

SESSION OF 2025

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 128**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 128 would create an exception to certain mandatory reporting obligations for licensed social workers who are supervised by an attorney. The bill would permit such attorneys to require such social workers to maintain attorney-client privilege.

***Mandatory Reporting Exceptions***

In continuing law, licensed social workers are among a group of individuals required to report when they have reasonable suspicion that a child or vulnerable adult has been physically, mentally, emotionally, or sexually abused or neglected.

The bill would apply an exception to the mandatory reporting requirement for licensed social workers who are working under the supervision of an attorney when:

- The attorney is representing a client in a criminal, civil, domestic, or juvenile matter, and the reason to suspect a child or vulnerable adult has been harmed by physical, mental, or emotional abuse or neglect or sexual abuse arises solely in the course of such representation; or
- A prospective client is seeking the attorney's representation in a matter described above, and

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

the reason to suspect a child or vulnerable adult has been harmed in a manner described above arises solely in the course of seeking such representation.

*Exception for Testifying in Court Proceedings*

The bill would also except such licensed social workers in such circumstances defined above from testifying in an examination, trial, or other proceeding in which the commission of such a crime is a subject of inquiry.

*Exception for Reports to Public Officials*

The bill would extend the mandatory reporting exception for such licensed social workers to other information that is required to be reported to a public official.

***Attorney-Client Confidentiality***

According to the Kansas Rules of Professional Conduct, with limited exceptions, an attorney has an ethical obligation to keep confidential all client information obtained during the course of representation.

Under the circumstances described in the section above regarding when a social worker would not be required to report, the supervising attorney could require such licensed social worker to maintain confidentiality in compliance with the attorney's ethical obligation under the Kansas Rules of Professional Conduct.

**Background**

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Bowers.

### ***Senate Committee on Judiciary***

In the Senate Committee hearing, proponent testimony was provided by representatives of the State Board of Indigents' Defense Services, the Kansas Federal Public Defender's Office, the Midwest Innocence Project, and Washburn Law Clinic, and a private citizen. The proponents generally stated the bill would give clients greater access to important expertise and services that licensed social workers can provide.

Written-only proponent testimony was provided by a representative of the National Association of Social Workers and a private citizen.

No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill would have minimal fiscal effect on the agency.

The Office of the Attorney General indicates enactment of the bill would have no fiscal effect on the agency.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Judiciary; social workers; attorney-client privilege; mandatory reporting