

SENATE BILL No. 418

By Committee on Corrections and Juvenile Justice

2-8

1 AN ACT concerning children and minors; relating to children in need of
2 care and juvenile offenders; amending K.S.A. 2015 Supp. 38-2202, 38-
3 2210, 38-2231, 38-2263, 38-2264, 38-2265, 38-2287, 38-2302, 38-
4 2310, 38-2365, 65-535 and 75-7023 and repealing the existing sections;
5 also repealing K.S.A. 2015 Supp. 38-2310a.
6

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

8 New Section 1. (a) Immediately after receiving information that a
9 child has been identified as a victim of human trafficking, aggravated
10 human trafficking or commercial sexual exploitation of a child, and in no
11 case later than 24 hours after receiving such information, the secretary
12 shall report such information to law enforcement agencies of jurisdiction.
13

14 (b) Immediately after receiving information that a child in the custody
15 of the secretary is missing, and in no case later than 24 hours after
16 receiving such information, the secretary shall report such information to
17 the national center for missing and exploited children and the law
18 enforcement agency in the jurisdiction from which the child is missing.
19 The law enforcement agency shall report such information as soon as
20 practical to the missing person system of the national crime information
21 center and the missing and unidentified person system of the Kansas
22 bureau of investigation, in accordance with K.S.A. 75-712c, and
23 amendments thereto.

24 (c) This section shall be part of and supplemental to the revised
25 Kansas code for care of children.

26 Sec. 2. K.S.A. 2015 Supp. 38-2202 is hereby amended to read as
27 follows: 38-2202. As used in the revised Kansas code for care of children,
28 unless the context otherwise indicates:

29 (a) "Abandon" or "abandonment" means to forsake, desert or, without
30 making appropriate provision for substitute care, cease providing care for
31 the child.

32 (b) "Adult correction facility" means any public or private facility,
33 secure or nonsecure, which is used for the lawful custody of accused or
34 convicted adult criminal offenders.

35 (c) "Aggravated circumstances" means the abandonment, torture,
36 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age

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Office of Revisor of Statutes

1 enforcement officer pursuant to K.S.A. 2015 Supp. 38-2232, and
2 amendments thereto.

3 (4) Refer the child to the county or district attorney for appropriate
4 proceedings to be filed or refer the child and family to the secretary for
5 children and families for investigations in regard to the allegations.

6 (5) Make recommendations to the county or district attorney
7 concerning immediate intervention programs which may be beneficial to
8 the juvenile.

9 ~~(f) The commissioner secretary of corrections~~ may adopt rules and
10 regulations which allow local juvenile intake and assessment programs to
11 create a risk assessment tool, as long as such tool meets the mandatory
12 reporting requirements established by the ~~commissioner~~ secretary of
13 corrections.

14 (g) Parents, guardians and juveniles may access the juvenile intake
15 and assessment programs on a voluntary basis. The parent or guardian
16 shall be responsible for the costs of any such program utilized.

17 ~~{New Sec. 14. (a) There is hereby established in the state treasury~~
18 ~~the juvenile out-of-home placement education fund to be administered~~
19 ~~by the secretary for the department of children and families. All~~
20 ~~expenditures from such fund shall be made in accordance with~~
21 ~~appropriation acts upon warrants of the director of accounts and reports~~
22 ~~issued pursuant to vouchers approved by the secretary or the secretary's~~
23 ~~designee. All moneys credited to the juvenile out-of-home placement~~
24 ~~education fund shall be expended for the purposes of providing for the~~
25 ~~education of children placed pursuant to the revised Kansas code for~~
26 ~~care of children or the revised Kansas juvenile justice code.~~

