

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2024** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 10, by inserting:

"New Section 1. (a) (1) When an investigation of child abuse or neglect conducted pursuant to K.S.A. 38-2226, and amendments thereto, includes a CARE referral that a child abuse medical resource center has recommended a CARE exam be conducted and the CARE provider determines a child has been subjected to physical abuse, emotional abuse, medical neglect or physical neglect, such determination shall be reported in a completed review and provided to the secretary for children and families and the local law enforcement agency or the agency's designee.

(2) When the secretary receives a completed review pursuant to paragraph (1), the secretary shall consider and include the completed review in making recommendations regarding the care, safety and placement of the child and maintain the completed review in the case record.

(3) Reviews conducted pursuant to paragraph (1) shall be confidential and not be disclosed except as provided in this section and K.S.A. 38-2209 through 38-2213, and amendments thereto.

(b) To provide forensic evaluation services to a child alleged to be a victim of physical abuse, emotional abuse, medical neglect or physical neglect in investigations that include a CARE exam:

(1) Child abuse medical resource centers may collaborate directly or through technology with CARE providers to provide forensic medical evaluations, medical training, support, mentoring and peer review to enhance the skill and role of child abuse medical resource centers and the CARE providers in a multidisciplinary context;

(2) CARE providers and child abuse medical resource centers shall provide and receive specialized training for medical evaluations conducted in a hospital, child advocacy center or by a private healthcare professional without the need for an agreement between such center and provider; and

(3) the CARE network shall develop recommendations concerning the medical-based screening process and forensic evidence collection for a child and provide such recommendations to CARE providers, child advocacy centers, hospitals and licensed practitioners.

(c) To implement and administer this section, the secretary of health and environment shall:

(1) Provide training for CARE providers to establish and maintain compliance with the requirements of K.S.A. 38-2202, and amendments thereto;

(2) assist in the implementation of subsection (b);

(3) pay for and manage a network referral system database; and

(4) adopt rules and regulations as necessary, subject to available appropriations.

(d) (1) A provider shall submit all charges for payment of reviews and CARE exams to the secretary of health and environment within 90 days after a review or exam has been performed.

(2) The secretary of health and environment shall pay all charges directly to the

provider within 30 days after being submitted.

(3) The payment amount shall be for the exam at the rate not to exceed \$750 for providing such exam, excluding costs for treatment that may be required due to the diagnosis, or any facility fees, supplies or laboratory or radiology testing.

(4) If a provider is found to have submitted fraudulent charges, such provider shall be banned from the CARE network and the secretary of health and environment shall report such incident to the provider's licensing board. Such licensing board shall investigate such report to determine whether unprofessional conduct has occurred.

(5) On or before January 31, 2024, the secretary of health and environment shall prepare and present a report to the house of representatives standing committee on child welfare and foster care and the senate standing committee on public health and welfare, or their successor committees, of the activities and operations under this section. Such report shall include:

- (A) The number of providers who have submitted charges;
- (B) the number of reviews and CARE exams performed;
- (C) average charge submitted per review and CARE exam;
- (D) total amount paid out to providers;
- (E) the average number of days between when:
 - (i) A review or CARE exam is performed and charges are submitted; and
 - (ii) charges are submitted and paid to a provider; and
- (F) any findings of fraudulent charges.

(e) There is hereby established in the state treasury the child abuse review and evaluation fund, and such fund shall be administered by the secretary of health and environment.

All expenditures from the child abuse review and evaluation fund shall be for payments of reviews, CARE exams, training of CARE providers and the implementation and administration of subsection (b), as needed. All expenditures from the child abuse review and evaluation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee. All moneys received for reviews, CARE exams and CARE provider training shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the child abuse review and evaluation fund.

(f) This section shall be a part of and supplemental to the revised Kansas code for care of children.

New Sec. 2. (a) This section shall be known and may be cited as the Representative Gail Finney memorial foster care bill of rights.

