therefore represents the findings and recommendations of the Task Force developed through many hours of discussion of the information received at the six regional hearings, as well as the individual study and experience of the various Task Force members. The Task Force would like to commend the legislature for the laws that have been enacted to protect the children of this state, the passage of the act creating a repository of information on missing or unidentified deceased persons (K.S.A. 75-712b) and the increased crime prevention efforts. While the members feel comfortable in making the recommendations contained herein, it is apparent that in some instances more time and better data would be required to determine the magnitude of some problems. While this report

may discuss concerns relating to missing children separate from concerns relating to sexually-exploited children, it has been established that a missing child runs a high risk of becoming a sexually abused or exploited child. This is particularly true if the child is offered shelter by exploiters during the time a child is a runaway and in need of food, shelter and loving care.

* THE CHILD SEXUAL ABUSER AND PEDOPHILIA

BACKGROUND: Kansas has revised and greatly improved the criminal statutes relating to sex offenses against children in recent years. However, it appears that not enough has been done to focus on the problem of pedophilia which appears to be approaching epidemic proportions nationally.

FINDINGS: Pedophilia is defined as "sexual perversion in which children are the preferred sexual object". A pedophile is defined as "one affected with pedophilia". Many additional terms are in common usage among those working in this area, although not yet in dictionaries. The "heterosexual pedophile" is either a male attracted to girls or a female attracted to boys. The "bisexual pedophile" wants children of either sex and the "homosexual or lesbian pedophile" prefers a child of his or her own sex. Some professionals in the field classify the "pedophile" as one who desires a sexual relationship with a child up to the age of puberty, and use the title of "hebephile" in describing the person who wants one from the age of puberty to adulthood. The street terminology for a homosexual pedophile who prefers teenage boys is often called a "chicken hawk" and his youthful victim is referred to as a "chicken". These persons prefer to call themselves "boy lovers", "girl lovers" or "child lovers". The term "mysoped" has been applied to the offender who, instead of loving children and being kind to them, is in fact a hater of children who sexually molests and will quite possibly torture and/or kill the child.

Individuals who have developed expertise in this field say that pedophiles should also be classified as "fixated" or "regressed". The "fixated pedophile" is one whose exclusive sexual preference or fantasy is with a child who has not yet reached the age of puberty and is generally regarded as untreatable. The "regressed pedophile" has usually lived a normal heterosexual life but is one who, due to some highly stressful events, has regressed to the point of having a sexual preference for a child over whom the pedophile can exercise total control. Some experts feel that through counseling and treatment the regressed pedophile can be taught how to deal with the stress that has caused the regression and thus be successfully treated.

First, understand that the pedophile does not fit the stereotype of the individual most parents caution their children to avoid. The pedophile does not usually lurk in the bushes or attempt to entice a strange child into the car. Most pedophiles are much more subtle than that and move very gradually in establishing contact with the future sex partner. The pedophile is often a trusted friend and acquaintance not only of the child but also of the entire family. As a matter of fact, the pedophile may be a member of the family or of the household. One recent study of over 400

sexual abuse cases in another state revealed that 35 percent of the molesters were members of the family (including mother's boyfriend), 9 percent were neighbors, 50 percent were family friends and 6 percent held positions of leadership and trust in youth groups. Pedophiles and hebephiles often contend that what they are doing is not hurting the child and in fact is of benefit to the child. This is particularly true of the pedophile or hebephile who is showering the child with the attention and companionship the child is not receiving from the family.

The method a pedophile or hebephile uses to recruit the child victim is exceedingly important, not only in locating a receptive child but also in avoiding detection. The pedophile is often a very friendly, sociable and reasonably well-educated individual. He or she may be very active with youth groups and in youth programs, for what better way is there to establish a desirable contact with children. As shown by the above survey, the pedophile often establishes a friendly relationship with the parents as well as the child. However, the pedophile must be very adept at spotting which child will react in an acceptable manner to the pedophile's advances. It is not unusual for a pedophile who is in a leadership position in a youth group to select only one or two members for sexual advances. It is often when the pedophile makes sexual advances to the uncooperative child that the pedophile's activities become known.

Some pedophiles will not bother to establish a friendship with the family, but instead recruit children from the street. Favorite points for such recruitment are the neighborhood convenience store, electronic game arcades, shopping centers, bowling alleys or any other place where children or youth congregate for recreation and amusement. The pedophile moves very cautiously and establishes a friendship with the child which may include showering the child with money and gifts. The runaway child who is wandering the streets, loafing in the bus station or hitchhiking on the highway is most susceptible to the friendship and caring treatment offered by the pedophile.

The pedophile's sexual advances to the child are not usually physically resisted by the child. This may be because the child has developed a true affection for the pedophile or because the child does not want to give up the lavish presents, money or other things the pedophile would cease to provide if the child does not cooperate. It may even be because the pedophile is threatening physical harm to the child or a family member or is threatening the child with disclosure of the activities, should the child resist or tell. A child sexual abuse victim realizes that he or she has participated in an illicit act because the child has been cautioned not to tell anyone. The child usually feels a great deal of personal guilt, feeling that he or she did something which caused the sexual activities.

Most pedophiles take great delight in photographing the child, often in explicit sexual acts. Showing these photographs to certain family members may be the threat that keeps the child continuing to participate in the activities. The photographs are prize possessions of the pedophile and

are retained for reminiscing in future years, after the child has grown older and ceased to be attractive to the pedophile. Pedophiles freely exchange photographs of their child victims.

Prostitution of children by pedophiles has been revealed in a number of cases throughout the country. Some pedophiles who either do not possess the personality to do their own recruiting or prefer not to run the risk but desire a sexual relationship with a child are more than willing to pay sometimes large sums of money for this purpose. Children who have become exceedingly dependent upon the caring attention, the money and the generous gifts of one pedophile often are pressed into service to satisfy the needs of another pedophile. Some of these children begin to act as prostitutes in the hands of a pimp while others develop their own clientele for paid illicit sex. There have even been cases where a family has sold a child to an adult for sexual purposes.

The pedophile strongly believes and loudly professes that he or she truly loves children. While it is true that a pedophile will not usually cause physical injury to the victim, they do not consider the emotional trauma the child has experienced. Perhaps the most frightening aspect of this is the recent increase of organizations whose objective is legalizing sexual acts with children. The North American Man/Boy Love Association, known as NAMBLA, formed in 1978 has been quite open and active in this regard. Other such organizations are the Rene Guyon Society, the Childhood Sensuality Circle (C.S.C.) and the Pedophile Information Exchange (P.I.E.). These organizations claim to have thousands of members and most publish their own newsletters.

Many professionals in the field contend that child sexual abusers were themselves sexually abused during childhood. Successful treatment of pedophilia is a matter of disagreement and debate among the experts. Some indicate that it is a trait which cannot be successfully treated or altered while others urge that we must develop treatment programs which can render a high degree of success.

The Task Force received a lengthy letter from an acknowledged and convicted pedophile who is currently incarcerated in the Kansas State Penitentiary. This man was originally convicted of indecent liberties with boys and served 20 months in 1972-73 in the Kansas State Industrial Reformatory at Hutchinson. Following his release, and before his second conviction of indecent liberties with a child in 1984, he was the editor-publisher of the newspaper in a small Kansas city, a strong supporter of the high school sporting activities and a coach of a Babe Ruth baseball team. He enjoyed the admiration and respect of the youth and the parents of the community. He now readily acknowledges that he is a pedophile and pleads for proper treatment and assistance in learning "to control my affliction," as he puts it. In discussing sexual offenders in the penitentiary he writes, "They probably will become worsened offenders during their stay here, and will return to society more dangerous, for statistics show pedophiles will most probably violate again."

A more complete discussion of this subject can be found in the book "We Have A Secret" by Lloyd Martin and Jill Haddad, published by Crown Summit Books, Newport Beach, California.

CONCLUSION: Kansas has long been considered a leader in the subject of mental health but does not appear to have done enough in the area of child sexual abusers and pedophilia.

RECOMMENDATION: In addition to the educational programs recommended later in this report, the state needs to develop adequate programs to identify, treat and monitor the location of pedophiles and hebephiles.

✱ THE RUNAWAY

BACKGROUND: One of the original statutory definitions of a "wayward" in the former Kansas juvenile code was a minor who had deserted the home without good or sufficient cause. The statutory definition of a miscreant formerly included a minor who had been adjudged a wayward three or more times. In application, those two provisions made it possible to deal with the persistent and chronic runaway as a juvenile offender including the authority to detain and/or place that minor in a state youth center. In 1978, Kansas repealed the definition that made a miscreant of a third time wayward.

The new Kansas code for care of children enacted in 1982, does not contain any category similar to that original definition of a wayward. In the drafting of the new code it was felt that a runaway fell within one of the definitions of a "child in need of care"; i.e., a child who "is without adequate parental care, control or subsistance..." or "is without the care or control necessary for the child's physical, mental or emotional health".

