

SENATE BILL No. 145

By Senator Shane

2-3

1 AN ACT concerning children and minors; relating to law enforcement
2 agencies and the secretary for children and families; requiring that the
3 secretary immediately notify law enforcement agencies of reports of
4 abuse or neglect; providing for law enforcement agencies to request
5 resources from the secretary for children and families for
6 investigations; amending K.S.A. 2024 Supp. 38-2226 and repealing the
7 existing section.
8

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

10 Section 1. K.S.A. 2024 Supp. 38-2226 is hereby amended to read as
11 follows: 38-2226. (a) *Investigation for child abuse or neglect.* The
12 secretary and law enforcement officers shall have the duty to receive and
13 investigate reports of child abuse or neglect for the purpose of determining
14 whether the report is valid and whether action is required to protect a
15 child. Any person or agency which maintains records relating to the
16 involved child which are relevant to any investigation conducted by the
17 secretary or law enforcement agency under this code shall provide the
18 secretary or law enforcement agency with the necessary records to assist in
19 investigations. In order to provide such records, the person or agency
20 maintaining the records shall receive from the secretary or law
21 enforcement: (1) A written request for information; and (2) a written notice
22 that the investigation is being conducted by the secretary or law
23 enforcement. If the secretary and such officers determine that no action is
24 necessary to protect the child but that a criminal prosecution should be
25 considered, such law enforcement officers shall make a report of the case
26 to the appropriate law enforcement agency.

27 (b) *Joint investigations.* Upon assignment by the secretary for
28 investigation, the secretary shall immediately notify the law enforcement
29 agency with jurisdiction of the location of where the alleged abuse or
30 neglect occurred or the residence of the child who is the subject of the
31 report so that such law enforcement agency may investigate whether a
32 crime occurred. When a report of child abuse or neglect indicates: (1) That
33 there is serious physical harm to, serious deterioration of or sexual abuse
34 of the child; and (2) that action may be required to protect the child, the
35 investigation shall be conducted as a joint effort between the secretary and
36 the appropriate law enforcement agency or agencies, with a free exchange

1 of information between them pursuant to K.S.A. 38-2210, and
2 amendments thereto. If a statement of a suspect is obtained by either
3 agency, a copy of the statement shall be provided to the other. *Upon the*
4 *request of an investigating law enforcement agency, the secretary for*
5 *children and families shall share resources related to investigating reports*
6 *of abuse or neglect to facilitate a joint investigation or an investigation of*
7 *a potential crime being conducted by such law enforcement agency.*

8 (c) *Investigation of certain cases.* Suspected child abuse or neglect
9 which occurs in an institution operated by the Kansas department of
10 corrections shall be investigated by the attorney general or secretary of
11 corrections. Any suspected child abuse or neglect in an institution operated
12 by the Kansas department for aging and disability services, or by persons
13 employed by the Kansas department for aging and disability services or
14 the Kansas department for children and families, or of children of persons
15 employed by either department, shall be investigated by the appropriate
16 law enforcement agency.

17 (d) *Coordination of investigations by county or district attorney.* If a
18 dispute develops between agencies investigating a reported case of child
19 abuse or neglect, the appropriate county or district attorney shall take
20 charge of, direct and coordinate the investigation.

21 (e) *Investigations concerning certain facilities.* Any investigation
22 involving a facility subject to licensing or regulation by the secretary of
23 health and environment shall be promptly reported to the state secretary of
24 health and environment.

25 (f) *Cooperation between agencies.* Law enforcement agencies and the
26 secretary shall assist each other in taking action which is necessary to
27 protect a child regardless of which agency conducted the initial
28 investigation.

29 (g) *Cooperation between school personnel and investigative*
30 *agencies.* (1) Educational institutions, the secretary and law enforcement
31 agencies shall cooperate with each other in the investigation of reports of
32 suspected child abuse or neglect. The secretary and law enforcement
33 agencies shall have access to a child in a setting designated by school
34 personnel on the premises of an educational institution. Attendance at an
35 interview conducted on such premises shall be at the discretion of the
36 agency conducting the interview, giving consideration to the best interests
37 of the child. To the extent that safety and practical considerations allow,
38 law enforcement officers on such premises for the purpose of investigating
39 a report of suspected child abuse or neglect shall not be in uniform.

40 (2) The secretary or a law enforcement officer may request the
41 presence of school personnel during an interview if the secretary or officer
42 determines that the presence of such person might provide comfort to the
43 child or facilitate the investigation.

1 (h) *Visual observation required.* As part of any investigation
2 conducted pursuant to this section, the secretary or the law enforcement
3 agency, or such agency's designee, that is conducting the investigation
4 shall visually observe the child who is the alleged victim of abuse or
5 neglect. In the case of a joint investigation conducted pursuant to
6 subsection (b), the secretary and the investigating law enforcement agency,
7 or the designees of the secretary and such agency, shall both visually
8 observe the child who is the alleged victim of abuse or neglect. All
9 investigation reports shall include the date, time and location of any visual
10 observation of a child that is required by this subsection.

11 (i) *Child abuse review and evaluation referrals.* (1) Upon
12 investigation by law enforcement or assignment by the secretary of any
13 investigation of physical abuse or physical neglect conducted pursuant to
14 this section that concerns a child five years of age or younger, the
15 secretary, the law enforcement agency or the agency's designee shall make
16 a CARE referral for such child.

17 (2) In any other investigation of physical abuse, emotional abuse,
18 medical neglect or physical neglect conducted pursuant to this section, the
19 secretary, the law enforcement agency or the agency's designee may make
20 a CARE referral for such child.

21 Sec. 2. K.S.A. 2024 Supp. 38-2226 is hereby repealed.

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