(b) Consistent with the policy of the state expressed in K.S.A. 38-2201 et seq., and amendments thereto, in order to ensure proper care and protection of a child in need of care in the child welfare system, unless otherwise ordered by the court, such child shall have the right to:

(1) Live in a safe, comfortable placement, in accordance with K.S.A. 38-2255, and amendments thereto:

(A) Where such child lives in the least restrictive environment;

(B) where such child shall be treated with respect, have a place to store belongings and receive healthy food, adequate clothing and appropriate personal hygiene products;

(C) with siblings when possible; and

(D) upon proper investigation and consideration in accordance with K.S.A. 38-2242, and amendments thereto, with a relative, kinship care placement or someone from such child's community with similar religious beliefs or ethnic heritage;

(2) have visits with family;

(3) have as few placements as possible;

(4) have and maintain belongings by:

(A) Making a list of belongings to have when placed out of home;

(B) providing such list of belongings to such child's case manager;

(C) bringing such belongings when placed out of home; and

(D) if going on a visit or to a new placement, having belongings packed and transportable for the visit or move;

(5) have access to all appropriate school supplies, services, tutoring, extra-curricular, cultural and personal enrichment activities;

(6) attend school daily in accordance with K.S.A. 38-2218, and amendments thereto;

(7) receive a high school diploma if such child has earned the standard credits in accordance with K.S.A. 38-2285, and amendments thereto;

(8) be notified of all hearings held pursuant to the revised Kansas code for care of children, when age or developmentally appropriate;

(9) attend, in person or virtually, all court hearings held pursuant to the revised Kansas code for care of children, when age or developmentally appropriate;

(10) address the court regarding any proposed placement or placement change in accordance with K.S.A. 38-2262, and amendments thereto, when age or developmentally appropriate;

(11) have a guardian ad litem represent the best interests of the child, in accordance with K.S.A. 38-2205, and amendments thereto, and contact such child regularly;

(12) request an attorney who will represent the position of the child, if different than the determinations of the guardian ad litem, in accordance with K.S.A. 38-2205, and amendments thereto;

(13) have privacy to send and receive unopened mail and make and receive phone calls;

(14) have regular and private contact with and access to case managers, attorneys and advocates;

(15) access accurate and necessary information for such child's well-being from case managers, guardians and any person who is by law liable to maintain, care for or support the child;

(16) have as few changes in case managers as possible;

(17) contact a case manager's supervisor if there is a conflict that cannot be resolved between such child and such child's case manager;

(18) report a violation of this section without fear of punishment, interference, coercion or retaliation; and

(19) when transitioning out of the child welfare system:

(A) Be an active participant in developing a transition plan, as defined in K.S.A. 38-2202, and amendments thereto;

(B) have services and benefits explained;

(C) have a checking or savings account;

(D) learn to manage money, when age or developmentally appropriate;

(E) learn job skills that are age or developmentally appropriate; and

(F) be involved in life skills training and activities.

(c) Consistent with the policy of the state expressed in K.S.A. 38-2201 et seq., and amendments thereto, in order to ensure active participation of foster parents and kinship caregivers as an integral, indispensable and vital role in the state's efforts to care for children in the custody of the secretary, unless otherwise ordered by the court, such foster parents and kinship caregivers shall have the right to:

(1) Be treated by the Kansas department for children and families and other child welfare system stakeholders with dignity, respect and trust as a primary provider of care and support and a member of the professional team caring for a child in the custody of the secretary;

(2) not be discriminated in accordance with the Kansas act against discrimination, K.S.A. 44-1001, et seq., and amendments thereto, and federal law;

(3) continue with such foster parents' and kinship caregivers' own family values and beliefs with consideration given to the special needs of children who have experienced trauma and separation from their biological families, if the values and beliefs of the child and the biological family are respected and not infringed upon;

(4) make decisions concerning the child consistent with the policies, procedures and other directions of the Kansas department for children and families and within the limits of state and federal law;