The Kansas code for care of children provides that a law enforcement officer may take a child under 18 years of age into custody when the law enforcement officer (1) has a court order, (2) has probable cause to believe that a court order has been issued, or (3) "...has probable cause to believe that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that continuing in the place or residence in which the child has been found or in the care or custody of the person who has care or custody of the child would present a danger to the child." (K.S.A. 1984 Supp. 38-1527 - emphasis added.)

When a law enforcement officer has taken a runaway into protective custody without a court order, K.S.A. 1984 Supp. 38-1528 directs that the officer shall deliver the minor to "...a facility or person designated by the secretary or to a court-designated shelter facility, court services officer or other person." This statute then provides that if the law enforcement officer and the person in charge of the shelter facility agree that the minor "...will not remain in the shelter facility, the law enforcement officer shall deliver the child to a juvenile detention facility... where the child shall be detained for not more than 24 hours." The above provision is designed to cover the situation where the law enforcement officer is acting on the report that a child is a runaway and no legal proceeding has yet been commenced in any court. Thus when a runaway is detained as the result of a law enforcement officer exercising his discretion because of a runaway report from parents, Kansas law does not permit that the child remain in a juvenile detention facility for more than

24 hours. Prior to the expiration of 24 hours, regardless of the day of the week, it is necessary for the department of social and rehabilitation services (SRS) and/or the law enforcement officer to remove the child from detention and place the child either back in the family home or in a shelter facility. These restrictions apply even though that child may have run away many times from home or other nonsecure placements. In practical application it is entirely possible for a chronic runaway to be picked up and placed in a detention facility by law enforcement on a Monday night, be removed to a shelter facility by SRS on Tuesday, that same night again run away, be again picked up by a law enforcement officer and again placed in a detention facility, on Wednesday again be removed to a shelter facility by SRS, again run away that night and continue this nonproductive and frustrating cycle ad infinitum.

Once a petition has been filed alleging the child to be a child in need of care, the court assumes jurisdiction and may be authorized to issue an order of protective custody without a hearing. The court's order of protective custody may allow for the placement of the child in a juvenile detention facility for not to exceed 24 hours, excluding Saturdays, Sundays and legal holidays, when circumstances require it. (K.S.A. 1984 Supp. 38-1542) A temporary custody hearing must then be held within 48 hours, excluding Saturdays, Sundays and legal holidays.

Following the temporary custody hearing pursuant to K.S.A. 1984 Supp. 38-1543, upon making certain findings, the court is authorized to place the child in the custody of someone other than a parent and, when circumstances require, the court may order that the child be placed in a juvenile detention facility "...but the total amount of time that the child may be held under this section and K.S.A. 1982 Supp. 38-1542 shall not exceed 24 hours, excluding Saturdays, Sundays and legal holidays." Thus, placement in a detention facility by virtue of an order of protective custody cannot be followed by another period of detention based on an order of temporary custody.

Following adjudication as a child in need of care, the Kansas code for care of children is not clear as to how it grants the court authority to direct a law enforcement officer to restrain a minor who refuses to submit to the officer's "pick up". K.S.A. 1984 Supp. 38-1502 defines custody as "...the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court." K.S.A. 1984 Supp. 38-1563 authorizes the court to order who shall have "custody" after adjudication and 38-1584 addresses "custody" following termination of parental rights. Neither of these sections seem to authorize the court to direct the imposition of the type of "custody" contemplated when the law enforcement officer imposes involuntary restraint upon the minor, such as is involved in the execution of a warrant or a civil attachment of the body. There does not appear to be any authority to detain the adjudicated child in need of care who again runs away unless and until that minor violates the law and is taken into custody as a juvenile offender.

Other states have experienced this same problem and have attempted to immobilize the chronic runaway. In several states the courts have exercised the contempt powers of the court by placing the child under

direct order to not depart from a particular placement without the consent of the court or of the person or agency in whose custody the child has been placed. Then, if there is a disobedience of the court order, the court's contempt powers are invoked. If the court then adjudges the child to be in criminal contempt of the court, the court adjudicates the child to be a deliquent or juvenile offender and proceeds to utilize the remedies available in dealing with those who have violated the law to include involuntary detention and placement in facilities for juvenile offenders. Some state appellate courts have approved this procedure while others have not. It should be noted that Kansas statutes define contempts of court as direct contempt or indirect contempt and that, while there is some case law on the subject, there is no Kansas statutory definition of criminal contempt. At least one state (Oklahoma) has attempted to deal with this problem by creating an additional category and statutory definition of "child in need of treatment" where they have allowed more restrictive measures to be imposed than are authorized for those adjudicated as "child in need of supervision" or "deprived child" under their statutes.

FINDINGS: The testimony received indicated considerable confusion and disagreement throughout the state concerning the authority and/or duty of the law enforcement officer to take into custody the runaway who has intentionally departed from the parental home and/or, as is often the case, refuses to return or stay in the parental home. Law enforcement officers reported that they feel that their function is to keep the peace and apprehend persons who have violated penal codes. These runaway reports are usually completely devoid of any suggestion of criminal activity. Law enforcement officers say they do not feel comfortable in being asked to exercise the discretion which requires them to find "probable cause" to believe that every child reported as a runaway is a "child in need of care" and ask whether or not every reported runaway is to be considered a "child in need of care" as defined in K.S.A. 1984 Supp. 38-1502.

The previously underscored portion of K.S.A. 1984 Supp. 38-1527 (see page 2) focuses on another part of the problem. Officers ask such questions as, "What is my duty or authority to take into custody a 16 or 17 year old reported by parents as a runaway when I find (1) the minor residing with a person or persons over 18 years of age and there is no indication of illicit activities, (2) the minor is observed at lunch time in a restaurant not far from the home neighborhood, or (3) the minor is located working on a job in a completely lawful activity, or similar nonthreatening situations that do not "present a danger to the child?" Several officers raised concerns about civil liability for false arrest or false imprisonment if found to have exceeded authority. For these reasons officers in some areas decline to pick up a runaway without a court order.

Parents reported considerable frustration with law enforcement officers for their reluctance or hesitation to react to the satisfaction of the parents upon the filing of a runaway report. A distraught parent whose child is missing just does not understand why the local law enforcement agency seems to be reluctant to expend much energy on attempting to locate their runaway. It should also be mentioned that many parents are reluctant to initiate a child in need of care proceeding in order to obtain any sort of court order because they consider it to be an accusation of inadequate parenting. As a matter of fact, in some instances parents are hesitant to

report a missing child as a runaway, particularly when that child has run away several times previously with nothing having been accomplished to alleviate the causes for running away.

The majority of runaways can be and are returned by the law enforcement officer to the parent or parents. In most cases the child and parent work toward resolving their problems, sometimes with outside assistance, so that no continued runaway behavior is involved. However, in those cases where the runaway is accusing a parent of abuse (including sexual abuse), is refusing to return to the parental home or has demonstrated a propensity for running away frequently, the law enforcement officers stated a reluctance to return the child to the parents and a need of a placement for the child without unneccessary delay so that the officer can continue with his other duties. Some communities have solved this problem by local coordination of resources. In others, law enforcement seems to be without a clear understanding of where to place a runaway who should not be returned to the parents. There appears to be an inadequate supply of emergency shelters or homes in some areas of the state. The law enforcement officer who picks up the runaway should not be expected to devote considerable time searching for a facility or home in which to place the child who cannot be immediately returned to parents. The press of other duties precludes the officer spending excessive time securing a placement for the runaway.

The testimony showed a lack of uniformity in processing a missing child report. Some officers instruct parents to wait until a certain number of hours have passed or a certain time has arrived before a runaway report will be accepted. Others may accept the report but indicate that they will take no action on it for a certain period of time. Such delayed action policies may well result in giving the runaway sufficient time to travel a good many miles, making location and recovery much more difficult.

Professionals pointed out that the child who voluntarily leaves the parental home usually falls into one of two categories, the child who is running from something or the one who is running to something. The child running from may have a very valid reason for having departed the family home, such as physical and/or emotional abuse, sexual abuse or severe deprivation. Such a child should probably not be returned to the parental home until the issues surrounding the running away begin to be addressed. The child who is "running from" is usually running blindly and without much consideration having been given to where he or she is going. This category of child is exceedingly vulnerable and susceptible to being taken in by individuals who will exploit and introduce the child to undesirable practices including drugs, prostitution, etc. under the guise that it is "necessary for survival". The child who is "running to" is usually one who is dissatisfied with the home situation or surroundings and is looking for that "utopia" that is not available in the parental home. In most instances this child may be returned to the parental home and the problems dealt with in that environment without concern for further danger to the child. It is therefore exceedingly important at a very early stage to attempt to learn why the child has left the parental home and to allow a mechanism for an analysis of the underlying problems and the implementation of an adequate therapy program.

