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House Judiciary Committee
January 28th, 2026

HB 2480
Proponent Testimony
Noel O'Neill, Licensed Social Worker
Kansas Federal Public Defender's Office

Chairperson Humphries and Members of the Committee:

I am Noel O'Neill, Director of Social Work for the Kansas Federal Public Defender. I write to explain how the proposed HB 2480, which would create an exception to mandated reporting requirements for social workers operating within legal defense teams, would be more effective and efficient for social workers and for clients.

Background:

I have worked at the intersection of social work and the criminal legal system for the past 9 years. During this time, I have worked extensively alongside adults in the criminal legal system. My experience includes working in problem-solving courts, including drug court and mental health court. In each position that I have held, I've sought to identify underlying issues leading to criminal behavior and provide creative interventions to decrease the chance of recidivism.

Nearly 4 years ago, I became the first social worker hired by the Kansas Federal Public Defender's Office—an office that prides itself in providing holistic defense services. A critical aspect of my role is sentencing mitigation—the process of telling the client's story. This is done by thoroughly investigating their life circumstances, traumas, mental health challenges, and other factors that may have contributed to their involvement in the criminal legal system. It's important to note that this work does not seek to excuse criminal conduct or free individuals from consequences. Rather, it provides courts with crucial background information necessary to craft more just sentences.

Another key component of my work involves providing social work services to clients who are reentering the community. I am also the conference chair for the Reentry Opportunity Conference of Kansas (The ROCK), which is an annual statewide reentry conference that seeks to improve reentry services across our state. Through my involvement with The ROCK and my role at the Kansas Federal Public Defender, I support clients who find themselves in the revolving door of the criminal legal system.

Mission

The primary mission of social work is to enhance human well-being and help meet the basic needs of all people, with particular attention to vulnerable populations. While mandated reporting requirements were established to protect vulnerable populations, creating an exception for social workers on legal defense teams protects a forgotten vulnerable group: those facing prosecution and possible incarceration. These clients require the full protection of attorney-client privilege to receive effective representation and support.

Trust

In my role, I have the opportunity to hear clients share their stories—stories that are often painful and complex. This work fundamentally depends on client trust—the foundation of effective social work practice. When clients fear their disclosures may extend beyond their legal team, it undermines the therapeutic relationship and hinders our ability to gather the information necessary to provide appropriate treatment recommendations and intervention strategies.

Professional Excellence

Licensed social workers have extensive training and valuable skillsets. Obtaining my social work license required:

- Graduating from an accredited university
- Completing internships in both non-clinical and clinical settings
- Passing the Social Work Board's master's examination and
- Ongoing participation in continuing education and training programs.

This training allows for social workers in legal settings to conduct comprehensive assessments, identify how systemic factors and personal trauma impact decision-making, and develop intervention strategies and treatment plans to solve the issues that led our clients to the legal system in the first place. My license also allows me to supervise social work student interns in our office which contributes significantly to the profession.

Perceived Risk

While mandated reporting requirements serve an essential protective function in settings such as schools, healthcare facilities, and community agencies—where professionals may be the first to identify ongoing harm—the legal defense setting operates under different circumstances. The unique nature of this environment, combined with the historical nature of disclosed information and the existing supervision of clients, means that the perceived risks are either minimal or are already being addressed through other channels within the justice system.

Conclusion:

The proposed modification would create a narrow, specific exception that applies only when two conditions are met: (1) when social workers are supervised by an attorney who is providing representation in a criminal, civil, domestic, or juvenile matter, and (2) when the information that would require reporting arises solely through that representation.

This carefully crafted exception ensures that social workers can fully integrate with legal teams while maintaining their ethical obligations. Creating this exception would not eliminate our professional judgment. Rather, it would enable us to address concerning situations collaboratively with attorneys to determine the most appropriate course of action, while maintaining the confidentiality essential to effective representation.

Respectfully submitted,

Noel O'Neill, LMSW
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