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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 28, 2026

Subject: Bill Brief for HB 2480 (As Introduced)

House Bill 2480 creates exceptions to certain mandatory reporting obligations for licensed social workers when working under the supervision of an attorney and permits attorneys to require a licensed social worker working under their supervision to maintain ethical obligations of attorney-client privilege.

Sections 1, 3 and 5 amend K.S.A. 38-2223, 39-1402 and 39-1431, statutes that mandate reporting by certain persons who receive information or have reasons to believe or suspect harm is occurring from certain types of abuse against children and adults. K.S.A. 38-2223 mandates reporting for a licensed social worker who has a reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse. K.S.A. 39-1402 mandates reporting for a licensed social worker who has reasonable cause to believe an adult who is a resident of certain healthcare facilities or adult care homes is being abused, neglected or exploited or needs protective services. K.S.A. 39-1431 mandates reporting for a licensed social worker who has reasonable cause to suspect or believe that an adult needs protective services or being harmed from abuse, neglect or financial exploitation. HB 2480 would insert similar language into each respective mandated reporting statute that creates an exception for licensed social workers from those requirements when:

1) Working under the supervision of an attorney; and
2) the reason to suspect that harm is occurring from the particular abuse or financial exploitation, which triggers mandated reporting requirements, arises solely in the course of the attorney's representation or prospective representation of a client in a civil, criminal, domestic, or juvenile matter.

Sections 2, 4 and 6 amend K.S.A. 38-2224, 39-1403 and 39-1432, statutes that prohibit an employer from taking certain actions against an employee because of an employee's mandated reporting requirements under the statutes discussed previously. Currently, an employer is prohibited from terminating or otherwise impairing or sanctioning an employee because the employee makes a report as required by law. HB 2480 would create an exception in each respective mandatory reporter employment statute for attorneys to allow an attorney to require a licensed social worker with mandated reporting obligations to maintain the confidentiality of information in compliance with the attorney's ethical obligation under the Kansas rules of professional conduct. The exceptions would apply when:

1) The licensed social worker is working under the supervision of an attorney;
2) the attorney is providing representation or a prospective client is seeking the attorney's representation in a civil, criminal, domestic, or juvenile matter; and
3) the reason to suspect or believe that harm is occurring from the particular abuse, which triggers mandated reporting requirements, arises solely in the course of the attorney's representation or prospective representation of a client.

Section 7 amends K.S.A. 65-6315, the statute that provides certain confidentiality requirements and exceptions for information acquired by licensed social workers in their work. Currently, the statute provides that information acquired from a person by a social worker is generally confidential unless certain exceptions apply, however there is no confidentiality privilege for information required to be reported to a public official. One of the exceptions applies when a person is under the age of 18 and is the victim or subject of a crime, and the licensed social worker is required to testify on information acquired by the person in relation to a trial or other proceeding where the crime is the subject of an inquiry. HB 2480 would specify that a licensed social worker would not be required to testify on such acquired information when it was acquired solely while working under the supervision of an attorney providing services to a client in a civil, criminal, domestic or juvenile matter or a prospective client was seeking the services of the attorney in such matter. HB 2480 would also provide an exception for information that is generally not considered privileged by reason of it being reported to a public official. The bill would provide that information acquired by a licensed social worker while working under the supervision of an attorney and the information is acquired solely from the attorney's client or prospective client in a civil, criminal, domestic or juvenile matter would still be privileged information.

The bill would take effect from and after publication in the statute book, July 1, 2026.