

## Substitute for Substitute for HOUSE BILL No. 2132

By Committee on Child Welfare and Foster Care

2-4

1 AN ACT concerning children and minors; relating to the revised Kansas  
2 code for care of children; determining when a law enforcement officer  
3 may or shall take a child into custody; amending K.S.A. 2025 Supp.  
4 38-2231 and repealing the existing section.  
5

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

7 Section 1. K.S.A. 2025 Supp. 38-2231 is hereby amended to read as  
8 follows: 38-2231. (a) A law enforcement officer or court services officer  
9 shall take a child under 18 years of age into custody when:

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

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

17 (b) A law enforcement officer ~~shall~~ *may* take a child under 18 years  
18 of age into custody when the officer:

19 (1) Reasonably believes the child will be harmed if not immediately  
20 removed from the place or residence where the child has been found; or

21 (2) reasonably believes the child is experiencing a behavioral health  
22 crisis and is likely to cause harm to self or others.

23 (c) A law enforcement officer shall explore other options to separate  
24 the child from the source of harm before removal of such child as provided  
25 in subsection (b).

26 (d) The secretary shall provide an electronic means of communication  
27 for a responding law enforcement officer to refer a child who may be a  
28 victim of abuse or neglect to the secretary. The secretary shall receive such  
29 referrals and, within 24 hours, initiate an investigation of abuse or neglect  
30 and contact the persons who are the subject of such investigation. Then,  
31 within 24 hours of such contact, the secretary shall respond to the referring  
32 law enforcement agency with the status of the investigation.

33 (e) A law enforcement officer shall take a child under 18 years of age  
34 into custody when the officer:

35 (1) Has probable cause to believe that the child is a runaway or a  
36 missing person or a verified missing person entry for the child can be

1     found in the national crime information center missing person system; or  
2         (2) reasonably believes that the child is a victim of human trafficking,  
3     aggravated human trafficking or commercial sexual exploitation of a child.

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

7         (2) If a person reports a runaway's location to a law enforcement  
8     agency pursuant to this section and a law enforcement officer of the  
9     agency has reasonable grounds to believe that it is in the child's best  
10    interests, the child may be allowed to remain in the place where shelter is  
11    being provided, subject to subsection (e), in the absence of a court order to  
12    the contrary. If the child is allowed to so remain, the law enforcement  
13    agency shall promptly notify the secretary of the child's location and  
14    circumstances.

15         (g) Except as provided in subsections (a), (b) and (e), a law  
16     enforcement officer may temporarily detain and assume temporary custody  
17     of any child subject to compulsory school attendance, pursuant to K.S.A.  
18     72-3120, and amendments thereto, during the hours school is actually in  
19     session and shall deliver the child pursuant to K.S.A. 38-2232(g), and  
20     amendments thereto.

21     Sec. 2. K.S.A. 2025 Supp. 38-2231 is hereby repealed.

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