Many testified of the frustrations experienced in attempting to provide services to the chronic runaway. Law enforcement officers, social workers, psychologists and child care providers all described the ineffectiveness of attempting to learn the cause of the child's actions and institute an effective treatment program to address the child's problems, as well as the problems within the family, when under the present statute the longest a child in need of care can be immobilized in a juvenile detention facility is 24 hours. Several law enforcement officers acknowledged that, after picking up a given runaway several times and not seeing any beneficial results, they stop picking up that child. We heard several complaints that the chronic runner is back on the street before the officer can complete the paperwork incident to the apprehension of a runaway. Social workers, psychologists, and child care providers are unanimous in recommending that there be some mechanism by which the chronic runner could be immobilized long enough to facilitate an adequate evaluation and placement in an effective treatment program. One mother tearfully described to us how she had prayed that her daughter would violate the law so that she could be detained and receive appropriate therapy and treatment. Her prayers were answered, her daughter was eventually arrested for criminal type activities and is currently benefiting considerably from the Youth Center at Beloit according to her mother. She said many unkind things about our present system of handling runaways.

The chronic and inveterate runaway placed in a nonsecure shelter facility creates an additional phenomenon; i.e., when he or she runs, it is seldom alone. In multiple occupant facilities the chronic runaway usually leaves accompanied by one or more of the other residents. In this way a child who previously has only run from the parental home once or twice is introduced to how to survive on the street as a runaway. Such experience can develop additional chronic runaways.

CONCLUSION: Kansas statutes do not adequately address the problem of how to help the runaway nor does the state have enough facilities or programs to deal with this type of child in need of care.

RECOMMENDATION #1: K.S.A. 1984 Supp. 38-1502(a) should be amended by adding "is willfully and voluntarily absent from the child's home without the consent of the child's parent, legal guardian or other custodian" to the other definitions of "child in need of care".

RECOMMENDATION #2: Add a subsection (c) to K.S.A. 1984 Supp. 38-1527 to make it a clear statutory duty of a law enforcement officer to take into custody any child who has been officially reported as a runaway or missing child to an appropriate local law enforcement agency or the Kansas Bureau of Investigation (KBI) and the National Crime Information Center (NCIC).

RECOMMENDATION #3: Amend K.S.A. 1984 Supp. 38-1528 to make it clear that upon taking a child into custody without a court order the law enforcement officer should return the child to the child's parents unless the law enforcement officer has reasonable grounds to believe that such action is not in the best interest of the child, in which case the present provisions of this section would apply.

RECOMMENDATION #4: K.S.A. 1984 Supp. 38-1528(a) should be amended by adding the phrase "excluding Saturdays, Sundays and legal holidays" as an extension of the 24 hours a child may be detained when picked up by law enforcement officers without a court order and it has been determined that the child will not remain in a shelter facility.

RECOMMENDATION #5: Add to the procedural statutes in the Kansas code for care of children to provide clearly that, once a petition has been filed and a proceeding commenced, the court has authority to issue an order (or writ of attachment) directing law enforcement officers to take an alleged or adjudicated child in need of care into custody and bring that child before the court. The statute authorizing the issuance of such a writ should also state under what circumstances it may be issued. The procedure should authorize the involuntary restraint of the child for a reasonable period of time in the event the child is apprehended at a time when the court is not open for business.

RECOMMENDATION #6: There needs to be an ability to "hang onto" some children to allow time for an adequate evaluation as well as to facilitate an appropriate treatment program. We recommend that SRS provide for closed treatment programs, in either state-operated or private facilities, for this category of child. The Task Force does not feel that the procedure of adjudicating a runaway as a juvenile offender by reason of criminal contempt of court is any more desirable than the present practice of waiting until the child has violated the law and been adjudicated as a juvenile offender. The creation of another category such as Oklahoma's "child in need of treatment" with a provision for containment in a treatment setting may be a more rational and humane solution to this problem.

RECOMMENDATION #7: Establish a uniform state-wide policy that each law enforcement agency immediately accept a parent's or guardian's report that a child is missing or a runaway and, without unnecessary delay, enter such report in the computers of NCIC and KBI.

* THE INTERSTATE RUNAWAY

BACKGROUND: The statutory procedure for apprehending a runaway in a state other than the state of residence and returning the child to the parent or person having custody is covered by the Interstate Compact on Juveniles. (K.S.A. 38-1002 Et seq) The compact provides in part, "The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to ... the return, from one state to another, of non-deliquent juveniles who have run away from home ..." (Article I)

Article IV of the compact, entitled "Return of Runaways", prescribes the procedure to be followed between states party to the compact and contains the following provision: "Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such

juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state."

Article VI entitled "Voluntary Return Procedure" provides: "That ... any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV ... may consent to his immediate return to the state from which he ... ran away." and then prescribes the procedure by which such voluntary consent should be executed.

The compact also contains the procedure to be followed to obtain the return of a runaway from one state to another in the event the runaway refuses to execute the voluntary return consent. The compact does not require that a warrant or court order must have been issued in the home state before a law enforcement officer in the state where the minor is located can take that runaway into custody. To the contrary, the above quoted excerpt from Article IV would indicate that all that is required is reasonable information that the minor is a runaway from another state.

The Interstate Compact on Juveniles was adopted by Kansas in 1965 and is in harmony with the compact adopted by most states about that time. The law relating to the rights of juveniles has been the subject of several appellate court decisions since that time which have established that minors are entitled to many of the constitutional guarantees not previously afforded them. [In re Gault, 387 US 1, 18 L.Ed. 2nd 527 (May, 1967); In re Whittington, 39 US 341, 20 L.Ed. 2nd 625 (1968); and In re Winship, 397 US 358, 25 L.Ed. 2nd 368 (1970)]

FINDINGS: There appears to be considerable confusion among law enforcement officers of this state as well as those of other states regarding their authority and/or duty to pick up a runaway from another state who is unwilling to accompany the officer. In some instances the officer declines even to approach the juvenile to determine willingness or unwillingness to return to the home state until the officer is satisfied that there has been a warrant and/or a court order issued in the home state. Obviously this reluctance to act immediately allows the runaway sufficient time to cover many miles and perhaps even depart from the state where located.

It became apparent from the hearings that many Kansas law enforcement officers are unaware of the provisions of the Interstate Compact on Juveniles and very uncertain about their legal authority. Most officers do pick up runaways they find on the highway and rely on the courts, SRS, or someone else to work out the details following. Many officials seem to consider the restrictions on detention contained in the Kansas code for care of children to apply to the interstate runaway.

CONCLUSION: While Kansas cannot control how and when officers of other states react to the report of a child missing from Kansas, we should at least clarify for Kansas law enforcement officers how they are expected to react to locating a child reported missing from another state.

RECOMMENDATION #1: Add a section to the Kansas code for care of children which clarifies that a child located in this state who has been reported missing or a runaway from another state is to be processed under the provisions of the Interstate Compact on Juveniles.

RECOMMENDATION #2: Kansas should take the steps necessary to obtain a study, review and update of the Interstate Compact on Juveniles to bring it more in line with present day requirements and rearrange it so as to make it easier to read and understand.

UNAUTHORIZED HARBORING OR TRANSPORTING OF A RUNAWAY

BACKGROUND: Present statutes that seem to touch on a situation where a runaway is being aided in running are K.S.A. 21-3422, Interference with parental custody, and K.S.A. 21-3422(a), Aggravated interference with parental custody. Each require proof of " ...leading, taking, carrying away, decoying or enticing away any child under the age of 14 years...". Interference is a class A misdemeanor and aggravated interference is a class E felony. K.S.A. 21-3423, Interference with custody of a committed person, requires proof of " ...knowingly taking or enticing any committed person away from the control of his custodian without the privilege so to do." It also requires that the person must have been "committed" to an institution or other custodian.

K.S.A. 21-3509, Enticement of a child, requires proof of " ...inviting, persuading or attempting to persuade a child under the age of 16 years to enter ...with intent to commit an unlawful sexual act...". K.S.A. 21-3612, Contributing to a child's misconduct or deprivation, defines the offense as "...causing or encouraging a child under 18 years of age ...to become or remain a..." and then enumerates all the various categories defined in the Kansas juvenile code, the Kansas code for care of children and the Kansas juvenile offenders code. The offense is a class A misdemeanor unless the acts caused the minor to commit a felony type offense.

FINDINGS: A runaway cannot be on the run long before addressing the need for food and, in inclement weather, the need for shelter. There seems to be a communications network that provides the runaway with information about where they can obtain this food and shelter without running the risk of their presence being reported to parents or law enforcement officers. Runaways often refer to these as "safe houses". Such houses are far from being truly safe from anything except the reporting of the child's presence. These houses are often operated by persons who are engaged in illicit or unlawful activities or who have been runaways in their youth. In either event they are not inclined to cooperate with law enforcement and/or parents in obtaining the return of the runaway.

Another facet of the problem is the motorist or truck driver who is willing to pick up the very youthful hitchhiker when the circumstances are such that any reasonable person would perceive that the child is a runaway. Some, who pick up a youthful hitchhiker, may be doing it as an act of kindness but many youth are subjected to illicit sex acts before the ride is over. Providing unauthorized transportation makes it quite possible for the runaway to cover many miles and even cross several state lines before much action is taken to attempt to locate him or her.

Both law enforcement officers and prosecutors complained about their inability to deal effectively with the individual who is either providing unauthorized shelter or unauthorized transportation to a juvenile runaway. The runaway may accept the offered shelter or transportation thinking that it is a very friendly act without realizing that the provider of such shelter or transportation may have ulterior motives. Many children are introduced to prostitution, other illicit sex acts or drug usage by this means.

