

HOUSE BILL No. 2589

By Committee on Child Welfare and Foster Care

Requested by Representatives Johnson and Buehler

1-28

1 AN ACT concerning children and minors; relating to reports of child abuse
2 or neglect; prohibiting the secretary for children and families from
3 accepting or assigning anonymous reports of child abuse or neglect;
4 requiring the secretary to inform anonymous reporters of such
5 prohibition and other pertinent information regarding the reporting of
6 child abuse or neglect, confidentiality of identifiable information and
7 penalties for false reporting; allowing law enforcement agencies to
8 accept anonymous reports of child abuse or neglect; providing for the
9 confidentiality of reporter information in law enforcement records;
10 amending K.S.A. 2025 Supp. 38-2213 and 38-2223 and repealing the
11 existing sections.
12

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

14 Section 1. K.S.A. 2025 Supp. 38-2213 is hereby amended to read as
15 follows: 38-2213. (a) *Principle of limited disclosure.* Information
16 contained in confidential law enforcement records concerning a child
17 alleged or adjudicated to be in need of care may be disclosed as provided
18 in this section. Disclosure shall in all cases be guided by the principle of
19 providing access only to persons or entities with a need for information
20 that is directly related to achieving the purposes of this code.

21 (b) *Free exchange of information.* Pursuant to K.S.A. 38-2210, and
22 amendments thereto, a law enforcement agency shall participate in the free
23 exchange of information concerning a child who is alleged or adjudicated
24 to be in need of care.

25 (c) *Access to information in law enforcement records.* In order to
26 discharge their official duties, the following persons or entities shall have
27 access to confidential law enforcement records concerning a child alleged
28 or adjudicated to be in need of care. *Information authorized to be*
29 *disclosed in this subsection shall not contain information that identifies a*
30 *reporter of a child alleged or adjudicated to be a child in need of care.*

31 (1) The court having jurisdiction over the proceedings, including the
32 presiding judge and any court personnel designated by the judge.

33 (2) The secretary.

34 (3) The secretary of corrections.

35 (4) Law enforcement officers or county or district attorneys or their

1 staff.

2 (5) Any juvenile intake and assessment worker.

3 (6) Members of a court-appointed multidisciplinary team.

4 (7) The office of the child advocate pursuant to the child advocate
5 act.

6 (8) Any other federal, state or local government executive branch
7 entity, or any agent of such entity, having a need for such information in
8 order to carry out such entity's responsibilities under law to protect
9 children from abuse and neglect.

10 (9) Persons or entities allowed access pursuant to K.S.A. 38-2212(f),
11 and amendments thereto.

12 (d) *Necessary access.* The following persons or entities shall have
13 access to information from law enforcement records when reasonably
14 necessary to carry out their lawful responsibilities, to maintain their
15 personal safety and the personal safety of individuals in their care, or to
16 educate, diagnose, treat, care for or protect a child alleged or adjudicated
17 to be in need of care. Information authorized to be disclosed in this
18 subsection shall not contain information that identifies a reporter of a child
19 alleged or adjudicated to be a child in need of care.

20 (1) Any individual, or public or private agency authorized by a
21 properly constituted authority to diagnose, care for, treat or supervise a
22 child who is the subject of a report or record of child abuse or neglect,
23 including physicians, psychiatrists, nurses, nurse practitioners,
24 psychologists, licensed social workers, child development specialists,
25 physician assistants, community mental health workers, alcohol and drug
26 abuse counselors, and licensed or registered child care providers.

27 (2) School administrators shall have access to but shall not copy law
28 enforcement records and may disclose information to teachers,
29 paraprofessionals and other school personnel as necessary to meet the
30 educational needs of the child or to protect the safety of students and
31 school employees.

32 (3) The department of health and environment or persons authorized
33 by the department of health and environment pursuant to K.S.A. 65-512,
34 and amendments thereto, for the purposes of carrying out responsibilities
35 relating to licensure or registration of child care providers as required by
36 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments
37 thereto.