(5) receive standardized preservice training by the Kansas department for children and families or the department's designee and at appropriate intervals to meet mutually assessed needs of the child, such foster parents and kinship caregivers;

(6) receive timely financial reimbursement and be notified of any costs or expenses for which such foster parents and kinship caregivers may be eligible for reimbursement in

accordance with K.S.A. 38-2216, and amendments thereto;

(7) receive information regarding services and contact the Kansas department for children and families or the department's designee during regular business hours and, in the event of an emergency, by telephone after business hours;

(8) receive any information on issues concerning the child and known to the Kansas department for children and families or the department's designee that is relevant to the care of the child or that may jeopardize the health and safety of the foster family, the kinship care placement or the child or alter the manner in which care and services should be administered prior to the placement of such child;

(9) discuss known information regarding the child prior to placement and be provided additional information from the Kansas department for children and families or the department's designee as such information becomes available under state and federal law;

(10) refuse placement of a child in such foster parents' and kinship caregivers' home or request the removal of a child from such foster parents' and kinship caregivers' home after providing reasonable notice;

(11) receive any available information through the Kansas department for children and families regarding the number of times a child has been placed and the reasons for such placements, and receive the names and phone numbers of any previous placements if such placements have authorized such a release by law;

(12) receive information from the Kansas department for children and families that is relevant to the care of a child when the child is placed with such foster parents and kinship caregivers;

(13) provide input and participate in the case planning process for the child and

participate in and be informed about the planning of visitation between the child and the child's biological family, recognizing that visitation with the child's biological family is important, in accordance with K.S.A. 38-2255, and amendments thereto;

(14) communicate with the child's child welfare case management provider and share and obtain relevant and appropriate information regarding such child's placement;

(15) communicate with members of the child's professional team, including, but not limited to, such child's child welfare management provider, therapists, physicians and teachers as allowed by rules and regulations and state and federal law, for the purpose of participating in such child's case plan;

(16) be notified in advance of any court hearing or review where the case plan or permanency of the child is an issue, including periodic reviews held by the court, in accordance with the revised Kansas code for care of children;

(17) be considered as a placement option, if a child who was formerly placed with such parents or kinship caregivers is in the custody of the secretary again;

(18) continue contact and communication with a child subsequent to the child's placement from such foster parents' and kinship caregivers' home, subject to the approval of the child and the child's biological parents, if such biological parents' rights have not been terminated;

(19) direct questions to the Kansas department for children and families regarding information, concerns, policy violations and a corrective action plan relating to licensure as a family foster home;

(20) have the rights described in this section be given full consideration when the Kansas department for children and families develops and approves policies regarding placement

and permanency;

(21) submit a report to the court pursuant to K.S.A. 38-2261, and amendments thereto;
and

(22) request a court hearing regarding a change of placement notice pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been placed with the same foster parents for six months or longer.

(d) (1) The secretary shall provide written and oral notification to foster youth, foster parents and kinship caregivers of the rights created under this section and information for filing complaints.

(2) The secretary shall make a list of the rights created under this section digitally available on the secretary's website.

(3) Each child welfare management provider shall make available physical and digital copies of a list of the rights created under this section.

(e) This section shall not be construed to create a private right of action independent of the revised Kansas code for care of children, but may be enforced through equitable relief as a part of the corresponding case under the revised Kansas code for care of children.

(f) This section shall be a part of and supplemental to the revised Kansas code for care of children.";

Also on page 1, by striking all in lines 30 through 32;

By striking all on page 2;

On page 3, by striking all in lines 1 through 12; following line 12, by inserting:

"Sec. 4. K.S.A. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

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

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

(c) "Aggravated circumstances" means the abandonment, torture, 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 at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-3421 or 72-3120, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, ~~K.S.A. 74-8810(j)~~, ~~K.S.A. 79-3321(m)~~ or (n), or K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution, but which is not prohibited

when done by an adult;

(8) while less than 10 years of age, commits any act that if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2022 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act that would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2022 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2022 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2022 Supp. 21-6419, and amendments thereto.