On the other hand, other children are provided with needed tender loving care and shelter by friends and acquaintances at times of severe family conflict which causes the child to vacate the family home.

CONCLUSION: Kansas statutes do not adequately provide law enforcement officers and prosecutors with the tools necessary to deal with those who harbor or transport runaways.

RECOMMENDATION #1: It should be made a statutory duty for one who provides unauthorized shelter to a minor who is a runaway to report the location of such runaway to either the child's parents or the local law enforcement agency. Law enforcement should then be authorized to leave the child in the place where shelter is being provided if such appears to be appropriate and then report the facts and circumstances to SRS.

RECOMMENDATION #2: It should be made a class E felony for a person to provide unauthorized shelter or assistance to a minor who has run away from the parental home or from a court-ordered or approved placement for the purpose of aiding the runaway from being located or detected.

RECOMMENDATION #3: It should be made a class E felony for one to provide unauthorized transportation to a runaway for the purpose of assisting that runaway in avoiding apprehension or detection.

RECOMMENDATION #4: It should also be made an offense for a person with knowledge of the location of a runaway child to refuse to provide such information to a law enforcement officer upon inquiry by such officer.

PARENTAL ABDUCTIONS

BACKGROUND: K.S.A. 21-3422, Interference with parental custody, seems to be an inadequate charge in the minds of most prosecutors because of their inability to come forward with affirmative proof of the elements enumerated in the statute. All that can be proved is that the child was in Kansas and is now located in another state with the other parent with no witnessess available who can testify as to how the child arrived at that location. Also this offense is now only a class A misdemeanor and extradition normally is not sought for the prosecution of a misdemeanor. It is also restricted in application to children under 14 years of age. While the provisions of K.S.A. 21-3422a, Aggravated interference with parental custody, seem to address cases of the type in question, prosecutors apparently either feel that they cannot prove all the elements necessary or are using that as an excuse to avoid becoming involved in a dispute between parents.

FINDINGS: Several people testified concerning the considerable problems experienced when one parent takes unauthorized actions to deprive the other parent of either custody or the right to visitation. These included cases where the parent who had legal custody had been deprived of physical possession by the other parent "snatching" the child and departing from the state as well as cases where the parent who had legal custody dropped out of sight with the child so as to deprive the other parent of the right to contact and visitation. In most instances the child is then removed to another state or sometimes another country. Much frustration is experienced by the parent who has been deprived of custody or visitation when that parent learns that the court order is not automatically enforceable beyond the state line and that law enforcement officers, particularly of other states, are exceedingly reluctant to become involved unless a criminal proceeding has been commenced against the offending parent.

While a court's order should be granted full faith and credit in all other states, such usually requires retaining an attorney and filing of a legal action in the second state requesting enforcement of the order from the first state. This is a rather cumbersome and expensive procedure and may well result in the child and the offender departing from the second state before possession of the child can be recovered. Recent statutory ammendments and trends towards granting joint custody to parents have only added to the reluctance of officials of another state attempting to interpret and enforce a Kansas court's order. Of course the child is always the victim in cases of this type because the child is subjected to the turmoil of the conflict between the parents and may well wind up in the possession of a parent with violent tendencies who is acting more out of spite than love.

When there is no custody order in existence, The Kansas Supreme Court has held that each parent has equal right to custody of the child. (State vs. Al-Turck, 220 Kan 557, 552 P.2d 1375) If one parent leaves the state and/or conceals the child from the other parent before any valid custody order is issued, present laws do not provide much assistance to the parent who is thus deprived of access to or information about the child.

There seems to be considerable disparity between the laws of the various states in the types of child custody orders issued and the manner of enforcement of such orders.

The Federal Parent Locator Service assists in parental kidnapping cases by providing access to files of the Social Security Administration, Internal Revenue Service, Department of Defense and other federal agencies. All federal agents and U.S. attorneys have direct access to this service. Kansas is a participant in this service for the limited purpose of enforcement of support, but not for the purpose of investigating parental kidnapping. The governor of a state can expand the agreement with the Office of Child Support Enforcement.

CONCLUSION: While the Task Force has been unable to determine the true magnitude of this problem in Kansas or the number of cases in which there are valid indications that the missing child is actually only missing as to

one parent and is in the company of the other parent, it would appear that the present statutes and manner of handling of such cases is grossly inadequate.

RECOMMENDATION #1: Amend K.S.A. 21-3422, Interference with parental custody, to make it an offense for one parent to deprive the other parent of equal custody when the parents have equal rights to custody, whether the equal rights are based on a court order granting joint custody or the fact that no custody order is in effect, and make a violation of this section a class E felony and raise the age to 16. K.S.A. 21-3422a, Aggravated interference with parental custody should be upgraded to a class D felony.

RECOMMENDATION #2: That there be further study to develop a solution to the problem created when the custodial parent without just cause deprives the other parent from visiting or having contact with the child.

RECOMMENDATION #3: Arrange for the state to provide assistance to a Kansas parent who is seeking the enforcement of a valid custody order when that parent is without the necessary funds to pursue the matter.

RECOMMENDATION #4: Amend K.S.A. 21-3827, Unlawful disclosure of a warrant, to permit the disclosure of a warrant having been issued in those cases involving abduction of a child unless such disclosure is specifically prohibited by the court issuing the warrant.

RECOMMENDATION #5: The state should conduct continuing educational programs for appropriate parties; i.e., law enforcement officers, prosecutors, judges, parents, etc. so that each party will better understand his or her duties, responsibilities and authority with regard to parental abductions.

RECOMMENDATION #6: The state should establish a central repository of resources available to inform a parent of the parent's rights and obligations regarding parental abduction. This repository should be adequately staffed and should have written materials available to distribute to a parent experiencing the loss of a child due to an abduction by the other parent.

RECOMMENDATION #7: The Task Force urges the governor to take those steps necessary to make Kansas a full participant in the Federal Parent Locator Service.

LACK OF COOPERATION AND UNIFORMITY BETWEEN STATES

BACKGROUND: When a state line has been crossed, a new dimension is added to the problem of locating and obtaining the return of a missing child. If the child is the subject of a custody struggle between parents, the laws of most states are inadequate in obtaining assistance for the nonresident parent who by court decree is entitled to custody. The uniform child custody jurisdiction act, K.S.A. 38-1301 Et seq enacted by Kansas in 1978, was a move in the right direction in providing a uniform statute which requires that the courts of a state recognize and honor the child custody orders of other states. However, this uniform act only covers the rules applying to

court proceedings involving child custody matters. It does not direct the application of a state's resources to locating and returning a child to the nonresident custodial parent without a court proceeding in the state in which the child is found.

If the child is a runaway, most states have no statutes directing how their law enforcement and other agencies should deal with the situation other than the "Interstate compact on juveniles", which is described in some detail under the heading of "The Interstate Runaway" supra.

FINDINGS: The development of the computer, data processing and electronic communications have outmoded the laws of most states relating to the retrieval and return of missing children as well as the duties and authority of law enforcement and other state agencies to act under and enforce custody decrees of another state. Pertinent and identifying information can be entered into the computers of the KBI and NCIC within minutes after a law enforcement agency receives a verified report that a child is missing. Thus, other law enforcement agencies all over the country then have ready and immediate access to this information. However, law enforcement officers reported they were reluctant to rely solely on NCIC information or an order issued by a court from a jurisdiction other than their own. This is particularly true if the custody decree was issued by the court of another state or is a decree that is several years old. The same officers commented they had no problem in executing a criminal warrant for the arrest of the offending parent and taking the child into protective custody and processing the return of the child under the terms of the interstate compact on juveniles.

A somewhat different problem arises when the missing child is an adolescent and a runaway. Law enforcement officers said they had no great problem in picking up the runaway who was observed in a compromising or potentially dangerous situation. However, those same law enforcement officers were reluctant to look for a minor reported from another state as missing without a copy of a court order or writ directing the apprehension and detention of the minor. In many situations it is not possible to provide such a court order or writ because no court has ever issued such an order. This is particularly true when the parents of the runaway are still married. It is also true when the only such court decree was in a divorce action between the parents several years earlier or when the parents were granted joint custody.

Joint custody of children in divorce decrees has become a popular feature in the legislation of many states in recent years. If the divorce decree or custody order does not recite further details regarding with whom the child is to reside at certain times, it becomes exceedingly difficult for parties other than the parents and the judge who issued the decree to know exactly what it means.

An attorney from Liberal appeared before the Task Force at Dodge City and related a classic tale regarding a child custody struggle between parents. The parents had divorced in Kansas and were granted joint custody of their children. The children were to reside with the mother throughout most of the year but were to have lengthy visits with their father during the summer vacation months. Since the divorce both parents had moved from

Kansas but not to the same state. Following one of the agreed visitation periods the father failed or refused to return the children to the mother. The mother began seeking the assistance of various authorities in obtaining the return of her children. She was told in Kansas that the Kansas court and Kansas authorities could do nothing to enforce the order because the father and the children were both outside the state of Kansas and a citation for contempt of court would have no force or effect outside of Kansas. She was advised that she must go to the state of the father's residence and commence a custody action in a court of that state to retrieve the children. This of course would have entailed considerable time and expense for the mother. She was also advised that probably her most expeditious method of obtaining "justice" was to take a certified copy of the divorce decree, go to the father's state, establish her equal right to custody with the local law enforcement officials and kidnap her children back. Children should not be subjected to situations of this type which allow or require parents to take the law into their own hands.