27 (b) ~~The court shall notify any school district when a child has been~~
28 ~~placed pursuant to the revised Kansas code for care of children or the~~
29 ~~revised Kansas juvenile justice code and is no longer attending a school~~
30 ~~in such school district. Upon receipt of such notification, for any month~~
31 ~~during the current school year in which such child is not enrolled in~~
32 ~~such school district as of the first day of such month, such school district~~
33 ~~shall remit to the secretary an amount equal to the general fund budget~~
34 ~~of such school district, excluding moneys held in the special education~~
35 ~~and related services fund, the special retirement contributions fund, the~~
36 ~~capital outlay fund or the bond and interest fund of the school district,~~
37 ~~the proceeds of any tax levied by such school district that are directly~~
38 ~~deposited in any fund of such school district and any moneys received by~~
39 ~~the school district pursuant to federal law, for the current school year~~
40 ~~divided by the total enrollment of such school district for the current~~
41 ~~school year divided by 12. Such remittance shall be made on the first~~
42 ~~business day of such month. The secretary shall remit any moneys so~~
43 ~~received to the state treasurer in accordance with the provisions of~~

Strike lines 17 through 43

1 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
2 remittance, the state treasurer shall deposit the entire amount in the
3 state treasury to the credit of the juvenile out-of-home placement
4 education fund.

5 (c) For purposes of this section and for calculating enrollment, a
6 resident school district shall not count any student placed pursuant to
7 the revised Kansas code for care of children or the revised Kansas
8 juvenile justice code and not enrolled in a school district as a pupil of
9 such resident school district. As used in this subsection, the term
10 "resident school district" means the school district in which the student
11 resides and would otherwise be enrolled.

12 New Sec. 15. (a) If a child is enrolled by the licensed person or
13 entity in a school district that is different than the school district in
14 which the child was enrolled at the commencement of the current school
15 year, then the school district in which the child is enrolled by such
16 licensee shall be paid by the secretary from the juvenile out-of-home
17 placement education fund a monthly amount that is equal to the general
18 fund budget of such school district, excluding moneys held in the special
19 education and related services fund, the special retirement contributions
20 fund, the capital outlay fund or the bond and interest fund of the school
21 district, the proceeds of any tax levied by such school district that are
22 directly deposited in any fund of such school district and any moneys
23 received by the school district pursuant to federal law, for the current
24 school year divided by the total enrollment of such school district for the
25 current school year divided by 12. The school district shall only be paid
26 for those months in which the child is enrolled in the school district as of
27 the first day of the month. Payments shall be made by the secretary to
28 the school district on the first day of the month or as soon thereafter as
29 sufficient moneys are available in the juvenile out-of-home placement
30 education fund.

31 (b) This section shall be part of and supplemental to the revised
32 Kansas code for care of children.

33 New Sec. 16. (a) If a child is enrolled by the licensed person or
34 entity in a school district that is different than the school district in
35 which the child was enrolled at the commencement of the current school
36 year, then the school district in which the child is enrolled by such
37 licensee shall be paid by the secretary of the department for children and
38 families from the juvenile out-of-home placement education fund a
39 monthly amount that is equal to the general fund budget of such school
40 district, excluding moneys held in the special education and related
41 services fund, the special retirement contributions fund, the capital
42 outlay fund or the bond and interest fund of the school district, the
43 proceeds of any tax levied by such school district that are directly

Strike lines 1 through 43

1 *deposited in any fund of such school district and any moneys received by*
2 *the school district pursuant to federal law, for the current school year*
3 *divided by the total enrollment of such school district for the current*
4 *school year divided by 12. The school district shall only be paid for those*
5 *months in which the child is enrolled in the school district as of the first*
6 *day of the month. Payments shall be made by the secretary to the school*
7 *district on the first day of the month or as soon thereafter as sufficient*
8 *moneys are available in the juvenile out-of-home placement education*
9 *fund.*

10 (b) *This section shall be part of and supplemental to the revised*
11 *Kansas juvenile justice code.*

12 ~~Sec. 4.~~ *{17,} K.S.A. 2015 Supp. 38-2202, 38-2210, 38-2231, 38-*
13 *2263, 38-2264, 38-2265, 38-2287, 38-2302, 38-2310, 38-2310a, 38-2365,*
14 *65-535 and 75-7023 are hereby repealed.*

15 ~~Sec. 15.~~ *{18,} This act shall take effect and be in force from and after*
16 *its publication in the statute book.*

Strike lines 1 through 11