

## HOUSE BILL No. 2352

By Committee on Judiciary

Requested by Representatives Lewis and Schlingensiepen

2-7

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1 AN ACT concerning children and minors; relating to reporting of certain  
2 abuse and neglect; requiring a duly ordained minister of religion to  
3 report certain abuse and neglect except when reporting would violate  
4 the penitential communication privilege; requiring training for persons  
5 obligated to report abuse and neglect. amending K.S.A. 2024 Supp. 38-  
6 2223 and repealing the existing section.  
7

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

9 Section 1. K.S.A. 2024 Supp. 38-2223 is hereby amended to read as  
10 follows: 38-2223. (a) *Persons making reports.* (1) When any of the  
11 following persons has reason to suspect that a child has been harmed as a  
12 result of physical, mental or emotional abuse or neglect or sexual abuse,  
13 the person shall report the matter promptly as provided in subsections (b)  
14 and (c);:

15 (A) The following persons providing medical care or treatment:  
16 Persons licensed to practice the healing arts, dentistry and optometry,  
17 persons engaged in postgraduate training programs approved by the state  
18 board of healing arts, licensed professional or practical nurses and chief  
19 administrative officers of medical care facilities;

20 (B) the following persons licensed by the state to provide mental  
21 health services: Licensed psychologists, licensed masters level  
22 psychologists, licensed clinical psychotherapists, licensed social workers,  
23 licensed marriage and family therapists, licensed clinical marriage and  
24 family therapists, licensed behavioral analysts, licensed assistant  
25 behavioral analysts, licensed professional counselors, licensed clinical  
26 professional counselors and registered alcohol and drug abuse counselors;

27 (C) teachers, school administrators and other employees of an  
28 educational institution that the child is attending and any member of the  
29 board of directors of the Kansas state high school activities association  
30 referenced in K.S.A. 72-7114, and amendments thereto, and any person  
31 who is employed by or is an officer of such association;

32 (D) persons licensed by the secretary of health and environment to  
33 provide child care services or the employees of persons so licensed at the  
34 place where the child care services are being provided to the child;

35 (E) firefighters, emergency medical services personnel, law

1 enforcement officers, juvenile intake and assessment workers, court  
2 services officers, community corrections officers, case managers appointed  
3 under K.S.A. 2024 Supp. 23-3508, and amendments thereto, and mediators  
4 appointed under K.S.A. 2024 Supp. 23-3502, and amendments thereto;  
5 ~~and~~

6 (F) any person employed by or who works as a volunteer for any  
7 organization, whether for profit or not-for-profit, that provides social  
8 services to pregnant teenagers, including, but not limited to, counseling,  
9 adoption services and pregnancy education and maintenance; *and*

10 (G) *any duly ordained minister of religion, as defined in K.S.A. 60-*  
11 *429, and amendments thereto, except that a duly ordained minister of*  
12 *religion who suspects abuse or neglect based on a penitential*  
13 *communication is not required to violate penitential communication*  
14 *privilege as provided in K.S.A. 60-429, and amendments thereto.*

15 (2) In addition to the reports required under subsection (a)(1), any  
16 person who has reason to suspect that a child may be a child in need of  
17 care may report the matter as provided in subsection (b) and (c).

18 (b) *Form of report.* (1) The report may be made orally and shall be  
19 followed by a written report if requested. Every report shall contain, if  
20 known: The names and addresses of the child and the child's parents or  
21 other persons responsible for the child's care; the location of the child if  
22 not at the child's residence; the child's gender, race and age; the reasons  
23 why the reporter suspects the child may be a child in need of care; if abuse  
24 or neglect or sexual abuse is suspected, the nature and extent of the harm  
25 to the child, including any evidence of previous harm; and any other  
26 information that the reporter believes might be helpful in establishing the  
27 cause of the harm and the identity of the persons responsible for the harm.

28 (2) When reporting a suspicion that a child may be in need of care,  
29 the reporter shall disclose protected health information freely and  
30 cooperate fully with the secretary and law enforcement throughout the  
31 investigation and any subsequent legal process.

32 (c) *To whom made.* Reports made pursuant to this section shall be  
33 made to the secretary, except as follows:

34 (1) When the Kansas department for children and families is not open  
35 for business, reports shall be made to the appropriate law enforcement  
36 agency. On the next day that the department is open for business, the law  
37 enforcement agency shall report to the department any report received and  
38 any investigation initiated pursuant to K.S.A. 38-2226, and amendments  
39 thereto. The reports may be made orally or, on request of the secretary, in  
40 writing.

41 (2) Reports of child abuse or neglect occurring in an institution  
42 operated by the Kansas department of corrections shall be made to the  
43 attorney general or the secretary of corrections. Reports of child abuse or

1 neglect occurring in an institution operated by the Kansas department for  
2 aging and disability services shall be made to the appropriate law  
3 enforcement agency. All other reports of child abuse or neglect by persons  
4 employed by the Kansas department for aging and disability services or  
5 the Kansas department for children and families, or of children of persons  
6 employed by either department, shall be made to the appropriate law  
7 enforcement agency.

8 (d) *Death of child.* Any person who is required by this section to  
9 report a suspicion that a child is in need of care and who knows of  
10 information relating to the death of a child shall immediately notify the  
11 coroner as provided by K.S.A. 22a-242, and amendments thereto.

12 (e) *Violations.* (1) Willful and knowing failure to make a report  
13 required by this section is a class B misdemeanor. It is not a defense that  
14 another mandatory reporter made a report.

15 (2) Intentionally preventing or interfering with the making of a report  
16 required by this section is a class B misdemeanor.

17 (3) Any person who willfully and knowingly makes a false report  
18 pursuant to this section or makes a report that such person knows lacks  
19 factual foundation is guilty of a class B misdemeanor.

20 (f) *Immunity from liability.* Anyone who, without malice, participates  
21 in the making of a report to the secretary or a law enforcement agency  
22 relating to a suspicion a child may be a child in need of care or who  
23 participates in any activity or investigation relating to the report or who  
24 participates in any judicial proceeding resulting from the report shall have  
25 immunity from any civil liability that might otherwise be incurred or  
26 imposed.

27 (g) *Training required.* *Each person described in subsection (a) shall*  
28 *participate in training regarding the provisions of this section prior to July*  
29 *1, 2026, or, if the person becomes subject to the provisions of subsection*  
30 *(a) after July 1, 2026, within six months after becoming subject to the*  
31 *provisions of subsection (a). Such training shall be provided by the*  
32 *department for children and families or a partner approved by the*  
33 *department.*

34 Sec. 2. K.S.A. 2024 Supp. 38-2223 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its  
36 publication in the statute book.