(e) "Child abuse medical resource center" means a medical institution affiliated with an

accredited children's hospital or a recognized institution of higher education that has an accredited medical school program with board-certified child abuse pediatricians who provide training, support, mentoring and peer review to CARE providers on CARE exams.

(f) "Child abuse review and evaluation exam" or "CARE exam" means a forensic medical evaluation of a child alleged to be a victim of abuse or neglect conducted by a CARE provider.

(g) "Child abuse review and evaluation network" or "CARE network" means a network of CARE providers, child abuse medical resource centers and any medical provider associated with a child advocacy center that has the ability to conduct a CARE exam that collaborate to improve services provided to a child alleged to be a victim of abuse or neglect.

(h) "Child abuse review and evaluation provider" or "CARE provider" means a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant who performs CARE exams of and provides medical diagnosis and treatment to a child alleged to be a victim of abuse or neglect and who receives:

(1) Kansas-based initial intensive training regarding child maltreatment from the CARE network;

(2) continuous trainings on child maltreatment from the CARE network; and

(3) peer review and new provider mentoring regarding medical evaluations from a child abuse medical resource center.

(i) "Child abuse review and evaluation referral" or "CARE referral" means a brief written review of allegations of physical abuse, emotional abuse, medical neglect or physical neglect submitted by the secretary or law enforcement agency to a child abuse medical resource center for a recommendation of such child's need for medical care that may include a CARE

exam.

(j) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 38-2207 and 38-2208, and amendments thereto.

~~(k)~~(k) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

~~(g)~~(l) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

~~(h)~~(m) "Custody" whether temporary, protective or legal, means the status created by court order or statute that vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

~~(i)~~(n) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child's home.

~~(j)~~(o) "Educational institution" means all schools at the elementary and secondary levels.

~~(k)~~(p) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in

K.S.A. 72-6143(a), and amendments thereto.

~~(h)~~(q) "Harm" means physical or psychological injury or damage.

~~(m)~~(r) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

~~(n)~~(s) "Jail" means:

- (1) An adult jail or lockup; or
- (2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is:
 - (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities;
 - (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and
 - (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

~~(o)~~(t) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders that must not be a jail.

~~(p)~~(u) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

~~(q)~~(v) "Kinship care placement" means the placement of a child in the home of an adult with whom the child or the child's parent already has close emotional ties.

(w) "Kinship caregiver" means an adult who the secretary has selected for placement for a child in need of care with whom the child or the child's parent already has close emotional ties.

~~(x)~~ "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

~~(y)~~ "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 38-2228, and amendments thereto, that has knowledge of the circumstances of a child in need of care.

~~(z)~~ "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child;

or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of

religious beliefs shall, not for that reason, be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 38-2217(a)(2), and amendments thereto.

~~(u)~~(aa) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

~~(v)~~(bb) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

~~(w)~~(cc) "Permanency goal" means the outcome of the permanency planning process, which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

~~(x)~~(dd) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 38-2272, and amendments thereto.

~~(y)~~(ee) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

~~(z)~~(ff) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

~~(aa)~~(gg) "Qualified residential treatment program" means a program designated by the secretary for children and families as a qualified residential treatment program pursuant to federal law.

~~(bb)~~(hh) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a

child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

~~(ee)~~(ii) "Relative" means a person related by blood, marriage or adoption.

~~(dd)~~(jj) "Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

~~(ee)~~(kk) "Secretary" means the secretary for children and families or the secretary's designee.

~~(ff)~~(ll) "Secure facility" means a facility, other than a staff secure facility or juvenile detention facility, that is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or that relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

~~(gg)~~(mm) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

- (1) Be photographed, filmed or depicted in pornographic material; or
- (2) be subjected to aggravated human trafficking, as defined in K.S.A. 2022 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act that would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2022 Supp. 21-

6419 or 21-6422, and amendments thereto.

