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LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

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MEMORANDUM

To: House Committee on Child Welfare and Foster Care
From: Office of Revisor of Statutes
Date: January 31, 2024
Subject: HB 2580: Including mental, emotional and behavioral health treatment to medical services that may be provided to a child alleged or adjudicated to be a child in need of care.

House Bill 2580 would include mental, emotional and behavioral health treatment to medical services that could be provided to a child who has been alleged or adjudicated to be in need of care. Under K.S.A. 38-2217, currently no consent shall be required to medically examine the child to determine whether the child has been abused or neglected.

The bill defines “behavioral health treatment” as “any service intended to promote the mental health of a child alleged or adjudicated to be a child in need of care and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner and the broad range of emergency intermediate and inpatient services and care, including, but not limited to, diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.”

The bill amends K.S.A. 38-2217 to include behavioral health treatment as a treatment that a parent does not have to consent to when the treatment is being provided to determine whether a child was a victim of abuse or neglect. Additionally, the court would have the power to consent to such treatment under this bill when treatment is needed. The custodian of the child would also have the ability to consent to mental, emotional or behavioral health screening and treatment of such child, other than inpatient treatment at a state psychiatric hospital, including the release and inspection of medical or hospital records.