

**HOUSE BILL No. 2530**

By Committee on Children and Seniors

1-23

1 AN ACT concerning reports of abuse; relating to abuse, neglect or  
2 exploitation of certain adults **and children; animal control officers**  
3 **and persons investigating suspected cruelty to animals**; emergency  
4 medical services personnel; amending K.S.A. 2017 Supp. **38-2223**, 39-  
5 1402 and 39-1431 and repealing the existing sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 **Section 1. K.S.A. 2017 Supp. 38-2223 is hereby amended to read**  
9 **as follows: 38-2223. (a) *Persons making reports.* (1) When any of the**  
10 **following persons has reason to suspect that a child has been harmed**  
11 **as a result of physical, mental or emotional abuse or neglect or sexual**  
12 **abuse, the person shall report the matter promptly as provided in**  
13 **subsections (b) and (c);**

14 **(A) The following persons providing medical care or treatment:**  
15 **Persons licensed to practice the healing arts, dentistry and optometry,**  
16 **persons engaged in postgraduate training programs approved by the**  
17 **state board of healing arts, licensed professional or practical nurses**  
18 **and chief administrative officers of medical care facilities;**

19 **(B) the following persons licensed by the state to provide mental**  
20 **health services: Licensed psychologists, licensed masters level**  
21 **psychologists, licensed clinical psychotherapists, licensed social**  
22 **workers, licensed marriage and family therapists, licensed clinical**  
23 **marriage and family therapists, licensed behavioral analysts, licensed**  
24 **assistant behavioral analysts, licensed professional counselors, licensed**  
25 **clinical professional counselors and registered alcohol and drug abuse**  
26 **counselors;**

27 **(C) teachers, school administrators or other employees of an**  
28 **educational institution which the child is attending and persons**  
29 **licensed by the secretary of health and environment to provide child**  
30 **care services or the employees of persons so licensed at the place**  
31 **where the child care services are being provided to the child;**

32 **(D) firefighters, emergency medical services personnel, law**  
33 **enforcement officers, juvenile intake and assessment workers, court**  
34 **services officers, community corrections officers, case managers**  
35 **appointed under K.S.A. 2017 Supp. 23-3508, and amendments thereto,**  
36 **and mediators appointed under K.S.A. 2017 Supp. 23-3502, and**

1 amendments thereto; and

2 (E) any person employed by or who works as a volunteer for any  
3 organization, whether for profit or not-for-profit, that provides social  
4 services to pregnant teenagers, including, but not limited to,  
5 counseling, adoption services and pregnancy education and  
6 maintenance; and

7 (F) animal control officers, as defined in K.S.A. 47-1701, and  
8 amendments thereto, and persons authorized to take custody of an animal  
9 pursuant to K.S.A. 2017 Supp. 21-6412(e), and amendments thereto, when  
10 investigating suspected cruelty of animals.

11 (2) In addition to the reports required under subsection (a)(1),  
12 any person who has reason to suspect that a child may be a child in  
13 need of care may report the matter as provided in subsection (b) and  
14 (c).

15 (b) *Form of report.* (1) The report may be made orally and shall  
16 be followed by a written report if requested. Every report shall  
17 contain, if known: The names and addresses of the child and the  
18 child's parents or other persons responsible for the child's care; the  
19 location of the child if not at the child's residence; the child's gender,  
20 race and age; the reasons why the reporter suspects the child may be a  
21 child in need of care; if abuse or neglect or sexual abuse is suspected,  
22 the nature and extent of the harm to the child, including any evidence  
23 of previous harm; and any other information that the reporter  
24 believes might be helpful in establishing the cause of the harm and the  
25 identity of the persons responsible for the harm.

26 (2) When reporting a suspicion that a child may be in need of  
27 care, the reporter shall disclose protected health information freely  
28 and cooperate fully with the secretary and law enforcement  
29 throughout the investigation and any subsequent legal process.

30 (c) *To whom made.* Reports made pursuant to this section shall be  
31 made to the secretary, except as follows:

32 (1) When the Kansas department for children and families is not  
33 open for business, reports shall be made to the appropriate law  
34 enforcement agency. On the next day that the department is open for  
35 business, the law enforcement agency shall report to the department  
36 any report received and any investigation initiated pursuant to K.S.A.  
37 2017 Supp. 38-2226, and amendments thereto. The reports may be  
38 made orally or, on request of the secretary, in writing.

39 (2) Reports of child abuse or neglect occurring in an institution  
40 operated by the Kansas department of corrections shall be made to  
41 the attorney general or the secretary of corrections. Reports of child  
42 abuse or neglect occurring in an institution operated by the Kansas  
43 department for aging and disability services shall be made to the

1 appropriate law enforcement agency. All other reports of child abuse  
2 or neglect by persons employed by the Kansas department for aging  
3 and disability services or the Kansas department for children and  
4 families, or of children of persons employed by either department,  
5 shall be made to the appropriate law enforcement agency.

