

HOUSE BILL No. 2540

By Committee on Children and Families

1-25

1 AN ACT concerning children in need of care; relating to runaways;
2 amending K.S.A. 2011 Supp. 38-2231 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 38-2231 is hereby amended to read as
7 follows: 38-2231. (a) A law enforcement officer or court services officer
8 shall take a child under 18 years of age into custody when:

9 (1) The law enforcement officer or court services officer has a court
10 order commanding that the child be taken into custody as a child in need
11 of care; or

12 (2) the law enforcement officer or court services officer has probable
13 cause to believe that a court order commanding that the child be taken into
14 custody as a child in need of care has been issued in this state or in another
15 jurisdiction.

16 (b) A law enforcement officer shall take a child under 18 years of age
17 into custody when:

18 (1) The law enforcement officer reasonably believes the child will be
19 harmed if not immediately removed from the place or residence where the
20 child has been found; or

21 (2) when the officer has probable cause to believe that the child is a
22 missing person and a verified missing person entry for the child can be
23 found in the national crime information center missing person system.

24 (c) (1) If a person provides shelter to a child whom the person knows
25 is a runaway, such person shall promptly report the child's location either
26 to a law enforcement agency or to the child's parent or other custodian.

27 ~~(2) If a person reports a runaway's location to a law enforcement~~
28 ~~agency pursuant to this section and a law enforcement officer of the~~
29 ~~agency has reasonable grounds to believe that it is in the child's best~~
30 ~~interests, the child may be allowed to remain in the place where shelter is~~
31 ~~being provided, subject to subsection (b), in the absence of a court order to~~
32 ~~the contrary. If the child is allowed to so remain, the law enforcement~~
33 ~~agency shall promptly notify the secretary of the child's location and~~
34 ~~circumstances. Any runaway shall be placed in a secure facility until the~~
35 ~~time when the determination is made whether the child is a child in need~~
36 ~~of care.~~

1 (3) *"Runaway" means any child under 18 years of age who is*
2 *willingly and voluntarily absent from the child's home without the consent*
3 *of the child's parent or other custodian or who is willingly and voluntarily*
4 *absent at least a second time from a court ordered or designated*
5 *placement, or a placement pursuant to court order; if the absence is*
6 *without the consent of the person with whom the child is placed or; if the*
7 *child is placed in a facility, without the consent of the person in charge of*
8 *such facility or such person's designee.*

9 (d) A law enforcement officer may temporarily detain and assume
10 temporary custody of any child subject to compulsory school attendance,
11 pursuant to K.S.A. 72-1111, and amendments thereto, during the hours
12 school is actually in session and shall deliver the child pursuant to
13 subsection (g) of K.S.A. 2011 Supp. 38-2232, and amendments thereto.

14 Sec. 2. K.S.A. 2011 Supp. 38-2231 is hereby repealed.

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

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