~~(hh)~~(nn) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

~~(ii)~~(oo) "Staff secure facility" means a facility described in K.S.A. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

~~(jj)~~(pp) "Transition plan" means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

~~(kk)~~(qq) "Youth residential facility" means any home, foster home or structure that provides 24-hour-a-day care for children and that is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.";

On page 2, in line 15, after the semicolon, by inserting "the Representative Gail Finney memorial foster care bill of rights, section 2, and amendments thereto;"

On page 3, following line 12, by inserting:

Sec. 6. K.S.A. 38-2226 is hereby amended to read as follows: 38-2226. (a) *Investigation for child abuse or neglect.* The secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of determining whether the report is valid and whether action is required to protect a child. Any person or agency which maintains records relating to the involved child which are relevant to any investigation conducted by the secretary or law enforcement agency under this code shall provide the secretary or law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the secretary or law enforcement: (1) A written request for information; and (2) a written notice that the investigation is being conducted by the secretary or law enforcement. If the secretary and such officers determine that no action is necessary to protect the child but that a criminal prosecution should be considered, such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) *Joint investigations.* When a report of child abuse or neglect indicates: (1) That there is serious physical harm to, serious deterioration of or sexual abuse of the child; and (2) that action may be required to protect the child, the investigation shall be conducted as a joint effort between the secretary and the appropriate law enforcement agency or agencies, with a free exchange of information between them pursuant to K.S.A. 38-2210, and amendments thereto. If a statement of a suspect is obtained by either agency, a copy of the statement shall be provided to the other.

(c) *Investigation of certain cases.* Suspected child abuse or neglect which occurs in an institution operated by the Kansas department of corrections shall be investigated by the attorney

general or secretary of corrections. Any suspected child abuse or neglect in an institution operated by the Kansas department for aging and disability services, or by persons employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either department, shall be investigated by the appropriate law enforcement agency.

(d) *Coordination of investigations by county or district attorney.* If a dispute develops between agencies investigating a reported case of child abuse or neglect, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation.

(e) *Investigations concerning certain facilities.* Any investigation involving a facility subject to licensing or regulation by the secretary of health and environment shall be promptly reported to the state secretary of health and environment.

(f) *Cooperation between agencies.* Law enforcement agencies and the secretary shall assist each other in taking action which is necessary to protect a child regardless of which agency conducted the initial investigation.

(g) *Cooperation between school personnel and investigative agencies.* (1) Educational institutions, the secretary and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. The secretary and law enforcement agencies shall have access to a child in a setting designated by school personnel on the premises of an educational institution. Attendance at an interview conducted on such premises shall be at the discretion of the agency conducting the interview, giving consideration to the best interests of the child. To the extent that safety and practical considerations allow, law enforcement officers on such premises for the purpose of investigating a report of suspected child abuse or neglect shall not be in uniform.

(2) The secretary or a law enforcement officer may request the presence of school personnel during an interview if the secretary or officer determines that the presence of such person might provide comfort to the child or facilitate the investigation.

(h) *Visual observation required.* As part of any investigation conducted pursuant to this section, the secretary, ~~or the secretary's designee~~, or the law enforcement agency, or such agency's designee, that is conducting the investigation shall visually observe the child who is the alleged victim of abuse or neglect. In the case of a joint investigation conducted pursuant to subsection (b), the secretary and the investigating law enforcement agency, or the designees of the secretary and such agency, shall both visually observe the child who is the alleged victim of abuse or neglect. All investigation reports shall include the date, time and location of any visual observation of a child that is required by this subsection.

(i) *Child abuse review and evaluation referrals.* (1) Upon investigation by law enforcement or assignment by the secretary of any investigation of physical abuse or physical neglect conducted pursuant to this section that concerns a child five years of age or younger, the secretary, the law enforcement agency or the agency's designee shall make a CARE referral for such child.

