

HOUSE BILL No. 2553

By Committee on Child Welfare and Foster Care

Requested by John Monroe on behalf of the Center for the Rights of Abused
Children

1-18

1 AN ACT concerning children and minors; relating to children who are
2 missing in custody of the secretary for children and families;
3 establishing procedures for the secretary and law enforcement agencies
4 after receiving information that a child in custody of the secretary is
5 missing; requiring the secretary to obtain and maintain an identification
6 card for children adjudicated to be a child in need of care; amending
7 K.S.A. 38-2221, 38-2289 and 75-712c and repealing the existing
8 sections.
9

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

11 New Section 1. (a) In addition to requirements of K.S.A. 75-712c,
12 and amendments thereto, after receiving information that a child in
13 custody of the secretary is missing, a law enforcement agency shall:

14 (1) Within two hours of receipt of the information, enter the
15 following information into the missing person system of the national crime
16 information center and the missing and unidentified person system of the
17 Kansas bureau of investigation:

18 (A) Name, date of birth, sex, race, height, weight and eye and hair
19 colors of the child;

20 (B) a recent photo of the child;

21 (C) the date and location of the last known contact with the child; and

22 (D) whether the child is a high-risk missing person pursuant to
23 K.S.A. 75-712c(e)(3), and amendments thereto;

24 (2) provide to all local media outlets and post to social media
25 platforms the following information regarding the child and, if known, the
26 child's alleged abductor:

27 (A) A complete physical description of the child and, if known, the
28 child's alleged abductor;

29 (B) the last known location of the child and, if known, the child's
30 alleged abductor;

31 (C) a description of the clothing last worn by the child and, if known,
32 the child's alleged abductor;

33 (D) a description of any vehicle that may be involved with the child's
34 disappearance;

1 (E) current photos of the child and, if available, the child's alleged
2 abductor;

3 (F) a law enforcement telephone number; and

4 (G) information regarding any offered rewards;

5 (3) within 30 days of the information entered pursuant to paragraph
6 (1), verify and update the record with additional information, including, if
7 available, medical and dental records and a photo taken of the child within
8 the previous 180 days;

9 (4) maintain communication with the secretary and the national
10 center for missing and exploited children for exchanging information and
11 assistance in the investigation; and

12 (5) not remove the information entered pursuant to this section until
13 the child returns or is located.

14 (b) This section shall be a part of and supplemental to the revised
15 Kansas code for care of children.

16 Sec. 2. K.S.A. 38-2221 is hereby amended to read as follows: 38-
17 2221. (a) *The secretary shall obtain a nondriver's identification card for a*
18 *child adjudicated to be a child in need of care issued pursuant to K.S.A. 8-*
19 *1324, and amendments thereto, within 90 days of the adjudication. The*
20 *secretary shall place and maintain a copy of the child's nondriver's*
21 *identification card in the child's record.*

22 (b) Fingerprints or photographs of a person alleged or adjudicated to
23 be a child in need of care may be taken:

24 (1) By a person authorized to investigate an allegation or suspicion of
25 child abuse or neglect to obtain and preserve evidence or to determine the
26 identity of a child;

27 (2) as authorized by K.S.A. ~~38-1611~~ 38-2313, and amendments
28 thereto; ~~or~~

29 (3) if authorized by a judge of the district court having jurisdiction;
30 or

31 (4) *for the purposes of obtaining a nondriver's identification card*
32 *authorized by K.S.A. 8-1324, and amendments thereto.*

33 ~~(b)(c)~~ Fingerprints and photographs taken under subsection ~~(a)(3)~~ (b)
34 (3):

35 (1) Shall be kept separate from those of persons of the age of
36 majority; and

37 (2) may be sent to a state or federal repository only if authorized by a
38 judge of the district court having jurisdiction.

39 ~~(c)(d)~~ Nothing in this section shall preclude the custodian of the child
40 from authorizing photographs or fingerprints of the child to:

41 (1) Be used in any action under the Kansas parentage act, K.S.A. 23-
42 2201 et seq., and amendments thereto;

43 (2) assist in the apprehension of a runaway child;

- 1 (3) assist in the adoption or other permanent placement of a child; or
2 (4) provide the child or the child's parents with a history of the child's
3 life and development.

4 ~~(d)~~(e) For purposes of this section, ~~the term~~ "photograph" means an
5 image or likeness of a child made or reproduced by any medium or means.