CONCLUSION: The laws of Kansas, as well as other states, do not adequately provide satisfactory solutions for the locating and retrieval of missing children.

RECOMMENDATION #1: Kansas should pass legislation which will authorize and direct Kansas law enforcement officers to assist a parent who is a resident of another state in the locating and retrieval of a child from this state.

RECOMMENDATION #2: Let Kansas take the steps necessary to request that the National Conference of Commissioners on Uniform State Laws undertake a study of this problem, review and revise the interstate compact on juveniles, the uniform child custody jurisdiction act and/or draft an adequate uniform law to be adopted by all states.

STRANGER ABDUCTION

BACKGROUND: K.S.A. 21-3420, Kidnapping, and K.S.A. 21-3421, Aggravated kidnapping, are the statutes addressing this problem. In either case the taking or confining must have been for one of several enumerated purposes.

FINDINGS: Many training programs have been developed which focus on the problem of small children being abducted by strangers. Many Kansas communities are taking advantage of these and are presenting training to our children regarding the danger of trusting and going with a stranger. There appears to have been an increase nationally of cases in which a child is "snatched" by an adult because that adult wants a child to raise and none of the enumerated purposes to make it kidnapping under the Kansas statute could be proved. A case of this type occurred in Great Bend where a lady slipped into the hospital and took a newborn child home with her.

CONCLUSION: The Kansas criminal code does not adequately cover this type of abduction.

RECOMMENDATION #1: The act of kidnapping a child for the purpose of keeping the child and secreting it from the child's parents should be made a felony offense but of a lessor degree than a class B felony. Upgrading "Interference with parental custody" to a class E felony as previously recommended would perhaps provide a sufficient penalty.

RECOMMENDATION #2: The state should encourage schools and community-based organizations to conduct educational programs on this subject and to utilize the resources available through the KBI or local law enforcement agencies.

MISSING CHILD IDENTIFICATION PROGRAMS

BACKGROUND: The willingness of media and business to publish photos and information in attempts to locate missing children has made it quite apparent that many parents did not have adequate photos and other identifying information available to assist in the search. It is of course too late to assemble and record this needed quality information after the disappearance of the child. In Kansas, efforts to encourage and assist parents in this regard have been organized and operated at the community level.

FINDINGS: Some of the individuals and organizations offering programs to assist parents record, assemble and preserve good identifying information for use in the event a child disappears have rendered a real service and are to be commended for their efforts.

For the most part the persons so involved are public-spirited and well-intentioned people who are donating their time and efforts. However, such good intentions do not always assure that they have the experience or training necessary to accomplish their goals. In many communities individuals and organizations are fingerprinting children which is, of course, the best means of positive identification. Unfortunately, fingerprinting requires more training and skill to produce fingerprints that are clear enough for classification and use in making a future identification than many of them possess. This can easily result in a parent, who is also unskilled and untrained on this subject, thinking that they now have the best means of identifying their child only to discover, at some later date, that what they possess is of little or no value. It can also result in conscientious parents failing to take steps to record other available identifying information because they now possess what they believe to be a good set of their child's fingerprints.

Unfortunately, there are also those who do not have such high intentions and are more interested in generating monetary returns. Parents, public-minded citizens and even large companies may fall prey to the unscrupulous promoter and contribute to nonproductive or even counterproductive programs.

CONCLUSION: Many well-intentioned Kansans attempt to assist in these activities without first making sure that their efforts will accomplish the desired results.

RECOMMENDATION #1: The state should conduct, or provide the resources for conducting, community based programs to adequately acquaint parents and others with appropriate means of preserving information that will assist in identifying a child should that child disappear.

RECOMMENDATION #2: Programs to record personal identifying information of children offered to the public should be registered with and approved by an appropriate agency having jurisdiction over the area in which the program is to be offered.

THE SCHOOL'S ROLE IN LOCATING MISSING CHILDREN

BACKGROUND: K.S.A. 1984 Supp. 72-1111 requires the attendance in school of "...any child who has reached the age of 7 years and is under the age of 16 years...". K.S.A. 1984 Supp. 72-1046(a) provides, "Any child who has attained the age of eligibility for school attendance may attend school in the district in which the child lives...". These provisions require that a child be accepted in school by the school district residence even though there may be inadequate information as to true identity, age or progress in the school last attended.

FINDINGS: Children who are abducted are often taken from the school setting. This is particularly true in parental abduction cases. Much precious time in locating the child may be lost if the child's absence is not discovered for several hours. Parents or legal guardians should always notify the school if the child is to be absent with the permission or knowledge of the parent or legal guardian. If the child does not arrive at school and the school has not heard from the parent or legal guardian, the school should immediately contact the parent or legal guardian. Some schools have recruited volunteers who perform this service.

Throughout Kansas, educators, including administrators, counselors, teachers, school nurses, etc., have doubts about whether or not they are or should be active participants in efforts to locate missing children. Even though a child is presented for enrollment without adequate identification or records of prior school attendance, principals seem to feel that the state's mandatory education laws require that the child be accepted for enrollment. Principals do make some effort to obtain the child's prior school records but, if those efforts are unsuccessful, few make any further inquiry or demands in the case. Principals will acknowledge that they sometimes enroll students under circumstances that leave many questions unanswered, even to the point of raising suspicions. It is therefore possible for a child who has been abducted, either by a non-custodial parent or a stranger, to be enrolled in a Kansas public school with relative anonymity and immunity.

CONCLUSION: When a child is abducted either on the way to school or from the school setting, the highly important early discovery of the abduction can only be facilitated by the school communicating the absence of the child to the parent. The school can perform a vital service in locating a missing child by informing other appropriate agencies when a child is presented for enrollment without the required or expected information regarding identity or prior school attendance.

RECOMMENDATION #1: The state should require that all schools attempt to contact a custodial parent or legal guardian when a child under 16 years of age does not attend school if the custodial parent or legal guardian has not contacted the school.

RECOMMENDATION #2: Kansas statutes should more clearly state what proof of identity is to be required upon the initial enrollment of a child in either kindergarten or first grade and should provide that, if the purported parent or guardian is unable to provide such identification, the school give written notice of such fact to the appropriate law enforcement agency. That law enforcement agency should then conduct an investigation to determine the true identity of the child.

RECOMMENDATION #3: When a child is enrolled as a transfer from another school or school district, Kansas statutes should specify the minimum information required to establish the true identity of the child. If the purported parent or guardian fails to provide such information, the school should notify the appropriate law enforcement agency. The notice to the law enforcement agency should be within a reasonable period of time after the child's enrollment, taking into consideration that records from the school last attended do not usually accompany the child upon enrollment in a new school. The law enforcement agency should investigate to determine the true identity of the child and the school should provide access to the child in a setting on the premises determined by school personnel for the purpose of an interview of the child in question. The school should not give prior notification of such action or interview to the child's purported parent or custodian.

RECOMMENDATION #4: When a child is reported as missing to a law enforcement agency and remains missing for a reasonable period of time, the law enforcement agency should be required to give notice of such fact to the school last attended by the child. The school, upon receiving such notice, should be required to note that the child is missing on the school's records of that child. If the school last attended receives a request from another school for a transcript or other information regarding said child, the school last attended should be required to immediately notify the appropriate law enforcement agency of the receipt of such a request.

RECOMMENDATION #5: Require that the Kansas department of education distribute a list of all reported missing children as provided by the KBI to every Kansas public school and that children identified from the list be reported to the appropriate law enforcement agency.

EDUCATIONAL PROGRAMS REGARDING CHILD SEXUAL ABUSE

BACKGROUND: While presenting informational programs outside the home relating to human sexual activity can be a very controversial and emotional issue, most experts have agreed that it is only just and proper that children be made fully aware of what is not acceptable conduct on the part of adults and older children. Many children have submitted to illicit sexual activities either because they were informed by someone they trusted that it was the thing they were expected to do or because of threats of violence to themselves or a close family member.

FINDINGS: Many communities are conducting educational programs, usually in the schools, so that children will be informed as to what is acceptable conduct on the part of adults and what sexual advances are unacceptable.

This education of the molested child causes reporting of such incidents. Unfortunately in some instances, such reports have produced less than desired results because those expected to react in such situations have been totally unprepared. Law enforcement officers and even social workers have not understood how to react to such a report from a child. This is particularly true in many of the rural and less populated areas.

Many prosecutors and judges have failed to appreciate the delicate nature of cases where the perpetrator is a member of the household and continues to have the love and affection of the victim. The child victim typically feels a great amount of guilt and responsibility for the illicit activities. Incarcerating the perpetrator may only add to the guilt feelings of the victim without providing a solution to the underlying problem.

