

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2524

By Committee on Child Welfare and Foster Care

Requested by John Monroe on behalf of KVC Kansas

1-22

AN ACT concerning child care facilities; relating to licensure of family foster homes; requiring the secretary for children and families to ~~license or~~ allow maintenance of licensure of family foster homes when certain persons **with convictions or adjudications** reside in such homes; permitting the secretary, when not required, to license or allow maintenance of licensure **when certain persons reside in such homes**; creating an appeal process for family foster homes; amending K.S.A. 2025 Supp. 65-516 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 65-516 is hereby amended to read as follows: 65-516. (a) *Except as provided in subsection (d)*, no person shall knowingly maintain a child care facility if an employee who, in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718

1 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments  
2 thereto, or similar statutes of any other state or the federal government;

3 (2) ~~except as provided in subsection (b),~~ has been adjudicated a  
4 juvenile offender because of having committed an act which, if committed  
5 by an adult, would constitute the commission of a felony and that is a  
6 crime against persons, is any act described in articles 34, 35 or 36 of  
7 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article  
8 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and  
9 amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418  
10 through 21-6422 or 21-6424, and amendments thereto, or similar statutes  
11 of any other state or the federal government, or is any act described in  
12 K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and  
13 amendments thereto, or similar statutes of any other state or the federal  
14 government;

15 (3) has been convicted or adjudicated of a crime that requires  
16 registration as a sex offender under the Kansas offender registration act,  
17 K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any  
18 other state or as a sex offender on the national sex offender registry;

19 (4) has committed an act of physical, mental or emotional abuse or  
20 neglect or sexual abuse and who is listed in the child abuse and neglect  
21 registry maintained by the Kansas department for children and families  
22 pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child  
23 abuse and neglect registries maintained by any other state or the federal  
24 government and;

25 (A) The person has failed to successfully complete a corrective action  
26 plan that had been deemed appropriate and approved by the Kansas  
27 department for children and families or requirements of similar entities in  
28 any other state or the federal government; or

29 (B) the record has not been expunged pursuant to rules and  
30 regulations adopted by the secretary for children and families or similar  
31 entities in any other state or the federal government;

32 (5) has had a child removed from home based on a court order  
33 pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a  
34 court order in any other state based upon a similar statute that finds the  
35 child to be deprived or a child in need of care based on a finding of  
36 physical, mental or emotional abuse or neglect or sexual abuse and the  
37 child has not been returned to the home or the child reaches majority  
38 before being returned to the home and the person has failed to  
39 satisfactorily complete a corrective action plan approved by the  
40 department of health and environment;

41 (6) has had parental rights terminated pursuant to the revised Kansas  
42 code for care of children, or a similar statute of other states;

43 (7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et

1 seq., and amendments thereto, or an immediate intervention agreement  
2 pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge  
3 of child abuse or a sexual offense; or

4 (8) has an infectious or contagious disease.

5 ~~(b) If the secretary determines that there is no safety concern, The~~  
6 ~~secretary may license a family foster home, as defined in K.S.A. 38-134,~~  
7 ~~and amendments thereto, when a person who has been adjudicated as a~~  
8 ~~juvenile offender for an offense described in subsection (a)(2):~~

9 ~~(1) Was a child in the custody of the secretary and placed with such~~  
10 ~~family foster home by the secretary;~~

11 ~~(2) is 18 years of age or older;~~

12 ~~(3) (A) maintains residence at such family foster home; or~~

13 ~~(B) has been legally adopted by any person who resides at such~~  
14 ~~family foster home; and~~

15 ~~(4) six months have passed since the date of adjudication.~~

16 ~~(e) No person shall maintain a child care facility if such person has~~  
17 ~~been found to be a person in need of a guardian or a conservator, or both,~~  
18 ~~as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.~~

19 ~~(d)(c) Any person who resides in a child care facility and who has~~  
20 ~~been found to be in need of a guardian or a conservator, or both, shall be~~  
21 ~~counted in the total number of children allowed in care.~~

22 ~~(d) (1) The secretary for children and families shall grant a license to~~  
23 ~~or allow maintenance of an existing license of a family foster home, as~~  
24 ~~defined in K.S.A. 38-134, and amendments thereto, when:~~

25 ~~(A) Such applicant or licensee otherwise qualifies for such licensure;~~  
26 ~~and~~

27 ~~(B) a person who resides in such home:~~

28 ~~(i) Has been convicted or adjudicated of an offense described in~~  
29 ~~subsection (a);~~

30 ~~(ii) was a child with such conviction or adjudication in custody of~~  
31 ~~and placed in such home by the secretary;~~

32 ~~(ii)(iii) is more than 18 years of age but less than 26 years of age;~~  
33 ~~and~~

34 ~~(iii)(iv) maintains residence in such home or has been legally~~  
35 ~~adopted by a person who resides in such home.~~

36 ~~(2) The secretary for children and families may grant a license to or~~  
37 ~~allow maintenance of an existing license of a family foster home, as~~  
38 ~~defined in K.S.A. 38-134, and amendments thereto, when if the secretary~~  
39 ~~determines that there are no safety concerns and a person residing in~~  
40 ~~such home otherwise meets the requirements in paragraph (1) but:~~

41 ~~(A) A person Is older than 26 years of age but otherwise meets the~~  
42 ~~requirements of paragraph (1); or~~

43 ~~(B) an applicant or licensee is not granted or allowed to maintain a~~

1 ~~license under this subsection~~ **has an additional conviction or**  
2 **adjudication described in subsection (a) after release from the custody**  
3 **of the secretary for children and families.**