6 (d) *Death of child.* Any person who is required by this section to  
7 report a suspicion that a child is in need of care and who knows of  
8 information relating to the death of a child shall immediately notify  
9 the coroner as provided by K.S.A. 22a-242, and amendments thereto.

10 (e) *Violations.* (1) Willful and knowing failure to make a report  
11 required by this section is a class B misdemeanor. It is not a defense  
12 that another mandatory reporter made a report.

13 (2) Intentionally preventing or interfering with the making of a  
14 report required by this section is a class B misdemeanor.

15 (3) Any person who willfully and knowingly makes a false report  
16 pursuant to this section or makes a report that such person knows  
17 lacks factual foundation is guilty of a class B misdemeanor.

18 (f) *Immunity from liability.* Anyone who, without malice,  
19 participates in the making of a report to the secretary or a law  
20 enforcement agency relating to a suspicion a child may be a child in  
21 need of care or who participates in any activity or investigation  
22 relating to the report or who participates in any judicial proceeding  
23 resulting from the report shall have immunity from any civil liability  
24 that might otherwise be incurred or imposed.

25 See. 1. Sec. 2. K.S.A. 2017 Supp. 39-1402 is hereby amended to read  
26 as follows: 39-1402. (a) Any person who is licensed to practice any branch  
27 of the healing arts, a licensed psychologist, a licensed master level  
28 psychologist, a licensed clinical psychotherapist, a chief administrative  
29 officer of a medical care facility, an adult care home administrator or  
30 operator, a licensed social worker, a licensed professional nurse, a licensed  
31 practical nurse, a licensed marriage and family therapist, a licensed clinical  
32 marriage and family therapist, licensed professional counselor, licensed  
33 clinical professional counselor, registered alcohol and drug abuse  
34 counselor, a teacher, a bank trust officer and any other officers of financial  
35 institutions, a legal representative ~~or~~, a governmental assistance provider  
36 or an emergency medical services attendant who has reasonable cause to  
37 believe that a resident is being or has been abused, neglected or exploited,  
38 or is in a condition which is the result of such abuse, neglect or  
39 exploitation or is in need of protective services, shall report immediately  
40 such information or cause a report of such information to be made in any  
41 reasonable manner to the Kansas department for aging and disability  
42 services with respect to residents defined under ~~subsection (a)(1) of~~ K.S.A.  
43 39-1401(a)(1), and amendments thereto, to the department of health and

1 environment with respect to residents defined under ~~subsection (a)(2)~~ of  
2 K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas  
3 department for children and families and appropriate law enforcement  
4 agencies with respect to all other residents. Reports made to one  
5 department which are required by this subsection to be made to the other  
6 department shall be referred by the department to which the report is made  
7 to the appropriate department for that report, and any such report shall  
8 constitute compliance with this subsection. Reports shall be made during  
9 the normal working week days and hours of operation of such  
10 departments. Reports shall be made to law enforcement agencies during  
11 the time the departments are not open for business. Law enforcement  
12 agencies shall submit the report and appropriate information to the  
13 appropriate department on the first working day that such department is  
14 open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924,  
15 and amendments thereto, shall be deemed a report under this section.

16 (b) The report made pursuant to subsection (a) shall contain the name  
17 and address of the person making the report and of the caretaker caring for  
18 the resident, the name and address of the involved resident, information  
19 regarding the nature and extent of the abuse, neglect or exploitation, the  
20 name of the next of kin of the resident, if known, and any other  
21 information which the person making the report believes might be helpful  
22 in an investigation of the case and the protection of the resident.

23 (c) Any other person, not listed in subsection (a), having reasonable  
24 cause to suspect or believe that a resident is being or has been abused,  
25 neglected or exploited, or is in a condition which is the result of such  
26 abuse, neglect or exploitation or is in need of protective services may  
27 report such information to the Kansas department for aging and disability  
28 services with respect to residents defined under ~~subsection (a)(1)~~ of K.S.A.  
29 39-1401(a)(1), and amendments thereto, to the department of health and  
30 environment with respect to residents defined under ~~subsection (a)(2)~~ of  
31 K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas  
32 department for children and families with respect to all other residents.  
33 Reports made to one department which are to be made to the other  
34 department under this section shall be referred by the department to which  
35 the report is made to the appropriate department for that report.

36 (d) Notice of the requirements of this act and the department to which  
37 a report is to be made under this act shall be posted in a conspicuous  
38 public place in every adult care home and medical care facility in this  
39 state.