There have been a multitude of films, video tapes and other educational aids produced by various agencies and organizations throughout the country. While the department of social and rehabilitation services, the department of health and environment, Kansas bureau of investigation and various privately sponsored child advocacy groups all have a supply of educational aids of this type available, it became apparent from the regional hearings that many agencies and organizations throughout the state are unaware of what is available.

CONCLUSION: The state of Kansas needs a better organized program to disseminate information about available resources to respond to this need.

RECOMMENDATION #1: The state should establish a central directory of available resources to inform children and parents about child sexual abuse/exploitation. Each school district and other community group should be strongly urged to avail themselves of this information. The responsibility for maintaining this directory should be assigned to a particular state agency and must be adequately staffed and financed. This may be an appropriate task for the state library with all other state agencies being required to keep the library informed of all educational aids available in their offices. Local community groups with training aids and materials available for loan should be encouraged to register such information with the agency performing this function.

RECOMMENDATION #2: Professionals in certain fields should be required to receive a state specified minimum amount of training on how they should react to the child who reports sexual abuse. Persons engaged in any profession which places the person in a position to receive the child's initial report of sexual abuse are particularly in need of this training. Since it is not possible to anticipate when a person in one of those professions may become involved in such a sexual abuse report, the training should be required before or within a specified time of entry into their respective service. The initial training should then be followed up by certain minimum requirements of periodic in-service training for each field.

RECOMMENDATION #3: All prosecuting attorneys and judges should receive state specified basic training in the dynamics of child sexual abuse cases. Such training should be required before a prosecutor is allowed to prosecute or a judge is allowed to preside in such a case. If a prosecutor or a judge in a given area has not received such training, that official should be replaced with one who has been properly trained.

REPORTING OF CHILD SEXUAL ABUSE

BACKGROUND: K.S.A. 1984 Supp. 38-1521 provides "It is the policy of this state to provide for the protection of children ...by encouraging the reporting of suspected child abuse and neglect..." K.S.A. 1984 Supp. 38-1522(a) enumerates approximately 17 occupations and requires that all persons engaged in those occupations who have "...reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse..." shall report the matter promptly to the state department of social and rehabilitation services or, if SRS is not open for business, to the appropriate law enforcement agency. Subsection (f) provides "Willful and knowing failure to make a report required by this section is a class B misdemeanor."

FINDINGS: In spite of the above statutes there appears to be many instances in which persons mandated to report fail to do so. Sometimes the person acknowledges having had some question about what was going on in the child's life but would not call it a "suspicion". In other instances the report is sidetracked because the teacher or school counselor reports the information to the school administrator, or the receptionist or nurse relays a concern to the doctor or health care facility director, and that individual fails to pass the information on to SRS. This is particularly true within some schools and/or school districts where there seems to be a practice that information of this type should be dealt with by school personnel and the family. It has been suggested that there should be other occupations added to those required to report; i.e., attorneys at law and members of the clergy.

CONCLUSIONS: There still appears to be some problem in accomplishing adequate reporting of situations that should suggest child sexual abuse.

RECOMMENDATION: The statute should be amended to prevent supervisory personnel of any school, school district, hospital or health care facility from interfering with the reporting of suspected child abuse or neglect and provide that any such interference would constitute a violation of K.S.A. 21-3808, Obstructing legal process or official duty.

STATEWIDE INFORMATION NETWORK

BACKGROUND: There are very few who profess to be experts in the study of pedophilia. However, there is much information to suggest that sexual abusers of children were themselves sexually abused as a child. Since a child sexual abuser usually abuses many children, such gives rise to great concern that the problem is approaching epidemic proportions.

FINDINGS: Experience has shown that a pedophile is usually a somewhat migratory individual. Certainly, once his or her activities become known, relocation in a new community almost always follows. This allows the pedophile to start over again in a new community with a new series of child victims without much danger of exposure.

CONCLUSION: Kansas has taken inadequate steps to make information concerning a pedophile who leaves one community readily available to other communities where the pedophile may locate.

RECOMMENDATION: Kansas should develop an emphasis in the central repository of intelligence type information concerning sexual abuse or exploitation and suspicions of sexual abuse and exploitation and make that information available to any law enforcement agency or other agency or political subdivision of the state upon request.

QUALITY OF INVESTIGATIVE TECHNIQUES AND PROSECUTION

BACKGROUND: K.S.A. 1984 Supp. 38-1522(c) directs that reports of sexual abuse be made to SRS or, if SRS is not open for business, to the appropriate law enforcement agency. K.S.A. 1984 Supp. 38-1523(b) provides that investigations of reports of child sexual abuse "...shall be conducted as a joint effort between SRS and the appropriate law enforcement agency or agencies, with a free exchange of information between them." Subsection (d) provides "If a dispute develops ...the appropriate county or district attorney shall take charge of, direct and coordinate the investigation."

K.S.A. 1984 Supp. 38-1523 was developed and passed to avoid situations where SRS was investigating a case from the aspect of protecting the child while law enforcement was investigating for the purpose of possible criminal prosecution and the two sometimes weren't even talking to each other.

It should be noted that the Kansas code for care of children, as well as the Kansas juvenile offenders code, places many additional duties on the district or county attorney than did the former Kansas juvenile code. Kansas places approximately 140 separate statutory duties on the county or district attorney. This is in spite of the fact that in most counties the county attorney is considered a part-time position and the salary is set by the county commissioners.

K.S.A. 60-460(dd) permits a witness to testify, under some circumstances, to a statement made at an earlier time by a child victim as an exception to the hearsay rule. Chapter 112, 1985 Session Laws of Kansas (S.B. 167) allows the use of a video tape or motion picture of a child victim's recorded statement in the trial under certain circumstances. Both of these statutes specify that they apply to proceedings pursuant to the Kansas code for care of children or a criminal proceeding.

FINDINGS: In the typical case the child sexual abuse victim first relates the facts to a teacher or other person at school in whom the child has confidence. If the initial report is to a teacher or other person at school, it is not uncommon for the school principal or some other person in school administration to expect the child to relate again the facts to that

individual. When SRS finally receives the report, a social worker is dispatched to the scene and the child is again expected to reiterate the unpleasant facts. If law enforcement has not yet become involved in the case, the child may be subjected to additional interviews by a law enforcement officer and/or a prosecutor.

A child who has been subjected to sexual abuse is likely to find it very difficult to give a detailed statement of this very traumatic experience. These repetitive interviews add to the severe emotional trauma. A child who is required to give a detailed statement to several persons or at several different times may decide that nobody believes him or her, may become confused or may decide to refuse to talk about it anymore.

Kansas has done a great deal in the legislation already passed to protect the child sexual abuse victim from the additional trauma of being expected to enter the unfamiliar environment of a courtroom and again recite the details of the abuse before a large group of people. However, the benefit of these legislative efforts are greatly diminished if the child is subjected to several interviews before the appropriate steps are taken to record and preserve the child's testimony. This is particularly true if one or more of the investigators is not properly trained in the appropriate techniques to be used in interviewing a child sexual abuse victim. A child is very perceptive to the reaction from an adult listening to his or her recitation of what occurred and may decide in the future to leave out certain pertinent facts.

Many communities are to be commended for the manner of handling child sexual abuse reports and conducting the investigation as a coordinated effort between law enforcement and SRS. The outstanding example of this is the new Exploited and Missing Child Unit establised by SRS, the Wichita Police Department and the Sedgwick County Sheriff's Department. However, other smaller communities with a lesser need have taken the necessary steps to assure that, when a report is received, the response is conducted jointly by SRS and the law enforcement agency.

One of the weakest spots in the chain of investigative activities is the part-time county attorney. In many communities the county attorney is inadequately compensated and is expected to spend no more than a few hours per week on the duties of the office. When official duties exceed the hours anticipated by the salary, the prosecutor has a real problem. Many will attempt to fulfill the duties of the office while others will take the approach necessary to put groceries on the family table.

At the Dodge City hearing two prosecutors called the attention of the Task Force to the recent case of "In the matter of Mary P.", 237 Kansas 465, (opinion filed June 21, 1985). The opinion of the supreme court in that case interprets the exception of the hearsay rule in K.S.A. 60-460(dd). In that case the trial court had allowed a witness to testify at an adjudicatory hearing in a proceeding under the Kansas juvenile offenders code to a prior statement of a child sexual abuse victim. The supreme court ruled that, since the statute did not specifically provide for such hearsay exception to apply to proceedings under the Kansas

juvenile offenders code, it was an error for the trial court to allow such testimony. It would appear that this same problem would apply to the new statutes contained in Chapter 112, 1985 Session Laws of Kansas, regarding use of video tapes and motion pictures of a child victim's statement.

CONCLUSION: While the thrust of recent Kansas legislation is to eliminate duplication of effort between SRS and law enforcement agencies and protect the child victim from repetitive interviews, still more needs to be done.

RECOMMENDATION #1: Require that the response to a report of child sexual abuse be made by a team composed of a representative from SRS and a representative from law enforcement who should coordinate their efforts and arrange to conduct one interview of the child in such manner as to serve the needs of both the agencies.

