

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF ON
SENATE BILL NO. 67**

As Agreed to March 31, 2004

Brief*

SB 67 amends the law regarding the confidentiality of records in child in need of care cases to remove the confidentiality in near fatality and fatality cases involving a child and amends the Juvenile offenders Code to allow certain juveniles to be considered for immediate intervention programs.

The Secretary of SRS or any individual can file a motion to prevent disclosure of child in need of care records. The court would make a ruling based on the effect disclosure might have on an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child's siblings, parents, or guardians. Adoption records of birth parents would not be subject to disclosure.

The bill also adds the Department of Health and Environment to the list of those who have access to child abuse and neglect records relating to its responsibilities regarding licensure or registration of child care providers.

Reports made to SRS, a law enforcement agency, or any juvenile intake and assessment workers would be subject to disclosure to various legislative committees in closed or executive meetings.

Current law requires that all records and reports concerning a child in need of care be kept confidential to protect the privacy of children. There are exceptions for individuals and agencies that need access to the records to conduct investigations and protect the interests of the child, such as the Department of Social and Rehabilitation Services (SRS) workers, court officials, law enforcement officers, and health care providers.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

SB 67 also amends the Juvenile Offender Code by allowing certain juveniles to be considered for immediate intervention programs, which are similar to diversion programs. Juveniles facing pending charges involving a severity level 1, 2, or 3 felony for nondrug crimes or drug severity level 1 or 2 felony for drug crimes in addition to other current law violations, would be ineligible for immediate intervention programs.

Conference Committee Action

The Conference Committee agreed to the House amendments to SB 67 with an amendment regarding adoption records and birth parents and agreed to add into the bill provisions of HB 2602 as that bill passed the House.

Background

A conferee from the Kansas County and District Attorneys Association appeared in favor of HB 2602. Written support was received on behalf of the Sedgwick County District Attorney.

The fiscal note for HB 2602 indicates there could a savings of 16 to 46 beds at the juvenile facilities. Since the diversions would be handled at the local level, there could be costs to local communities. Due to variations within each community program, the fiscal effect is not known.

SB 67 was supported by Senator Adkins, the Secretary of Social and Rehabilitation Services, and representatives of the American Family Advocacy Center of Kansas City, the Kansas Action for Children, the Kansas Children's Service League, the KVC Behavioral Health Care, a grandmother of a child murdered in foster care, and several others.