

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 408**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 408 would amend the definition of “child in need of care” in the Revised Kansas Code for Care of Children (CINC Code) to exclude a child engaging in age-appropriate independent activities from such definition. The bill would also amend the crime of endangering a child to specify permitting such age-appropriate independent activities would not constitute the crime.

***Definition of “Child in Need of Care”***

The bill would amend the definition of “child in need of care” to exclude a person less than 18 years old who is engaging in independent activities without adult supervision when a parent allows such child to engage in such activities if:

- Such independent activities are appropriate for the child’s age, maturity, and mental abilities; and
- Such lack of supervision does not constitute such grossly negligent conduct that it would endanger the health and safety of the child.

The bill would define “independent activities” to include, but not be limited to, traveling to or from school or nearby locations on foot or bicycle, playing outdoors, remaining home for a reasonable amount of time, or remaining in a

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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/>

vehicle that is not dangerously hot or cold for a reasonable amount of time.

### ***Crime of Endangering a Child***

Under current law, the crime of endangering a child provides that a child is not endangered solely by the child's parent, in good faith, selecting and depending on spiritual means alone through prayer for the treatment or cure of a disease or remedial care of such child.

The bill would amend the crime to add that a child is also not deemed endangered solely by the child's parent permitting or failing to prohibit such child from engaging in independent activity unless the parent knowingly or recklessly disregarded an obvious danger to the child given the child's age, maturity, and physical and mental abilities.

### ***Technical Amendments***

The bill would update references to subsections in the definition section of the CINC Code in various statutes contained in the Kansas Family Law Code and the CINC Code.

### **Background**

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

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

In the Senate Committee hearing, representatives of Children's Alliance of Kansas and the Department for Children and Families (DCF) and two representatives of Let Grow provided **proponent** testimony. Proponents stated the bill would keep families from being unnecessarily drawn into

the CINC system, ensure the safety of vulnerable children, and increase the health of children.

Written-only proponent testimony was provided by representatives of the Board of Indigents' Defense Services, Office of the Child Advocate, and Parental Rights Foundation, and by two private citizens.

No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, DCF and the Office of Judicial Administration indicate the bill would have no fiscal effect on the agency or the courts.

Judiciary; Kansas Code for Care of Children; child in need of care; children and minors; age-appropriate independent activities