6 Sec. 3. K.S.A. 38-2289 is hereby amended to read as follows: 38-
7 2289. (a) Immediately after receiving information that a child has been
8 identified as a victim of human trafficking, aggravated human trafficking
9 or commercial sexual exploitation of a child, and in no case later than 24
10 hours after receiving such information, the secretary shall report such
11 information to law enforcement agencies of jurisdiction.

12 (b) (1) Immediately after receiving information that a child in the
13 custody of the secretary is missing, and in no case later than 24 hours after
14 receiving such information, the secretary shall report such information to
15 the national center for missing and exploited children and the law
16 enforcement agency in the jurisdiction from which the child is missing.
17 ~~The law enforcement agency shall enter such information into the missing~~
18 ~~person system of the national crime information center and the missing~~
19 ~~and unidentified person system of the Kansas bureau of investigation, in~~
20 ~~accordance with K.S.A. 75-712e, and amendments thereto.~~

21 (2) *Unless the law enforcement agency in the jurisdiction where the*
22 *child is missing determines that contact with the following will hinder*
23 *investigation efforts, the secretary shall contact the following to obtain*
24 *information about the child's disappearance:*

- 25 (A) *The child's parents;*
26 (B) *the child's known relatives;*
27 (C) *the child's placement;*
28 (D) *the child's guardian ad litem;*
29 (E) *the child's court-appointed special advocate; and*
30 (F) *any other person who the secretary determines may have*
31 *information regarding the child's disappearance.*

32 (3) *Unless the law enforcement agency in the jurisdiction where the*
33 *child is missing determines that notification to the following will hinder*
34 *investigation efforts, the secretary shall notify the following about the*
35 *child's disappearance:*

- 36 (A) *The child's parents;*
37 (B) *the child's known relatives;*
38 (C) *the child's placement;*
39 (D) *the child's guardian ad litem;*
40 (E) *the child's court-appointed special advocate;*
41 (F) *any judicial officer involved with the child's proceeding;*
42 (G) *the county or district attorney involved with the child's*
43 *proceeding; and*

1 (H) if the child is a member of a federally recognized Indian tribe or
2 tribes, the child's tribe or tribes.

3 (4) Until a missing child is found or the child reaches the age of
4 majority, the secretary shall:

5 (A) Maintain an open case file;

6 (B) maintain a written record that shall be filed with the court
7 detailing every effort the secretary has made to locate the missing child
8 within 10 days after the effort to locate the child began, specifically the
9 notifications and documentation sent to individuals and departments
10 pursuant to the requirements of this section;

11 (C) contact law enforcement frequently and document the
12 information provided and received; and

13 (D) for a child who has been missing for two or more years, work
14 with the national center for missing and exploited children to create an
15 age-progression image of the child.

16 (5) The secretary shall develop and conduct annual training for
17 employees who have direct oversight of children and the direct supervisors
18 of such employees. The training shall include procedures for locating
19 missing children and the requirements for ongoing efforts to locate a
20 missing child.

21 (6) Unless the investigating law enforcement agency determines that
22 it will hinder the investigation, until the child is located, the secretary
23 shall:

24 (A) Maintain contact with:

25 (i) Law enforcement agencies involved in the child's case;

26 (ii) the child's parents, guardian or custodian;

27 (iii) the child's known relatives;

28 (iv) current and former placements of the child;

29 (v) the child's school; and

30 (vi) known acquaintances of the child;

31 (B) conduct a search of locations and places where the child may be
32 found;

33 (C) continually review social media accounts that may be associated
34 with the child or the child's known acquaintances;

35 (D) coordinate efforts with law enforcement agencies in searching for
36 the child; and

37 (E) conduct ongoing search efforts with the secretary's field staff.

38 (7) When a missing child is located, the secretary shall:

39 (A) Inform the following:

40 (i) All law enforcement agencies involved in the child's case;

41 (ii) the attorney general's office; and

42 (iii) the national center for missing and exploited children;

43 (B) have in-person contact with the child within 24 hours after the

1 *child is located;*

2 *(C) obtain a medical exam for the child;*

3 *(D) assess and document the child's experiences while absent from*
4 *care, including screening to determine if the child is a victim of human*
5 *trafficking and document agency efforts to prevent reoccurrence;*

6 *(E) assess the appropriateness of the child returning to the child's*
7 *current placement; and*

