

SENATE BILL No. 436

By Committee on Judiciary

1-25

9 AN ACT concerning children in need of care; relating to runaways;
10 amending K.S.A. 2009 Supp. 38-2231 and repealing the existing
11 section.

12

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

14 Section 1. K.S.A. 2009 Supp. 38-2231 is hereby amended to read as
15 follows: 38-2231. (a) A law enforcement officer or court services officer
16 shall take a child under 18 years of age into custody when:

17 (1) The law enforcement officer or court services officer has a court
18 order commanding that the child be taken into custody as a child in need
19 of care; or

20 (2) the law enforcement officer or court services officer has probable
21 cause to believe that a court order commanding that the child be taken
22 into custody as a child in need of care has been issued in this state or in
23 another jurisdiction.

24 (b) A law enforcement officer shall take a child under 18 years of age
25 into custody when:

26 (1) The law enforcement officer reasonably believes the child will be
27 harmed if not immediately removed from the place or residence where
28 the child has been found; or

29 (2) when the officer has probable cause to believe that the child is a
30 missing person and a verified missing person entry for the child can be
31 found in the national crime information center missing person system.

32 (c) (1) If a person provides shelter to a child whom the person knows
33 is a runaway, such person shall promptly report the child's location either
34 to a law enforcement agency or to the child's parent or other custodian.

35 (2) ~~If a person reports a runaway's location to a law enforcement~~
36 ~~agency pursuant to this section and a law enforcement officer of the~~
37 ~~agency has reasonable grounds to believe that it is in the child's best~~
38 ~~interests, the child may be allowed to remain in the place where shelter~~
39 ~~is being provided, subject to subsection (b), in the absence of a court~~
40 ~~order to the contrary. If the child is allowed to so remain, the law en-~~
41 ~~forcement agency shall promptly notify the secretary of the child's loca-~~
42 ~~tion and circumstances. Any runaway shall be placed in a secure facility~~
43 ~~until the time when the determination is made whether the child is a child~~

1 *in need of care.*

2 (3) *“Runaway” means any child under 18 years of age who is willingly*
3 *and voluntarily absent from the child’s home without the consent of the*
4 *child’s parent or other custodian or who is willingly and voluntarily ab-*
5 *sent at least a second time from a court ordered or designated placement,*
6 *or a placement pursuant to court order, if the absence is without the*
7 *consent of the person with whom the child is placed or, if the child is*
8 *placed in a facility, without the consent of the person in charge of such*
9 *facility or such person’s designee.*

10 (d) A law enforcement officer may temporarily detain and assume
11 temporary custody of any child subject to compulsory school attendance,
12 pursuant to K.S.A. 72-1111, and amendments thereto, during the hours
13 school is actually in session and shall deliver the child pursuant to sub-
14 section (g) of K.S.A. 2009 Supp. 38-2232, and amendments thereto.

15 Sec. 2. K.S.A. 2009 Supp. 38-2231 is hereby repealed.

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