

SENATE BILL No. 472

By Committee on Judiciary

1-30

9 AN ACT concerning children in need of care; relating to reports of al-
10 leged abuse or neglect; amending K.S.A. 2005 Supp. 38-1522 and re-
11 pealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 38-1522 is hereby amended to read as
15 follows: 38-1522. (a) When any of the following persons has reason to
16 suspect that a child has been injured as a result of physical, mental or
17 emotional abuse or neglect or sexual abuse, the person shall report the
18 matter promptly as provided in subsection (c) or (e): Persons licensed to
19 practice the healing arts or dentistry; persons licensed to practice optom-
20 etry; persons engaged in postgraduate training programs approved by the
21 state board of healing arts; licensed psychologists; licensed masters level
22 psychologists; licensed clinical psychotherapists; licensed professional or
23 practical nurses examining, attending or treating a child under the age of
24 18; teachers, school administrators or other employees of a school which
25 the child is attending; chief administrative officers of medical care facil-
26 ities; licensed marriage and family therapists; licensed clinical marriage
27 and family therapists; licensed professional counselors; licensed clinical
28 professional counselors; registered alcohol and drug abuse counselors;
29 persons licensed by the secretary of health and environment to provide
30 child care services or the employees of persons so licensed at the place
31 where the child care services are being provided to the child; licensed
32 social workers; firefighters; emergency medical services personnel; me-
33 diators appointed under K.S.A. 23-602 and amendments thereto; juvenile
34 intake and assessment workers; and law enforcement officers. The report
35 may be made orally and shall be followed by a written report if requested.
36 When the suspicion is the result of medical examination or treatment of
37 a child by a member of the staff of a medical care facility or similar
38 institution, that staff member shall immediately notify the superinten-
39 dent, manager or other person in charge of the institution who shall make
40 a written report forthwith. Every written report shall contain, if known,
41 the names and addresses of the child and the child's parents or other
42 persons responsible for the child's care, the child's age, the nature and
43 extent of the child's injury (including any evidence of previous injuries)

1 and any other information that the maker of the report believes might be
2 helpful in establishing the cause of the injuries and the identity of the
3 persons responsible for the injuries.

4 (b) Any other person who has reason to suspect that a child has been
5 injured as a result of physical, mental or emotional abuse or neglect or
6 sexual abuse may report the matter as provided in subsection (c) or (e).

7 (c) (1) Except as provided by subsection (e);

8 (A) All reports made pursuant to this section shall be made to the state
9 department of social and rehabilitation services; *and*

10 (B) *reports of sexual abuse or physical abuse, where a child is born*
11 *with alcohol or an unlawful controlled substance in such child's system,*
12 *made pursuant to this section shall be made to the county or district*
13 *attorney of the jurisdiction in which the alleged abuse or neglect is be-*
14 *lieved to have occurred or the jurisdiction in which the person making*
15 *the report is located if the venue of the alleged abuse or neglect is*
16 *uncertain.*

17 (2) When the department *or county or district attorney's office* is not
18 open for business, the reports shall be made to the appropriate law en-
19 forcement agency. On the next day that the state department of social
20 and rehabilitation services *or county or district attorney's office* is open
21 for business, the law enforcement agency shall report to the department
22 *and the county or district attorney* any report received and any investi-
23 gation initiated pursuant to subsection (a) of K.S.A. 38-1524 and amend-
24 ments thereto.

25 (3) The reports may be made orally or, on request of the department
26 *or county or district attorney's office*, in writing.

27 (d) Any person who is required by this section to report an injury to
28 a child and who knows of the death of a child shall notify immediately
29 the coroner as provided by K.S.A. 22a-242, and amendments thereto.

30 (e) Reports of child abuse or neglect occurring in an institution op-
31 erated by the secretary of social and rehabilitation services or the com-
32 missioner of juvenile justice shall be made to the attorney general. All
33 other reports of child abuse or neglect by persons employed by or of
34 children of persons employed by the state department of social and re-
35 habilitation services or the juvenile justice authority shall be made to the
36 appropriate law enforcement agency *and the county or district attorney*
37 *as provided in subsection (c).*

38 (f) Willful and knowing failure to make a report required by this sec-
39 tion is a class B misdemeanor.

40 (g) Preventing or interfering with, with the intent to prevent, the
41 making of a report required by this section is a class B misdemeanor.

42 Sec. 2. K.S.A. 2005 Supp. 38-1522 is hereby repealed.

43

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.