

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Child Welfare and Foster Care** recommends **HB 2024** be amended as recommended by the House Committee on Child Welfare and Foster Care as reported in the Journal of the House on February 1, 2023, and the bill, as printed As Amended by House Committee, be further amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2022 Supp. 21-5605 is hereby amended to read as follows: 21-5605. (a) Abandonment of a child is leaving a child under the age of 16 years, in a place where such child may suffer because of neglect by the parent, guardian or other person to whom the care and custody of such child shall have been entrusted, when done with intent to abandon such child.

(b) Aggravated abandonment of a child is abandonment of a child, as defined in subsection (a), which results in great bodily harm.

(c) (1) Abandonment of a child is a severity level 8, person felony.

(2) Aggravated abandonment of a child is a severity level 5, person felony.

(d) No parent or other person having lawful custody of an infant shall be prosecuted for a violation of subsection (a), if such parent or person surrenders custody of an infant in the manner provided by K.S.A. 38-2282, and amendments thereto, and if such infant has not suffered great bodily harm.

(e) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.";

On page 3, in line 28, after "is" by inserting "not more than"; also in line 28, by striking "or

younger"; in line 29, after "suffered" by inserting "great"; also in line 29, after "harm" by inserting "as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant";

On page 4, in line 11, by striking "been abused or neglected" and inserting "suffered great bodily harm"; in line 34, after "shall" by inserting "report the surrender of the infant to the secretary and"; in line 42, by striking "for action taken pursuant to this section only";

On page 5, in line 5, after the semicolon by inserting "and"; in line 6, by striking all after "old"; by striking all in lines 7 through 9; in line 10, by striking all before the period and inserting "and has not suffered great bodily harm as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant";

On page 6, following line 20, by inserting:

"(l) (1) A facility described in subsection (c)(1)(A) that receives an infant surrendered under this section shall make available, if possible, information to the relinquishing parent, but such parent shall not be required to accept such information.

(2) Such information to be made available shall include:

(A) A notice stating that 60 days after the surrender of the infant to the facility, the secretary shall commence proceedings for termination of parental rights and placement of the infant for adoption;

(B) a list of providers that provide counseling services on grief, pregnancy and adoption or other placement or care regarding an infant;

(C) a copy of this statute, the rights of birth parents, a questionnaire that a birth parent may answer questions about the medical or background information of the child and any information required by subsection (k); and

(D) a brochure on postpartum health.

(3) The form and manner of the information under this subsection shall be prescribed by the secretary. The secretary shall maintain the questionnaire under paragraph (2)(C) on a public website.

(m) Except as otherwise provided by law, the following individuals shall not disclose any information concerning the relinquishment of the infant and individuals involved in the relinquishment:

(1) Persons licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant;

(2) employees of a facility described in subsection (c)(1)(A);

(3) operators of a newborn safety device; or

(4) persons employed or involved with any location where an infant may be surrendered under this section.";

Also on page 6, in line 21, before "are" by inserting "and K.S.A. 2022 Supp. 21-5605";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "adding the requirement of great bodily harm to the crime of child abandonment to qualify for immunity;"; in line 5, after the second "and" by inserting "K.S.A. 2022 Supp. 21-5605 and"; and the bill be passed as amended.

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Chairperson