

HOUSE BILL No. 2243

By Committee on Judiciary

Requested by Representative Proctor on behalf of Michelle Richart

2-4

1 AN ACT concerning children and minors; relating to children in need of
2 care; creating a referral process to a military family advocacy program
3 for cases involving children of military personnel; requiring the
4 secretary for children and families to enter into a memorandum of
5 understanding with military installations; amending K.S.A. 38-2230
6 and repealing the existing section.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) When the secretary for children and families
10 makes a preliminary investigation pursuant to K.S.A. 38-2230, and
11 amendments thereto, and the child who is the subject of the investigation
12 has a parent or legal guardian who is military personnel at a military
13 installation, the secretary shall make a referral to a military family
14 advocacy program to provide the family with services that such program
15 offers.

16 (b) The secretary shall enter into a memorandum of understanding
17 with a military family advocacy program at each military installation in
18 Kansas for the purpose of referring cases involving children with a parent
19 or legal guardian who is military personnel at a military installation to
20 such military family advocacy program for services. The memorandum of
21 understanding shall include:

22 (1) A method for identifying whether a child has a parent or legal
23 guardian who is military personnel at a military installation;

24 (2) the process for referring identified cases to the military family
25 advocacy program;

26 (3) a requirement that the secretary notify the military family
27 advocacy program when the secretary has referred a case involving a child
28 with a parent or legal guardian who is military personnel to the county or
29 district attorney for the purpose of filing a petition pursuant to K.S.A. 38-
30 2233, and amendments thereto; and

31 (4) provisions that require compliance with confidentiality
32 requirements in state and federal law.

33 (c) Nothing in this section shall prevent the secretary for children and
34 families from taking action to protect the health and welfare of the child as
35 necessary, including recommending to the county or district attorney that a

1 petition be filed pursuant to K.S.A. 38-2233, and amendments thereto.

2 (d) As used in this section, "military family advocacy program"
3 means a program established by the United States department of defense
4 and provided at a military installation to address child abuse and neglect in
5 military families.

6 (e) This section shall be a part of and supplemental to the revised
7 Kansas code for care of children.

8 Sec. 2. K.S.A. 38-2230 is hereby amended to read as follows: 38-
9 2230. Whenever any person furnishes information to the secretary that a
10 child appears to be a child in need of care, the department shall make a
11 preliminary inquiry to determine whether the interests of the child require
12 further action be taken. Whenever practicable, the inquiry shall include a
13 preliminary investigation of the circumstances which were the subject of
14 the information, including the home and environmental situation ~~and~~, the
15 previous history of the child *and the military status of a parent or legal*
16 *guardian of the child pursuant to section 1, and amendments thereto.* If
17 reasonable grounds to believe abuse or neglect exist, immediate steps shall
18 be taken to protect the health and welfare of the abused or neglected child
19 as well as that of any other child under the same care who may be harmed
20 by abuse or neglect. After the inquiry, if the secretary determines it is not
21 otherwise possible to provide those services necessary to protect the
22 interests of the child, the secretary shall recommend to the county or
23 district attorney that a petition be filed.

24 Sec. 3. K.S.A. 38-2230 is hereby repealed.

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