(2) In any other investigation of physical abuse, emotional abuse, medical neglect or physical neglect conducted pursuant to this section, the secretary, the law enforcement agency or the agency's designee may make a CARE referral for such child.

Sec. 7. K.S.A. 38-2258 is hereby amended to read as follows: 38-2258. (a) Except as provided in K.S.A. 38-2255(d)(2) and 38-2259, and amendments thereto, if a child has been in the same foster home, kinship care placement or shelter facility for six months or longer, or has been placed by the secretary in the home of a parent or relative, the secretary shall give written

notice of any plan to move the child to a different placement unless the move is to the selected preadoptive family for the purpose of facilitating adoption. The notice shall be given to: (1) The court having jurisdiction over the child; (2) the petitioner; (3) the attorney for the parents, if any; (4) each parent whose address is available; (5) the foster parent or custodian from whose home or shelter facility it is proposed to remove the child; (6) the child, if 12 or more years of age; (7) the child's guardian ad litem; (8) any other party or interested party; and (9) the child's court appointed special advocate.

(b) The notice shall state the placement to which the secretary plans to transfer the child and the reason for the proposed action. The notice shall be mailed by first class mail 30 days in advance of the planned transfer, except that the secretary shall not be required to wait 30 days to transfer the child if all persons enumerated in subsection (a)(2) through (8) consent in writing to the transfer.

(c) Within 14 days after receipt of the notice, any person enumerated in subsection (a) (2) through (8) receiving notice as provided above may request, either orally or in writing, that the court conduct a hearing to determine whether or not the change in placement is in the best interests of the child concerned. When the request has been received, the court shall schedule a hearing and immediately notify the secretary of the request and the time and date the matter will be heard. The court shall give notice of the hearing to persons enumerated in subsection (a)(2) through (9). If the court does not receive a request for hearing within the specified time, the change in placement may occur prior to the expiration of the 30 days. The secretary shall not change the placement of the child, except for the purpose of adoption, unless the change is approved by the court.

(d) When, after the notice set out above, a child in the custody of the secretary is

removed from the home of a parent after having been placed in the home of a parent for a period of six months or longer, the secretary shall request a finding that:

- (1) (A) The child is likely to sustain harm if not immediately removed from the home;
- (B) allowing the child to remain in home is contrary to the welfare of the child; or
- (C) immediate placement of the child is in the best interest of the child; and

(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(e) The secretary shall present to the court in writing the efforts to maintain the family unit and prevent the unnecessary removal of the child from the child's home. In making the findings, the court may rely on documentation submitted by the secretary or may set the date for a hearing on the matter. If the secretary requests such finding, the court, not more than 45 days from the date of the request, shall provide the secretary with a written copy of the findings by the court for the purpose of documenting these orders.

Sec. 8. K.S.A. 38-2261 is hereby amended to read as follows: 38-2261. The secretary shall notify the foster parent or ~~parents~~ kinship caregivers that the foster parent or ~~parents~~ kinship caregivers have a right to submit a report. Copies of the report shall be available to the parties and interested parties. The report made by foster parents shall be on a form created and provided by the Kansas department for children and families.";

On page 7, in line 40, after the first "K.S.A." by inserting "38-2202,"; also in line 40, after "38-2203" by inserting ", 38-2226, 38-2258, 38-2261";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "the" by inserting revised Kansas code for care of

children, federal Indian child welfare act,"; in line 2, after the semicolon by inserting "relating to procedures in investigations of child abuse or neglect; requiring a child abuse review and evaluation referral; creating a program in the department of health and environment for the training and payment for child abuse reviews and exams; enacting the Representative Gail Finney memorial foster care bill of rights; granting rights to kinship caregivers under the revised Kansas code for care of children,"; in line 6, after "K.S.A." by inserting "38-2202,"; also in line 6, after "38-2203" by inserting ", 38-2226, 38-2258, 38-2261";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House