

## SENATE BILL No. 102

By Senator Shane

1-29

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1 AN ACT concerning children and minors; relating to the secretary for  
2 children and families; requiring coroners to report certain information  
3 to the secretary; clarifying the identifying information in mandatory  
4 reports of abuse or neglect of children to the secretary; increasing the  
5 penalty for failing to report such abuse or neglect from a misdemeanor  
6 to a felony; amending K.S.A. 2024 Supp. 22a-242 and 38-2223 and  
7 repealing the existing sections.  
8

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

10 Section 1. K.S.A. 2024 Supp. 22a-242 is hereby amended to read as  
11 follows: 22a-242. (a) When a child dies, any law enforcement officer,  
12 health care provider or other person having knowledge of the death shall  
13 immediately notify the coroner of the known facts concerning the time,  
14 place, manner and circumstances of the death. If the notice to the coroner  
15 identifies any suspicious circumstances or unknown cause, as described in  
16 the protocol developed by the state review board under K.S.A. 22a-243,  
17 and amendments thereto, the coroner shall immediately: (1) Investigate the  
18 death to determine whether the child's death included any such suspicious  
19 circumstance or unknown cause; and (2) direct a pathologist to perform an  
20 autopsy.

21 (b) If, after investigation and an autopsy, the coroner determines that  
22 the death of a child does not include any suspicious circumstances or  
23 unknown cause, as described in the protocol developed by the state review  
24 board under K.S.A. 22a-243, and amendments thereto, no further action by  
25 the coroner is required.

26 (c) If, after investigation and an autopsy, the coroner determines that  
27 the death of a child includes any suspicious circumstance or unknown  
28 cause, as described in the protocol developed by the state review board  
29 under K.S.A. 22a-243, and amendments thereto, the coroner shall notify,  
30 within 24 hours, the county or district attorney of the county where the  
31 death of the child occurred.

32 (d) The coroner shall attempt to notify any parent or legal guardian of  
33 the deceased child prior to the performance of an autopsy pursuant to this  
34 section. Once the autopsy has been completed, the coroner shall  
35 immediately notify the parent or legal guardian that such autopsy has been  
36 completed and provide information on how to obtain the results.

1 (e) A coroner shall not make a determination that the death of a child  
2 less than one year of age was caused by sudden unexplained infant death  
3 syndrome unless an autopsy is performed.

4 (f) The fee for an autopsy performed under this section shall be the  
5 usual and reasonable fee and travel allowance authorized under K.S.A.  
6 22a-233, and amendments thereto, and shall be paid from the district  
7 coroners fund.

8 (g) The secretary ~~for~~ of health and environment shall provide a copy  
9 of the death certificate to the state child death review board that meets  
10 requirements developed by the board pursuant to K.S.A. 22a-243, and  
11 amendments thereto.

12 (h) *Any coroner who is notified of a death pursuant to this section*  
13 *shall report the known facts concerning the time, place, manner and*  
14 *circumstances of such death to the secretary for children and families.*

15 Sec. 2. K.S.A. 2024 Supp. 38-2223 is hereby amended to read as  
16 follows: 38-2223. (a) *Persons making reports.* (1) When any of the  
17 following persons has reason to suspect that a child has been harmed as a  
18 result of physical, mental or emotional abuse or neglect or sexual abuse  
19 *inflicted by any person having contact with the child, either in person or*  
20 *through electronic means*, the person shall report the matter promptly as  
21 provided in subsections (b) and (c):

22 (A) ~~The following~~ Persons providing medical care or treatment,  
23 *including* persons licensed to practice the healing arts, dentistry and  
24 optometry, persons engaged in postgraduate training programs approved  
25 by the state board of healing arts, licensed professional or practical nurses  
26 and chief administrative officers of medical care facilities;

27 (B) ~~the following~~ persons licensed by the state to provide mental  
28 health services, *including* licensed psychologists, licensed masters level  
29 psychologists, licensed clinical psychotherapists, licensed social workers,  
30 licensed marriage and family therapists, licensed clinical marriage and  
31 family therapists, licensed behavioral analysts, licensed assistant  
32 behavioral analysts, licensed professional counselors, licensed clinical  
33 professional counselors and registered alcohol and drug abuse counselors;

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

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

42 (E) firefighters, emergency medical services personnel, law  
43 enforcement officers, juvenile intake and assessment workers, court

1 services officers, community corrections officers, case managers appointed  
2 under K.S.A. 23-3508, and amendments thereto, and mediators appointed  
3 under K.S.A. 23-3502, and amendments thereto; ~~and~~

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

9 (G) *any unlicensed person employed by or working for an agency*  
10 *serving children who perform job responsibilities similar to those found in*  
11 *subparagraph (B).*

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

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

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

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

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

38 (2) Reports of child abuse or neglect occurring in an institution  
39 operated by the Kansas department of corrections shall be made to the  
40 attorney general or the secretary of corrections. Reports of child abuse or  
41 neglect occurring in an institution operated by the Kansas department for  
42 aging and disability services shall be made to the appropriate law  
43 enforcement agency. All other reports of child abuse or neglect by persons

1 employed by the Kansas department for aging and disability services or  
2 the Kansas department for children and families, or of children of persons  
3 employed by either department, shall be made to the appropriate law  
4 enforcement agency.

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

9 (e) *Violations.* (1) Willful and knowing failure to make a report  
10 required by this section is a ~~class B misdemeanor~~ *severity level 10, person*  
11 *felony.* It is not a defense that another mandatory reporter made a report.

12 (2) Intentionally preventing or interfering with the making of a report  
13 required by this section is a ~~class B misdemeanor~~ *severity level 10, person*  
14 *felony.*

15 (3) Any person who willfully and knowingly makes a false report  
16 pursuant to this section or makes a report that such person knows lacks  
17 factual foundation is guilty of a ~~class B misdemeanor~~ *severity level 10,*  
18 *person felony.*

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

26 Sec. 3. K.S.A. 2024 Supp. 22a-242 and 38-2223 are hereby repealed.

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