40 (e) Any person required to report information or cause a report of  
41 information to be made under subsection (a) who knowingly fails to make  
42 such report or cause such report to be made shall be guilty of a class B  
43 misdemeanor.

1       Sec.-2- 3. K.S.A. 2017 Supp. 39-1431 is hereby amended to read as  
2 follows: 39-1431. (a) Any person who is licensed to practice any branch of  
3 the healing arts, a licensed psychologist, a licensed master level  
4 psychologist, a licensed clinical psychotherapist, the chief administrative  
5 officer of a medical care facility, a teacher, a licensed social worker, a  
6 licensed professional nurse, a licensed practical nurse, a licensed dentist, a  
7 licensed marriage and family therapist, a licensed clinical marriage and  
8 family therapist, licensed professional counselor, licensed clinical  
9 professional counselor, registered alcohol and drug abuse counselor, a law  
10 enforcement officer, **an animal control officer, as defined in K.S.A. 47-**  
11 **1701, and amendments thereto, a person investigating suspected**  
12 **cruelty to animals who is authorized to take custody of an animal**  
13 **pursuant to K.S.A. 2017 Supp. 21-6412(e), and amendments thereto,**  
14 *an emergency medical services attendant*, a case manager, a rehabilitation  
15 counselor, a bank trust officer or any other officers of financial institutions,  
16 a legal representative, a governmental assistance provider, an owner or  
17 operator of a residential care facility, an independent living counselor and  
18 the chief administrative officer of a licensed home health agency, the chief  
19 administrative officer of an adult family home and the chief administrative  
20 officer of a provider of community services and affiliates thereof operated  
21 or funded by the Kansas department for aging and disability services or  
22 licensed under K.S.A.—~~75-3307b~~ *2017 Supp. 39-2001 et seq.*, and  
23 amendments thereto, who has reasonable cause to believe that an adult is  
24 being or has been abused, neglected or exploited or is in need of protective  
25 services shall report, immediately from receipt of the information, such  
26 information or cause a report of such information to be made in any  
27 reasonable manner. An employee of a domestic violence center shall not  
28 be required to report information or cause a report of information to be  
29 made under this subsection. Other state agencies receiving reports that are  
30 to be referred to the Kansas department for children and families and the  
31 appropriate law enforcement agency, shall submit the report to the  
32 department and agency within six hours, during normal work days, of  
33 receiving the information. Reports shall be made to the Kansas department  
34 for children and families during the normal working week days and hours  
35 of operation. Reports shall be made to law enforcement agencies during  
36 the time the Kansas department for children and families is not in  
37 operation. Law enforcement shall submit the report and appropriate  
38 information to the Kansas department for children and families on the first  
39 working day that the Kansas department for children and families is in  
40 operation after receipt of such information.

41       (b) The report made pursuant to subsection (a) shall contain the name  
42 and address of the person making the report and of the caretaker caring for  
43 the involved adult, the name and address of the involved adult, information

1 regarding the nature and extent of the abuse, neglect or exploitation, the  
2 name of the next of kin of the involved adult, if known, and any other  
3 information which the person making the report believes might be helpful  
4 in the investigation of the case and the protection of the involved adult.

5 (c) Any other person, not listed in subsection (a), having reasonable  
6 cause to suspect or believe that an adult is being or has been abused,  
7 neglected or exploited or is in need of protective services may report such  
8 information to the Kansas department for children and families. Reports  
9 shall be made to law enforcement agencies during the time the Kansas  
10 department for children and families is not in operation.

11 (d) A person making a report under subsection (a) shall not be  
12 required to make a report under K.S.A. 39-1401 ~~to~~ *through* 39-1410,  
13 ~~inclusive~~, and amendments thereto.

14 (e) Any person required to report information or cause a report of  
15 information to be made under subsection (a) who knowingly fails to make  
16 such report or cause such report not to be made shall be guilty of a class B  
17 misdemeanor.

18 (f) Notice of the requirements of this act and the department to which  
19 a report is to be made under this act shall be posted in a conspicuous  
20 public place in every adult family home as defined in K.S.A. 39-1501, and  
21 amendments thereto, and every provider of community services and  
22 affiliates thereof operated or funded by the Kansas department for aging  
23 and disability services or other facility licensed under K.S.A. ~~75-3307b~~  
24 *2017 Supp. 39-2001 et seq.*, and amendments thereto, and other  
25 institutions included in subsection (a).

26 ~~Sec. 3.~~ **4.** K.S.A. 2017 Supp. **38-2223**, 39-1402 and 39-1431 are  
27 hereby repealed.

28 ~~Sec. 4.~~ **5.** This act shall take effect and be in force from and after its  
29 publication in the statute book.