

February 27, 2026

TO: Chairwoman Gossage and Members of the Senate Committee on Public Health and Welfare
FROM: Morgan Hall, Senior Deputy District Attorney for Shawnee County
RE: Opponent Testimony for Sub for Sub HB 2132

Chairwoman Gossage and Members of the Committee:

When child safety is at issue, the difference between "shall" and "may" is not semantic. It determines whether immediate protection is required or merely optional.

The 2025 amendments to K.S.A. 38-2231 already expanded discretion in deciding whether to remove a child from a harmful situation. Sub for Sub HB 2132 would expand that discretion further by replacing "shall" with "may." That change weakens the expectation of immediate intervention at the very point when certainty matters most.

That added discretion creates real risk. Law enforcement officers are often the first to encounter children in dangerous or unstable circumstances, but those situations are highly fact specific and rarely present with the same clearly defined elements as a traditional criminal offense. Officers are trained extensively in criminal enforcement, not to the same depth in child welfare decision making. In a fast moving setting, with incomplete information and competing demands, changing "shall" to "may" makes it more likely that an officer will conclude removal is not required, even where removal is the safer course.

If a child is not removed, the case is typically referred to the Kansas Protection Report Center. From there, the report may or may not be screened in for investigation. If it is screened in, it may or may not be referred for further action by DCF or the county or district attorney. Even in the best case scenario, that process does not provide immediate protection. The child may remain in the same harmful environment for another 24, 48, or 72 hours while reports are screened, investigations begin, and legal intervention is prepared.

That delay can carry serious consequences. We have seen cases in which children remained in abusive environments because the alleged abuser refused to cooperate with DCF, denied the abuse, or the child was questioned in the abuser's presence and denied that anything occurred. In those moments, law enforcement is the only actor positioned to provide immediate protection. Temporary removal is often the only meaningful safeguard available.

A temporary removal, subject to prompt review, is far preferable to leaving a child in a setting where additional harm may occur. Sub for Sub HB 2132 moves in the wrong direction by reducing the certainty of intervention at the point of greatest vulnerability.

For those reasons, I respectfully urge the Committee to reject Sub for Sub HB 2132.