RECOMMENDATION #2: Require that reports of sexual abuse be answered and interviews of the child victim be conducted only by persons who have been properly trained to state specification in the appropriate techniques of interviewing a child sexual abuse victim. If any agency does not have available such a properly trained representative, that agency should be precluded from participating in the child's interview. Such a restriction would make it necessary for each area of SRS and each law enforcement agency either to obtain proper training for at least one of their employees or make arrangements to call in someone from the outside who has been properly trained.

RECOMMENDATION #3: Amend K.S.A. 22-2301, K.S.A. 1984 Supp. 38-1510 and 1529 and K.S.A. 1984 Supp. 38-1612 to grant the Kansas Attorney General the authority to investigate, file and prosecute cases involving child sexual abuse or exploitation in those instances in which the local county or district attorney refuses or has failed to act without undue delay or just cause.

RECOMMENDATION #4: The Task Force endorses the adoption of the district attorney plan or any other plan that will provide a sufficient number of full-time prosecutors to perform adequately all of the statutory duties placed on that office.

RECOMMENDATION #5: Amend K.S.A 60-460(dd) and chapter 112, 1985 Session Laws of Kansas to make these rules of evidence also applicable to proceedings under the Kansas juvenile offenders code and make the amendment effective upon publication in the Kansas Register.

SCREENING OF PERSONS WORKING WITH CHILDREN

BACKGROUND: K.S.A. 1984 Supp. 65-516 (as amended by Ch. 210, 1985 Session Laws of Kansas) prohibits certain facilities from the employment or use as a volunteer of persons who have committed certain acts. At present, day care facility operators, administrators of programs providing services to youth, etc., have only limited access to law enforcement records of prior arrests and/or convictions.

FINDINGS: A pedophile will quite frequently infiltrate facilities or agencies which operate programs for youth. Obtaining a position of trust in a respected agency or organization gives the pedophile access to unsuspecting children and often places the pedophile in a position of authority and trust over the child. A child is much more susceptible to the illicit sexual advances of an adult acquaintance who occupies such a position of trust and authority than to a stranger. Many pedophiles who have been discovered and prosecuted have, prior to their discovery, occupied a position of considerable trust and integrity in their communities.

As has been mentioned earlier, the pedophile is a very migratory individual who is prone to move from one community to another particularly if any suspicion has begun to develop, and is also not the least bit hesitant about taking a new name. It is therefore important that an adequate system be devised so that those in charge of facilities and programs for children have ready access to information regarding prior arrests and/or convictions. The Task Force recognizes that the only positive method of identification is fingerprints and that fingerprint classification and checking of records based thereon involves an additional expense that must be dealt with.

RECOMMENDATION #1: State licensing or certification requirements for professions or programs involved with children should be expanded to require extensive background checks through the central repository to include fingerprints submission. The cost of submitting and classifying fingerprints should be borne by the program or the individual.

RECOMMENDATION #2: The Task Force encourages all unlicensed youth programs to screen the volunteers who work with youth and to investigate their background using the central repository resources of the KBI for information regarding prior convictions. Examples of such unlicensed programs are the Boy Scouts, Girl Scouts, YMCA's, Big Brothers/Big Sisters, etc. The KBI should contact all youth program providers in Kansas and make them aware of the services of the KBI.

PROMOTING PROSTITUTION OF A MINOR

BACKGROUND: K.S.A. 21-3513, Promoting prostitution, defines the offense and makes the violation a class A misdemeanor without regard to the age of the person committing the act of prostitution.

FINDINGS: Several law enforcement officers appeared before the Task Force and suggested that when a person promoting prostitution is introducing or utilizing a minor for such purpose the offense should be upgraded to a felony level. It was pointed out that sometimes the individual who violates this statute is crossing state lines and a misdemeanor offense is inadequate to facilitate extradition.

CONCLUSION: The Task Force agrees that promoting prostitution should be a felony when a minor is the prostitute.

RECOMMENDATION: Amend K.S.A. 21-3513 to make the offense at least a class E felony if a minor is involved as the prostitute.

PROVIDING A CONTROLLED SUBSTANCE OR INTOXICANT TO A MINOR

BACKGROUND: K.S.A. 1984 Supp. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113 (as amended by Ch. 220, 1985 Session Laws of Kansas) list schedules numbered I through V of controlled substances and drugs. K.S.A. 65-4101 (as amended Ch. 214, 1985 Session Laws of Kansas) defines "controlled substance" as any drug, substance or immediate precursor included in any of the five above mentioned schedules. K.S.A. 65-4127a provides, "except as authorized by the uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under his control, possess with intent to sell, sell, prescribe, administer, deliver, distribute, dispense or compound any opiates, opium or narcotic drugs." A first offense is a class C felony, a second offense a class B felony and a third or subsequent offense a class A felony. K.S.A. 1984 Supp. 65-4127b makes it "...unlawful for any person to manufacture, possess, have under such persons control, prescribe, administer, deliver, distribute, dispense or compound ..." the other substances in schedules I through IV and makes a first conviction thereof a class A misdemeanor and a second conviction a class D felony. A conviction for selling, offering for sale or possessing with intent to sell these other controlled substances in schedules I through IV is a class C felony. A conviction of unlawful activities with regard to the controlled substances in schedule V is a class A misdemeanor.

K.S.A. 1984 Supp. 65-4150 contains definitions of "drug paraphernalia" and "simulated controlled substance". K.S.A. 1984 Supp. 65-4153 provides "No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered..." any simulated controlled substance or drug paraphernalia and makes the offense a class A misdemeanor. In dealing with the problem of providing these items to a minor the section reads, "Any person 18 or more years of age who violates this section by delivering ... to a person under 18 years of age and who is at least three years older than the person under 18 years of age to whom the drug paraphernalia or simulated controlled substance is delivered is guilty of a class E felony."

K.S.A. 21-3610 prohibits either directly or indirectly "...selling to, buying for, giving or furnishing any intoxicating liquor to any person under the age of 21 years" and makes a violation a class B misdemeanor.

K.S.A. 21-3610a (as amended by Ch. 171, 1985 Session Laws of Kansas) prohibits "...buying for or selling, giving or furnishing, whether directly or indirectly, any cereal malt beverage to any person under the legal age for consumption of cereal malt beverages..." and makes it a class B misdemeanor to furnish cereal malt beverage to a minor.

FINDINGS: Minors who are successfully recruited to engage in prostitution and illicit sexual acts, are frequently provided with alcohol or other drugs before agreeing to engage in such activities. The diminution of the minor's judgement processes may be necessary in order to persuade the minor to forsake the mores that might otherwise be retained.

The penalty provisions regarding simulated controlled substances and drug paraphernalia require that for an 18-year-old to be guilty of a class E felony the material must have been provided to a 15-year-old. The Task Force heard testimony about 16 and 17-year-old pimps actively recruiting other adolescents as prostitutes. It would appear that the 16-year-old who provides a simulated controlled substance or drug paraphernalia to another minor could not be convicted of a class E felony unless the recipient was three years younger, even though that 16-year-old is already subject to prosecution as an adult due to either prior felony type juvenile offender adjudications or an earlier order of the court authorizing such.

CONCLUSION: The Task Force feels present statutes regarding controlled substances, simulated controlled substances, drug paraphernalia and intoxicants do not adequately protect the children of this state.

RECOMMENDATION: The above mentioned statutes should be amended to make it a felony offense for any person to provide a minor with a controlled substance, simulated controlled substance, drug paraphernalia, intoxicating liquor or cereal malt beverage for the purpose of sexual exploitation.

STATUTE OF LIMITATIONS

BACKGROUND: K.S.A. 21-3106, Time limitations, provides that prosecution for murder may be commenced at any time and that prosecution for any other crime must be commenced within 2 years after it is committed. Subsection (3) provides that times during which the accused (a) is absent from the state, (b) conceals himself within the state so that process cannot be served or (c) the fact of the crime is concealed may be excluded in computing the 2 years. Subsection (4) provides that the time starts to run on the day after the offense is committed and Subsection (5) provides that prosecution is commenced when a complaint or information is filed and a warrant thereon delivered to the sheriff or other officer for execution, provided the warrant is executed without unnecessary delay.

FINDINGS: Children who are sexually molested by a family member or trusted acquaintance quite frequently are subjected to multiple acts of sexual molestation which may be repeated over a long period of time. In such instances, the child often does not divulge the sexual molestation for quite some time. This may be due to fear instilled in the child by the molester or the shame which the child is experiencing as a result of the acts. It may also be due to the fact that the child does not realize that the acts of sexual molestation are something that society does not tolerate because the molester has convinced the victim that the activity is to be expected and is condoned by society. This last reason may be particularly applicable in incest cases.

CONCLUSION: The Task Force feels that the statute of limitations on criminal prosecution should not commence running until the crime has been revealed by the minor reporting such fact to an adult.

