

February 9th, 2025

Chair Kellie Warren and Members of the Senate Judiciary Committee

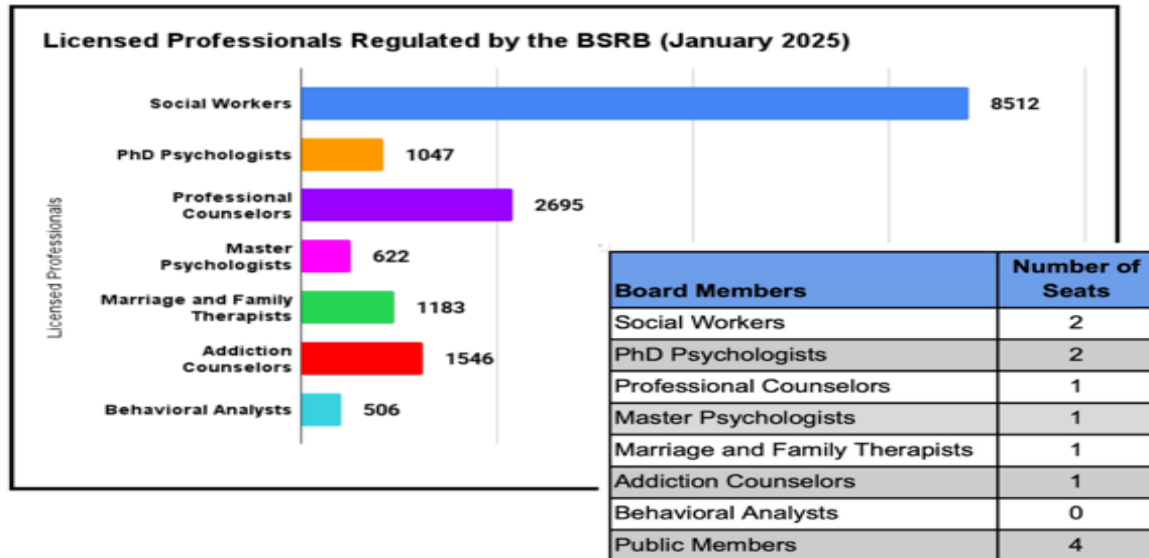
RE: Written Only Proponent Testimony – SB 128

Thank you for the opportunity to provide written-only testimony on behalf of the Kansas Chapter of the National Association of Social Workers. Founded in the 1955, the National Association of Social Workers (NASW) is the largest membership organization of professional social workers in the world with state chapters in all fifty states including Kansas.

The Behavioral Health Workforce in Kansas

Currently the State of Kansas has seven licensed behavioral health professions regulated under the Behavioral Sciences Regulatory Board.

Social workers provide the majority of behavioral health services in Kansas and across the nation. Social workers have been licensed at three levels of practice in Kansas since 1974 - baccalaureate (LBSW), the master level (LMSW), and the independent clinical specialist social worker (LSCSW).



Social Workers in Legal Defense: Critical Partnership

Social workers bring a unique set of skills that can help attorneys assist their clients with current legal struggles, and set them up for future success after case ends. Individuals charged with crimes are less likely to re-offend when social workers help them get needed mental health services, substance abuse treatment or other resources to meet their individual needs (whether social workers provide the services directly or help connect clients to other professionals).

In fact, both Washburn University and University of Kansas offer a dual degree program track for students interested in a Master in Social Work (MSW) and Juris Doctor (JD). Social workers that graduate with a MSW and then pursue a law degree often face conflicting ethical obligations. A dual degree graduate will need to choose between practicing as a licensed attorney or as a licensed social worker due to conflicts between the scope of practices.

Attorney – Social Worker Partnership Limited by Ethical Conflicts

A major conflict when working in both law and social work is the potential clash between the legal requirement to disclose information and the ethical obligation to maintain client confidentiality.

The Attorneys' ethical obligations mandate confidentiality between client and all members of legal team. Social workers with mandatory reporting requirements cannot fully participate on legal teams. Thus – under current law, the professional obligations of attorneys and social workers are at odds with one another. When social workers operate within a legal defense team, their statutorily mandated reporting requirements are not superseded by attorney-client confidentiality.

The Need for Licensed Social Workers in Public Defense Steadily Increases

Partnerships between attorneys and social workers create a more effective and holistic legal defense. Clients receive mental health and social service support and the legal system receives expertise in addressing comprehensive needs that reduce overall system costs.

Kansas Chapter of Social Workers supports the integration of social workers in legal settings and supports augmenting not supplanting legal representation with mental health and social services for clients.

Lastly, we believe that exempting licensed social workers from mandatory reporting requirements should only occur in limited and narrow circumstances.

Thank you for allowing me to offer written-only support for SB 128.

Sincerely –

Becky Fast

Becky Fast, MPA, LCSW
KS Chapter Executive Director, National Association of Social Workers (NASW)