

Duties and Powers of Attorney General—Abuse, Neglect, and Exploitation of Persons; SB 408

SB 408 amends law relating to the abuse, neglect, and exploitation of persons and law relating to the duties and powers of the Attorney General.

The bill amends the list of mandatory reporters of physical, mental, emotional, or sexual abuse of a child to include licensed behavior analysts and licensed assistant behavior analysts.

The bill mandates child abuse or neglect occurring in an institution operated by the Kansas Department for Aging and Disability Services (KDADS) be reported to an appropriate law enforcement agency. Existing law mandates such reports be made to the Attorney General. The bill also clarifies the reporting to an appropriate law enforcement agency of other child abuse or neglect by KDADS or the Department for Children and Families (DCF) employees or of children of persons employed by these departments.

The bill mandates reports of child abuse or neglect occurring in an institution operated by the Kansas Department of Corrections (KDOC) be made to the Secretary of Corrections or to the Attorney General and mandates suspected child abuse or neglect in such institution be investigated by the Attorney General or the Secretary. Investigations of child abuse or neglect by employees of KDADS and DCF are to be handled by an appropriate law enforcement agency, in addition to investigations of suspected abuse or neglect of children of KDADS and DCF employees.

The bill further defines the duties of the Abuse, Neglect, and Exploitation of Persons Unit (Unit) within the Office of the Attorney General by granting the Unit certain discretionary authority to do the following:

- Participate in the prevention, detection, review, and prosecution of abuse, neglect, and exploitation of persons, whether financial or physical;
- Conduct investigations of suspected criminal abuse, neglect, or exploitation of persons;
- Coordinate with and assist other law enforcement agencies, or participate in task forces or joint operations, in the investigation of suspected criminal abuse, neglect, or exploitation of persons;
- Coordinate with and assist the Medicaid Fraud and Abuse Division in the prevention, detection, and investigation of abuse, neglect, and exploitation of persons;
- Work with or participate in the Kansas Internet Crimes Against Children Task Force, and work with any exploited and missing child investigators and any other child crime investigators;

- Assist in any investigation of child abuse or neglect conducted by a law enforcement agency; and
- Assist in any investigations of adult abuse, neglect, exploitation, or fiduciary abuse conducted by a law enforcement agency.

The bill specifies the first priority of the Unit is to prevent, detect, and investigate abuse, neglect, or exploitation of vulnerable adults, such as senior citizens and the disabled. The Unit may access all records relating to a substantiated or affirmed investigation of abuse, neglect, or exploitation of an adult upon request if the Attorney General has reasonable suspicion to believe such abuse, neglect, or exploitation has occurred. The Attorney General is authorized to enter into agreements with other agencies or organizations to carry out the duties of this section. The bill mandates state agencies to report any matter involving suspected abuse, neglect, or exploitation of an adult to the Unit in addition to the appropriate law enforcement agency, and existing provisions regarding reporting are accordingly narrowed from “persons” to “adults.” The bill defines “adult” and “state agency” for the purposes of the Unit and clarifies the standard for case records the Unit may access is for those cases that are substantiated or affirmed.