

CHAPTER 153

SENATE Substitute for HOUSE BILL No. 2133

AN ACT relating to the reporting of abuse of certain adults; amending K.S.A. 2003 Supp. 39-1432 and 39-1436 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 39-1432 is hereby amended to read as follows: 39-1432. (a) Anyone participating in the making of any report pursuant to this act, or in any follow-up activity to *the report, including providing records upon request of the department of social and rehabilitation services*, or investigation of such report or who testifies in any administrative or judicial proceeding arising from such report shall not be subject to any civil liability on account of such report, investigation or testimony, unless such person acted in bad faith or with malicious purpose.

(b) No employer shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that such employee made or caused to be made a report, or cooperated with an investigation, under this act. A court, in addition to other damages and remedies, may assess reasonable attorney fees against an employer who has been found to have violated the provisions of this subsection.

Sec. 2. K.S.A. 2003 Supp. 39-1436 is hereby amended to read as follows: 39-1436. (a) *As provided in this section*, any person or agency which maintains records relating to the involved adult which are relevant to any investigation conducted by the department of social and rehabilitation services or a law enforcement agency under this act shall provide; ~~upon the written consent of the involved adult or the involved adult's guardian~~, the department of social and rehabilitation services or a law enforcement agency with the necessary records to assist in investigations. *In order to provide such records, the person or agency maintaining the records shall receive from the department of social and rehabilitation services:*

(1) *A written request for information;*
(2) *a written notice that an investigation is being conducted by the department; and*
(3) *certification or confirmation that the department has sent written notice to the involved adult or the involved adult's guardian.* Any such information shall be subject to the confidentiality requirements of K.S.A. 39-1434 and amendments thereto.

(b) The department of social and rehabilitation services or a law enforcement agency shall have access to all relevant records in accordance with the provisions of subsection (a).

Sec. 3. K.S.A. 2003 Supp. 39-1432 and 39-1436 are hereby repealed.

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

Approved May 17, 2004.
