

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 408

As Amended by House Committee on Judiciary

Brief*

SB 408, as amended, would amend the definition of “child in need of care” in the Revised Kansas Code for Care of Children (CINC Code) and would amend the crime of endangering a child to allow a child to engage in age-appropriate independent activities; would create and amend law in the CINC Code concerning a process of referring military children to services provided by a military family advocacy program; and would amend the Kansas Parentage Act concerning voluntary acknowledgment of paternity.

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.

*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 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 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.

Military Family Advocacy Program

The bill would amend law concerning the process of referring military children to services that a military family advocacy program (MFAP) offers when the Secretary for Children and Families (Secretary) makes an investigation to determine whether a child is in need of care.

The bill would require the Secretary to enter into a memorandum of understanding (MOU) with specified military organizations in Kansas for the purpose of referring cases involving children with a parent or legal guardian who is a military personnel to an MFAP for services.

Specified military organizations would include:

- U.S. Army Garrison, Fort Riley;
- McConnell Air Force Base;
- U.S. Army Garrison, Fort Leavenworth, including Munson Army Health Center; and
- The Kansas National Guard.

The MOU would be required to include:

- A method for identifying whether a child has a parent or legal guardian who is a military personnel;
- The process for referring identified cases to the MFAP;
- A requirement that the Secretary notify the MFAP when the Secretary has referred a case to the county or district attorney for the purpose of filing a CINC petition; and
- Provisions that require compliance with confidentiality requirements in state and federal law.

The bill would provide that none of its provisions would prevent the Secretary from taking action to protect the health and welfare of the child as necessary, including recommending to the county or district attorney that a CINC petition be filed.

The bill would define “military family advocacy program” to mean a program established by the U.S. Department of Defense and provided at a military installation to address child abuse and neglect in military families. [Note: the U.S. Department of Defense is now referred to as the U.S. Department of War in official communications, per Executive Order 14347, signed September 5, 2025.]

The bill would also amend law concerning the Secretary’s ability to make preliminary investigations into whether a child is in need of care to include, as part of such investigation, the military status of a parent or legal guardian of the child.

Voluntary Acknowledgment of Paternity

The bill would add to law concerning voluntary acknowledgment of paternity (VAP) that a father of a child born to an unmarried mother could complete a VAP that must include the consent of such mother and the written descriptions of the rights and responsibilities of acknowledging paternity as provided in continuing law.

The bill would also provide that a VAP creates a permanent father and child relationship without the requirement of further adjudication.

Forms

The bill would amend what is required to be included in the written descriptions of the rights and responsibilities on VAP forms to conform with the changes made by the bill.

Revocation

The bill would amend law concerning the revocation of VAP to provide that a signed and witnessed VAP would be

considered a legal finding of paternity subject to the right of revocation with the earlier of:

- 60 days after signing; or
- Prior to the date of any administrative or judicial processing relating to the child to establish a support order.

Challenges to Voluntary Acknowledgment of Paternity

A person who was under 18 years of age when such person signed the VAP could challenge such VAP until the person turns 19. In this circumstance, if the child is more than one year old at the time of the challenge, the bill would require the court to consider the child's best interests before revoking a VAP.

After the deadlines described above have passed, the bill would provide that a VAP could be challenged only on the basis of fraud, duress, or material mistake of fact. For the purposes of a challenge, genetic test results, with a verifiable chain of custody that excludes a signatory father or that rebuttably identifies another man as the father in accordance with continuing law, would constitute a change of circumstances that warrants a material mistake of fact finding by the court.

A person seeking to revoke a VAP on the basis of fraud, duress, or material mistake of fact would be required to file such request in an appropriate district court as soon as practicable after the fraud, duress, or material mistake of fact becomes known to such person. The bill would require such person to have the burden of proving fraud, duress, or material mistake of fact, and the court would be required to first consider the child's best interests before revoking a VAP.

Effect of Revocation on Child Support

If a court orders revocation of a VAP pursuant to the bill and the party seeking revocation has a child support obligation or has paid child support, any support paid prior to the entry of such order would not be recoverable.

Actual Damages for Exceptional Circumstances

The bill would allow the court to make a written finding that exceptional circumstances warrant the award of actual damages sustained by the party seeking revocation. In determining such actual damages, the bill would allow the court to consider all of the facts and circumstances of the case including, but not limited to, the amount of support paid prior to the entry of such order.

Retroactivity

The VAP challenge and revocation provisions of the bill would be construed and applied retroactively.