RECOMMENDATION: K.S.A. 21-3106, Time limitations, should be amended so that when the victim is a minor and the crime charged is a sex offense enumerated in Article 35, Chapter 21, K.S.A. or incest (K.S.A. 21-3602) or aggravated incest (K.S.A. 21-3603) the time during which the child victim conceals the fact of the crime should not be counted.

SENTENCING AND ACCEPTABLE ALTERNATIVES

BACKGROUND: The classifications of crimes and penalties that are applicable to child sexual abuse and exploitation cases range from class B felonies (aggravated sodomy) to class A misdemeanors (sexual battery). Each criminal offense has a separate term of imprisonment imposed as regulated by Article 45 of Chapter 21 of Kansas Statutes Annotated. The statutes which govern the judiciary in imposing sentences are set out in Article 46 of Chapter 21. Specifically K.S.A. 21-4601 reads: "This article shall be dealt with in accordance with their individual characteristics, circumstances, needs and potentialities as revealed by case studies; that dangerous offenders shall be correctively treated in custody for long terms as needed; and that other offenders shall be dealt with by probation, suspended sentence or fine whenever such disposition appears practical and not detrimental to the needs of public safety and the welfare of the offender, or shall be committed for at least a minimum term within the limits provided by law." The only exception to this sentencing criteria is K.S.A. 21-4618, Probation and sentencing for certain crimes involving use of firearms. This statute mandates that probation or suspension of sentence not be granted to any defendant who is convicted of rape, aggravated sodomy or any crime set out in Article 34 of Chapter 21 in which the defendant used any firearm.

One further option that is available in the prosecution of child sexual abuse and exploitation cases is diversion. Diversion is defined in K.S.A. 22-2906 as "...referral of a defendant in a criminal case to a supervised performance program prior to adjudication." There are diversion programs that have been established in the state of Kansas which were designed specifically for treatment of incest offenders, victims and their families and to assure the safety of the victim, other members of the family and the community. Successful completion of the program does result in dismissal of the criminal charge(s).

FINDINGS: In the six regional hearings and in the discussions of the Task Force there was an overall satisfaction of the range of penalties that are authorized within the criminal code dealing with child sexual abuse and exploitation. The only contrary evidence received was in regards to mandatory minimum sentencing for sexual offenders, specifically "pedophiles".

In determining the appropriateness of minimum mandatory sentences in sexual abuse cases, the relationship of the perpetrator to the victim must be considered. The relationship can be delineated into three categories: (1) member of family or household; (2) a trusted acquaintance; or (3) a stranger to the victim.

Some states have enacted legislation that provides for mandatory prison sentences for those convicted of certain specified sexual crimes against children. (California; Kentucky; Utah). While these statutes do address the critical problem of the serious or repeat offender who does not have to serve any time in jail or prison, they do raise two issues that need to be addressed. Both issues concern the unique nature of cases of incest or intrafamilial sexual abuse. If the child who is a victim of

these particular intrafamilial crimes learns that his or her father or stepfather faces an automatic prison sentence, it often makes the child reluctant to report the crime or to continue to tell the truth throughout the investigation and court procedures. In addition, family members and friends may put significant pressure upon the child to recant a truthful account of the crime so that the defendant does not have to serve any period of imprisonment.

CONCLUSION: Except as indicated earlier in this report, the Kansas classification of crimes and penalties is sufficient in most cases of child sexual abuse and exploitation. However, when the defendant is the type of pedophile likely not to be impacted by treatment (fixated pedophile), mandatory sentencing may be the best alternative to ensure that this individual will be prevented from victimizing other children. The Task Force discussed at length the advantages and disadvantages of recommending mandatory sentencing and concluded it was appropriate in certain circumstances described in the following recommendation.

The Task Force also concluded that mandatory sentencing is inappropriate in cases of incest or intrafamilial abuse, and that diversion programs may be more effective. The Task Force supports allowing judicial discretion to grant probation or suspension of sentencing when the judge takes into consideration whether; (1) the defendant is a natural parent, stepparent, adoptive parent, relative or guardian or a member of the victim's household who has lived in the household; (2) it is in the victim's best interest that the defendant not be incarcerated; (3) there is no continuing threat of physical harm to the victim or other children if the defendant is not incarcerated; and (4) the defendant has been accepted for treatment in a recognized program that provides therapy for the kind of offense committed. Any sentencing should be examined in light of the best interests of the child victim and possible victimization or exploitation of other children.

Finally, the Task Force concludes that increased education about child sexual abusers for prosecutors and judges will improve prosecution and sentencing of these offenders.

RECOMMENDATION #1: Enact legislation to provide that upon conviction of Rape, Indecent liberties with a child, Aggravated indecent liberties with a child or Aggravated criminal sodomy the defendant must be sentenced and may not be granted probation when the defendant has had a prior conviction of a sexual offense against a child or when the present convictions are for offenses against more than one child.

RECOMMENDATION #2: If mandatory sentence legislation is enacted, that the Department of Corrections be allowed to prioritize the treatment of sexual offenders within the state prison facilities and given the resources needed to offer such treatment.

EXPUNGEMENT STATUTES

BACKGROUND: K.S.A. 1984 Supp. 21-4619 (as amended by Ch. 48, 1985 Session Laws of Kansas) provides that a person convicted of a traffic infraction, misdemeanor, or a class D or E felony may obtain an expungement of that conviction when a minimum of 3 years has elapsed since satisfying the sentence imposed or being discharged from probation, parole, etc. If the conviction was of a class A, B or C felony or certain other enumerated offenses, the person must wait 5 years before seeking an expungement. Subsection (e) provides in part, "After the order of expungement is entered, the petitioner shall be treated as not having been convicted of the crime, except ..." and then enumerates those circumstances under which the conviction can be taken into account. Subsection (h) prohibits the custodian of records of arrest, conviction and incarceration from disclosing the existence of such records except under certain enumerated circumstances.

K.S.A. 1984 Supp. 38-1610 provides an adjudicated juvenile offender with the means to obtain an expungement of such adjudication when the person has reached 21 years of age or two years has elapsed since the final discharge of the person. This statute contains a similar restriction against disclosure of any such records after an order of expungement.

FINDINGS: Professionals are not entirely in agreement as to the success with which the disorder of pedophilia can be treated. Some experts feel that the "regressed pedophile" can be successfully treated and returned to society but that the "fixated pedophile" probably cannot. On the other hand, there seems to be substantial expert opinion that the disorder of pedophilia cannot be completely treated and corrected so as to assure that the pedophile will not again resume these practices in the future.

CONCLUSION: Kansas expungement statutes make it quite possible for the pedophile to have a conviction of such crimes erased and, unless applying for a job in certain enumerated fields, make the fact of such conviction virtually unobtainable upon inquiry.

RECOMMENDATION: K.S.A. 1984 Supp. 21-4619, as amended, and K.S.A. 1984 Supp. 38-1610 should be amended so as to make expungement unavailable to a person who has been convicted of a crime or adjudicated as a juvenile offender for acts arising out of the sexual abuse/exploitation of a child.

APPENDIX

STATE OF KANSAS

SENATE RESOLUTION No. 1823

A RESOULTION directing the Kansas attorney general to establish a Kansas task force on missing and exploited children.

WHEREAS, Over 50, 000 children disappear from their homes each year in this country; and

WHEREAS, Habitual runaways are now estimated at 1.8 million children a year; and

WHEREAS, Many such children are enticed into prostitution and pornography, and nationally it is estimated that annually several thousand children are murdered and thousands of others are permanently physically or emotionally scarred as a result of their enticement; and

WHEREAS, Runaways are the most commonly and easily preyed upon victims for exploiters of children; however, threats are posed to all children by child molesters; and

WHEREAS, One out of ten children is sexually abused each year; and

WHEREAS, Sexual child abuse cuts across all social, economic and racial strata; and

WHEREAS, Child molestation is probably the most common serious crime against a person in the United States; and

WHEREAS, The problem of missing and exploited children has not only reached the crisis level nationally, but is clearly a statewide problem, and solutions need to be developed in Kansas as well; and

WHEREAS, There is insufficient public understanding of the problems of children who become victims of sexual abuse or exploitation; and

WHEREAS, Many state and local law enforcement and social service agencies are involved in dealing with the above-mentioned problems of missing and exploited children; and

WHEREAS, The Kansas attorney general is the state's chief law enforcement officer and is therefor charged with enforcement of state law and is cognizant of federal law as well: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the attorney general of the state of Kansas is hereby directed to establish a task force on missing and exploited children to determine the magnitude of the problem in Kansas, examine the responsibilities of state and local agencies which deal with missing and exploited children, establish a plan for coordination of those agencies, make recommendations for improved methods of reporting and communicating information regarding missing and exploited children, and develop proposals for community, government and legislative action in response to the problems of missing and exploited children. The attorney general shall report the findings of the task force to the 1986 session of the legislature at the commencement thereof; and

Be it further resolved: That the secretary of the senate be directed to send an enrolled copy of this resolution to the attorney general of the state of Kansas.

I hereby certify that the above RESOLUTION originated in the SENATE, and was adopted by that body

March 7, 1985

s/Robert V. Talkington
President of the Senate
s/Lu Kenney
Secretary of the Senate