4 (3) (A) *An applicant or licensee may appeal to the secretary for*  
5 *children and families for review, if such secretary has not granted or*  
6 *allowed the maintenance of a license when such licensure shall or may be*  
7 *otherwise granted or allowed to be maintained under this subsection.*

8 (B) *Upon review of such appeal, licensure may be granted or allowed*  
9 *to be maintained by the secretary, whose decision shall be final.*

10 (e) In accordance with the provisions of this subsection, the secretary  
11 of health and environment shall have access to any court orders or  
12 adjudications of any court of record, any records of such orders or  
13 adjudications, criminal history record information including, but not  
14 limited to, diversion agreements, in the possession of the Kansas bureau of  
15 investigation and any report of investigations as authorized by K.S.A. 38-  
16 2226, and amendments thereto, in the possession of the Kansas department  
17 for children and families or court of this state concerning employees in a  
18 child care facility. The secretary shall have access to these records for the  
19 purpose of determining whether or not the home meets the requirements of  
20 K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

21 (f) In accordance with the provisions of this subsection, the secretary  
22 is authorized to conduct national criminal history record checks to  
23 determine criminal history on employees in a child care facility. In order to  
24 conduct a national criminal history check the secretary shall require  
25 fingerprinting for identification and determination of criminal history in  
26 accordance with K.S.A. 2025 Supp. 22-4714, and amendments thereto.

27 (g) (1) The secretary shall adopt rules and regulations to fix a fee for  
28 fingerprinting employees in a child care facility, as may be required by the  
29 department to reimburse the department for the cost of the fingerprinting.

30 (2) The secretary shall remit all moneys received from the fees  
31 established under this section to the state treasurer in accordance with  
32 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
33 remittance, the state treasurer shall deposit the entire amount in the state  
34 treasury to the credit of the child care criminal background and  
35 fingerprinting fund.

36 (h) The child care criminal background and fingerprinting fund is  
37 hereby created in the state treasury to be administered by the secretary of  
38 health and environment. All moneys credited to the child care criminal  
39 background and fingerprinting fund shall be used to pay local and state  
40 law enforcement officers and agencies for the processing of fingerprints  
41 and criminal history background checks for the department. All  
42 expenditures from the child care criminal background and fingerprinting  
43 fund shall be made in accordance with appropriation acts upon warrants of

1 the director of accounts and reports issued pursuant to vouchers approved  
2 by the secretary or by a person designated by the secretary.

3 (i) The secretary shall notify the child care applicant or licensee,  
4 within seven days by certified mail with return receipt requested, when the  
5 result of the national criminal history record check or other appropriate  
6 review reveals unfitness specified in subsections (a)(1) through (8) with  
7 regard to the person who is the subject of the review.

8 (j) No child care facility or the employees thereof, shall be liable for  
9 civil damages to any person refused employment or discharged from  
10 employment by reason of such facility's or home's compliance with the  
11 provisions of this section if such home acts in good faith to comply with  
12 this section.

13 (k) For the purpose of subsection (a)(3), a person listed in the child  
14 abuse and neglect central registry shall not be prohibited from residing,  
15 working or volunteering in a child care facility unless such person has:

16 (1) Had an opportunity to be interviewed and present information  
17 during the investigation of the alleged act of abuse or neglect; and

18 (2) been given notice of the agency decision and an opportunity to  
19 appeal such decision to the secretary and to the courts pursuant to the  
20 Kansas judicial review act.

21 (l) In regard to Kansas issued criminal history records:

22 (1) The secretary of health and environment shall provide in writing  
23 information available to the secretary to each child placement agency  
24 requesting information under this section, including the information  
25 provided by the Kansas bureau of investigation pursuant to this section, for  
26 the purpose of assessing the fitness of persons living, working or regularly  
27 volunteering in a family foster home under the child placement agency's  
28 sponsorship.

29 (2) The child placement agency is considered to be a governmental  
30 entity and the designee of the secretary of health and environment for the  
31 purposes of obtaining, using and disseminating information obtained under  
32 this section.

33 (3) The information shall be provided to the child placement agency  
34 regardless of whether the information discloses that the subject of the  
35 request has been convicted of any offense.

36 (4) Whenever the information available to the secretary reveals that  
37 the subject of the request has no criminal history on record, the secretary  
38 shall provide notice thereof in writing to each child placement agency  
39 requesting information under this section.

40 (5) Any staff person of a child placement agency who receives  
41 information under this subsection shall keep such information confidential,  
42 except that the staff person may disclose such information on a need-to-  
43 know basis to:

- 1 (A) The person who is the subject of the request for information;
- 2 (B) the applicant or operator of the family foster home in which the
- 3 person lives, works or regularly volunteers;
- 4 (C) the department of health and environment;
- 5 (D) the Kansas department for children and families;
- 6 (E) the department of corrections; and
- 7 (F) the courts.

8 (6) A violation of paragraph (5) shall be an unclassified misdemeanor  
9 punishable by a fine of \$100 for each violation.

10 ~~(m) (1) No person shall maintain a day care facility unless such~~  
11 ~~person is a high school graduate or the equivalent thereof, except where~~  
12 ~~extraordinary circumstances exist, the secretary of health and environment~~  
13 ~~may exercise discretion to make exceptions to this requirement. The~~  
14 ~~provisions of this subsection shall not apply to any person who was~~  
15 ~~maintaining a day care facility on the day immediately prior to July 1,~~  
16 ~~2010, or who had an application for an initial license or the renewal of an~~  
17 ~~existing license pending on July 1, 2010.~~

18 ~~(2) This subsection shall expire on June 30, 2026.~~

19 Sec. 2. K.S.A. 2025 Supp. 65-516 is hereby repealed.

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