Background

The House Committee on Judiciary inserted the contents of HB 2243 and HB 2651 into SB 408 while retaining the contents of SB 408. Background information for each bill may be found below.

SB 408 – Definition of “Child in Need of Care”

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, Inc. 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 the Child Advocate, representatives of the Board of Indigents' Defense Services (BIDS) and the Parental Rights Foundation, and by two private citizens.

No other testimony was provided.

House Committee on Judiciary

In the House Committee hearing, a representative of DCF and two representatives of Let Grow, Inc. provided substantially similar **proponent** testimony as that provided in the Senate Committee hearing. Written-only proponent testimony was provided by the Child Advocate, representatives of BIDS, Children's Alliance of Kansas, Kansas Bar Association, and two private citizens.

No other testimony was provided.

The Senate Committee amended the bill to add the contents of HB 2243 concerning the MFAP and the contents of HB 2651 concerning VAP.

HB 2243 – Military Family Advocacy Program

The bill was introduced by the House Committee on Judiciary at the request of Representative Proctor on behalf of Michelle Richart.

House Committee on Judiciary

In the House Committee hearing, representatives of DCF and the U.S. Department of War testified as **proponents** of the bill, generally stating that this bill would mandate and formalize a practice that is already frequently occurring within the state.

Written-only proponent testimony was provided by representatives of the Kansas National Guard and the Military Officers Association of America, and two private citizens.

No other testimony was provided.

The House Committee amended the bill to:

- Clarify that the Secretary must make a referral to the appropriate military organization for services that an MFAP provides when making an investigation into whether a child is need of care; and
- Clarify that the MOUs required by the bill are to be established between DCF and specified military organizations rather than between DCF and military installations.

HB 2651 – Voluntary Acknowledgment of Paternity

The bill was introduced by the House Committee on Judiciary at the request of Representative Kessler.

House Committee on Judiciary

In the House Committee hearing, Representative Kessler and two private citizens provided **proponent** testimony on the bill. Proponents generally stated this bill would allow the revocation of a VAP any time a man is found not to be a biological father rather than be limited to the current 60 days allowed for such revocation.

Neutral testimony was provided by a representative of DCF, who expressed concerns related to the retroactivity of the bill and the lack of a time limit for challenges based on fraud, duress, or mistake of material fact.

No other testimony was provided.

The House Committee amended the bill to:

- Modify language regarding when a person must file a challenge to a VAP to specify such challenge must be filed as soon as practicable after discovery;
- Modify language regarding genetic testing results to specify such results would constitute a change of circumstances that warrants a court finding of material mistake of fact; and
- Move language regarding VAP revocation and VAP challenges from law concerning VAP to law concerning the determination of father and child relationship.

House Committee of the Whole

The House Committee of the Whole amended the bill to allow the court to make a written finding that exceptional circumstances warrant the award of actual damages sustained by the party seeking revocation.

Fiscal Information

SB 408

According to the fiscal note prepared by the Division of the Budget on SB 408, as introduced, DCF and the Office of

Judicial Administration indicate the bill would have no fiscal effect on the agency or the courts.

HB 2243

According to the fiscal note prepared by the Division of the Budget on HB 2243, as introduced, DCF indicates enactment of the bill would have no fiscal effect on the agency.

HB 2651

According to the fiscal note prepared by the Division of the Budget on HB 2651, as introduced, the Kansas Department of Health and Environment (KDHE) indicates enactment of the bill would increase expenditures by \$33,319 in FY 2027 for a 0.5 FTE position and updates to its system. Of this amount, \$28,319 would be for salaries and wages and \$5,000 would be for system changes. KDHE notes that the Office of Vital Statistics would need to work with DCF to revise certain forms and an additional 0.5 FTE position would be needed to revise forms and perform system testing.

The Office of Judicial Administration indicates enactment of the bill could lead to increased litigation regarding paternity cases. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Enactment of the bill could also result in the collection of docket fees in cases filed under the provisions of the bill, which would be deposited in the State General Fund. However, a precise fiscal effect cannot be estimated.

DCF indicates the enactment of the bill would not have a fiscal effect on the agency. DCF notes that enactment of the bill could result in increased litigation caused by parties challenging open paternity cases with genetic tests. DCF notes that in calendar year 2024, 10,403 children of 12,578

children born to unmarried mothers were born with signed consent.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Judiciary; Kansas Code for Care of Children; child in need of care; children and minors; age-appropriate independent activities; military personnel; military organization; military family advocacy program; voluntary acknowledgment of paternity