38 (e) *Legislative access.* Information from law enforcement records of a
39 child alleged or adjudicated to be in need of care shall be available to
40 members of the standing house or senate committee on judiciary, house
41 committee on corrections and juvenile justice, house committee on
42 appropriations, senate committee on ways and means, legislative post audit
43 committee and any joint committee with authority to consider children's

1 and families' issues, when carrying out such member's or committee's
2 official functions in accordance with K.S.A. 75-4319, and amendments
3 thereto, in a closed or executive meeting. Except in limited conditions
4 established by $\frac{2}{3}$ of the members of such committee, records and reports
5 received by the committee shall not be further disclosed. Unauthorized
6 disclosure may subject such member to discipline or censure from the
7 house of representatives or senate.

8 (f) *Court order.* Notwithstanding the provisions of this section, a
9 court of competent jurisdiction, after in camera inspection, may order
10 disclosure of confidential law enforcement records pursuant to a
11 determination that the disclosure is in the best interests of the child who is
12 the subject of the reports or that the records are necessary for the
13 proceedings of the court and otherwise admissible as evidence. The court
14 shall specify the terms of disclosure and impose appropriate limitations.

15 Sec. 2. K.S.A. 2025 Supp. 38-2223 is hereby amended to read as
16 follows: 38-2223. (a) *Persons making reports.* (1) When any of the
17 following persons has reason to suspect that a child has been harmed as a
18 result of physical, mental or emotional abuse or neglect or sexual abuse,
19 the person shall report the matter promptly as provided in subsections (b)
20 and (c);

21 (A) The following persons providing medical care or treatment:
22 Persons licensed to practice the healing arts, dentistry and optometry,
23 persons engaged in postgraduate training programs approved by the state
24 board of healing arts, licensed professional or practical nurses and chief
25 administrative officers of medical care facilities;

26 (B) the following persons licensed by the state to provide mental
27 health services: Licensed psychologists, licensed masters level
28 psychologists, licensed clinical psychotherapists, licensed social workers,
29 licensed marriage and family therapists, licensed clinical marriage and
30 family therapists, licensed behavioral analysts, licensed assistant
31 behavioral analysts, licensed professional counselors, licensed clinical
32 professional counselors and registered alcohol and drug abuse counselors;

33 (C) teachers, school administrators and other employees of an
34 educational institution that the child is attending and any member of the
35 board of directors of the Kansas state high school activities association
36 referenced in K.S.A. 72-7114, and amendments thereto, and any person
37 who is employed by or is an officer of such association;

38 (D) persons licensed by the secretary of health and environment to
39 provide child care services or the employees of persons so licensed at the
40 place where the child care services are being provided to the child;

41 (E) firefighters, emergency medical services personnel, law
42 enforcement officers, juvenile intake and assessment workers, court
43 services officers, community corrections officers, case managers appointed

1 under K.S.A. 23-3508, and amendments thereto, and mediators appointed
2 under K.S.A. 23-3502, and amendments thereto; and

3 (F) any person employed by or who works as a volunteer for any
4 organization, whether for profit or not-for-profit, that provides social
5 services to pregnant teenagers, including, but not limited to, counseling,
6 adoption services and pregnancy education and maintenance.

7 (2) In addition to the reports required under subsection (a)(1), any
8 person who has reason to suspect that a child may be a child in need of
9 care may report the matter as provided in subsection (b) and (c).

10 (b) *Form of report.* (1) The report may be made orally and shall be
11 followed by a written report if requested. Every report shall contain, if
12 known: The names and addresses of the child and the child's parents or
13 other persons responsible for the child's care; the location of the child if
14 not at the child's residence; the child's gender, race and age; the reasons
15 why the reporter suspects the child may be a child in need of care; if abuse
16 or neglect or sexual abuse is suspected, the nature and extent of the harm
17 to the child, including any evidence of previous harm; *the source of*
18 *information being provided; the name, telephone number and residential*
19 *address of the reporter;* and any other information that the reporter
20 believes might be helpful in establishing the cause of the harm and the
21 identity of the persons responsible for the harm.

