OFFICE OF THE DISTRICT ATTORNEY

THIRD JUDICIAL DISTRICT OF KANSAS

Michael F. Kagay, District Attorney

February 4, 2026

TO: Chairwoman Humphries of the House Judiciary Committee
FROM: Mike Kagay, District Attorney for Shawnee County
RE: Opponent Testimony for HB 2480

Chairwoman Humphries and Members of Committee:

I serve as the Shawnee County District Attorney, and as a member of the KCDAA board. I am opposed to HB 2480.

Thank you for the opportunity to provide written testimony in opposition to House Bill 2480, as introduced. I support legitimate attorney client confidentiality. I also support the use of qualified professionals who help counsel represent clients effectively. But HB 2480 goes further than protecting privilege. It creates a broad carve out from mandatory reporting duties for licensed social workers working under attorney supervision, including when a person is only seeking representation. It also authorizes attorney directed confidentiality in that setting and makes disclosure a criminal offense. In my view, that combination creates unacceptable public safety risk for children and vulnerable adults.

Mandatory reporting exists to trigger timely intervention and prevent ongoing harm. It is often the first reliable pathway to safety for a child or dependent adult. Any new non-reporting category reduces the likelihood that abuse, neglect, or exploitation is identified early enough to stop it. Licensed social workers are trained to identify signs of abuse and neglect that others may miss. They often work in close proximity to family dynamics, institutional care, and vulnerable populations. When the law creates an exception that allows those observations to remain unreported, it creates predictable blind spots. Victims pay the price for those blind spots.

HB 2480 is not limited to a defined litigation support role or a narrow case posture. It applies across criminal, civil, domestic, and juvenile matters, and it applies even when a person is only seeking representation. That breadth increases the risk that serious abuse or neglect will not be reported promptly at the exact moment when early intervention is most effective. HB 2480 allows an attorney to require the supervised social worker to maintain confidentiality to satisfy the attorney's ethical obligations. That structure puts the social worker in a conflict and pressures silence, even when the safest course for a child or vulnerable adult is to report.

Vulnerable adults are frequently isolated, dependent, and at risk of ongoing exploitation or neglect. Delayed reporting can mean continued harm. The adult protection system depends on timely reports from trained professionals. Creating a confidentiality driven exception in that area carries the same risks. HB 2480 changes the social work confidentiality framework in a way that

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can limit compelled testimony about information obtained under attorney supervision. That is not just a reporting issue. It can also impair fact finding in proceedings involving child victims and reduce the court's ability to fully evaluate safety and accountability.

In closing, my responsibility as District Attorney is to protect victims and prevent future harm. HB 2480, as introduced, shifts the balance too far toward nondisclosure in settings where early intervention saves lives. For those reasons, I respectfully request the Committee oppose HB 2480.

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