8 *(F) assess factors that contributed to the child's absence.*

9 *(c) The chairperson of the joint committee on child welfare system*
10 *oversight established by K.S.A. 46-3901, and amendments thereto, may*
11 *call a meeting to address concerns related to the secretary and law*
12 *enforcement's compliance with this section and provide recommendations.*
13 *The committee may request an annual independent audit of the secretary's*
14 *compliance with this section. If the independent audit determines that the*
15 *secretary is not compliant, the independent audit shall recommend*
16 *improvements to the secretary's efforts to locate missing children.*

17 ~~*(e)(d)*~~ *This section shall be a part of and supplemental to the revised*
18 *Kansas code for care of children.*

19 *Sec. 4. K.S.A. 75-712c is hereby amended to read as follows: 75-*
20 *712c. (a) (1) All law enforcement agencies of the state of Kansas, or any*
21 *political subdivision thereof, shall accept and process, without delay, any*
22 *report of a missing person by any person at any time pursuant to K.S.A.*
23 ~~*75-712b through 75-712e, and amendments thereto, and K.S.A. 75-712f*~~
24 ~~*through 75-712h, and amendments thereto, and section 1, and*~~
25 ~~*amendments thereto.*~~

26 *(2) No law enforcement agency shall refuse or otherwise fail to*
27 *accept a missing person report for any reason except when the law*
28 *enforcement agency:*

29 *(A) Knows the location of the person reported missing;*

30 *(B) has confirmed the safe status of the person reported missing; or*

31 *(C) has confirmed that another law enforcement agency has already*
32 *completed a report on the missing person incident.*

33 *(3) The reports shall be entered into the missing person system of the*
34 *national crime information center and the missing and unidentified person*
35 *system of the Kansas bureau of investigation within two hours of receipt*
36 *of the minimum data required to enter a record into such system, except as*
37 *provided in subsection (e)(4).*

38 *(4) The law enforcement agency immediately shall commence an*
39 *investigation based upon the elements of the initial reports.*

40 *(b) The law enforcement agency shall provide the person making*
41 *such report with contact information and information concerning the*
42 *national center for missing and exploited children and the national center*
43 *for missing adults.*

1 (c) Within a reasonable period of time, and in no case longer than 30
2 calendar days, follow-up forms from the national crime information center
3 or the Kansas bureau of investigation, or both, shall be given to the
4 reporting party, to be completed and returned to the law enforcement
5 agency. The data reported on the follow-up forms shall be entered
6 immediately into the missing person system of the national crime
7 information center and the missing and unidentified person system of the
8 Kansas bureau of investigation.

9 (d) The reporting party shall be advised to immediately notify the law
10 enforcement agency in the event the missing person returns or is located.
11 Except as provided further, the law enforcement agency shall immediately
12 notify the reporting party if the missing person is located or contacted. The
13 law enforcement agency investigating the report shall not give information
14 to the reporting party if the law enforcement agency has reason to believe
15 the missing person is an adult or an emancipated minor and is staying at or
16 has made contact with a domestic violence or sexual assault program and
17 does not expressly consent to the release of this information. Upon
18 location of or contact by the missing person, the law enforcement agency
19 shall clear the case in the national crime information center and Kansas
20 bureau of investigation databases.

21 (e) (1) Upon receipt of a missing person report, the law enforcement
22 agency shall immediately determine whether such person may be a high-
23 risk missing person.

24 (2) Upon obtaining any new information concerning the missing
25 person at any time, the law enforcement agency shall evaluate whether
26 such person may be a high-risk missing person.

27 (3) A high-risk missing person means any person who is at
28 heightened risk of bodily harm or death, including, but not limited to,
29 persons missing:

- 30 (A) As a result of an abduction;
31 (B) under suspicious or known dangerous circumstances;
32 (C) more than 30 days;
33 (D) who have been designated as high-risk missing persons by
34 another law enforcement agency; or
35 (E) under any facts or circumstances that would lead the law
36 enforcement agency to believe such person may be at risk of bodily harm
37 or death.

38 (4) Upon a determination that a missing person is a high-risk missing
39 person, the law enforcement agency shall immediately and specifically
40 make such determination known to the missing and unidentified person
41 system of the Kansas bureau of investigation and cause the information to
42 be entered into the missing person system of the national crime
43 information center as soon as possible after the minimum information to

1 make such entry is received.

2 *(f) If the subject of the missing person report is a child in the custody*
3 *of the secretary for children and families, upon receipt of the report, the*
4 *law enforcement agency shall be subject to the requirements of section 1,*
5 *and amendments thereto.*

6 Sec. 5. K.S.A. 38-2221, 38-2289 and 75-712c are hereby repealed.

7 Sec. 6. This act shall take effect and be in force from and after its
8 publication in the statute book.