22 (2) When reporting a suspicion that a child may be in need of care,
23 the reporter shall disclose protected health information freely and
24 cooperate fully with the secretary and law enforcement throughout the
25 investigation and any subsequent legal process.

26 (c) *To whom made.* Reports made pursuant to this section shall be
27 made to the secretary, except as follows:

28 (1) *The secretary shall not accept a report or transmit or assign a*
29 *report for investigation unless the person reporting provides such person's*
30 *name, telephone number and residential address.*

31 (2) When the Kansas department for children and families is not open
32 for business, reports shall be made to the appropriate law enforcement
33 agency. On the next day that the department is open for business, the law
34 enforcement agency shall report to the department any report received and
35 any investigation initiated pursuant to K.S.A. 38-2226, and amendments
36 thereto. The reports may be made orally or, on request of the secretary, in
37 writing.

38 (2)(3) Reports of child abuse or neglect occurring in an institution
39 operated by the Kansas department of corrections shall be made to the
40 attorney general or the secretary of corrections. Reports of child abuse or
41 neglect occurring in an institution operated by the Kansas department for
42 aging and disability services shall be made to the appropriate law
43 enforcement agency. All other reports of child abuse or neglect by persons

1 employed by the Kansas department for aging and disability services or
2 the Kansas department for children and families, or of children of persons
3 employed by either department, shall be made to the appropriate law
4 enforcement agency.

5 (4) *Law enforcement agencies may accept a report of abuse and
6 neglect from a person unwilling to provide such person's name, telephone
7 number and residential address.*

8 (d) *Death of child.* Any person who is required by this section to
9 report a suspicion that a child is in need of care and—who knows of
10 information relating to the death of a child shall immediately notify the
11 coroner as provided by K.S.A. 22a-242, and amendments thereto.

12 (e) *Information to be provided to a reporter. When a person attempts
13 to report child abuse or neglect anonymously, the secretary shall inform
14 such person:*

15 (1) *That the secretary is prohibited from accepting such a report
16 unless such person provides such person's name, telephone number and
17 residential address;*

18 (2) *when such person's identifiable information shall be deemed
19 confidential and not be disclosed under state law;*

20 (3) *that making a false report or a report that such person knows is
21 lacking a factual foundation is a class B misdemeanor under subsection
22 (f); and*

23 (4) *if such person is still unwilling to provide the required identifiable
24 information, of alternative ways to address concerns, including referrals
25 to community services.*

26 (f) *Violations.* (1) Willful and knowing failure to make a report
27 required by this section is a class B misdemeanor. It is not a defense that
28 another mandatory reporter made a report.

29 (2) Intentionally preventing or interfering with the making of a report
30 required by this section is a class B misdemeanor.

31 (3) Any person who willfully and knowingly makes a false report
32 pursuant to this section or makes a report that such person knows lacks
33 factual foundation is guilty of a class B misdemeanor.

34 (f)(g) *Immunity from liability.* Anyone who, without malice,
35 participates in the making of a report to the secretary or a law enforcement
36 agency relating to a suspicion a child may be a child in need of care or
37 who participates in any activity or investigation relating to the report or
38 who participates in any judicial proceeding resulting from the report shall
39 have immunity from any civil liability that might otherwise be incurred or
40 imposed.

41 (h) *Confidentiality. Any identifying information provided by a person
42 pursuant to subsection (b)(1) related to or provided for the purposes of
43 reporting child abuse or neglect shall be confidential and not be disclosed,*

- 1 *except as provided by the revised Kansas code for care of children.*
- 2 Sec. 3. K.S.A. 2025 Supp. 38-2213 and 38-2223 are hereby repealed.
- 3 Sec. 4. This act shall take effect and be in force from and after its
- 4 publication in the statute book.