

HOUSE BILL No. 2601

By Committee on Child Welfare and Foster Care

Requested by Representative Howerton

1-29

1 AN ACT concerning children and minors; relating to child abuse or
2 neglect; establishing a child abuse and neglect registry to be maintained
3 by the secretary for children and families; requiring administrative
4 hearings and an opportunity for appeal before placing an individual on
5 the registry; allowing for expungement from the registry; limiting use
6 of information on the registry; permitting the secretary to maintain
7 other registries or records to meet federal requirements; amending
8 K.S.A. 59-2132 and K.S.A. 2025 Supp. 38-2272a, 65-516 and 75-7719
9 and repealing the existing sections.

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

12 New Section 1. (a) There is hereby established a child abuse and
13 neglect registry to be maintained by the secretary for children and families.

14 (b) Except as provided in subsections (c) and (d), the secretary shall
15 not place an individual who is an alleged perpetrator on the registry
16 without providing notice and an opportunity for a hearing and any
17 subsequent appeals as provided for in this section.

18 (1) If the secretary investigates and determines that a report of child
19 abuse or neglect is substantiated, the secretary shall place the individual on
20 the registry after proper notice and an opportunity for a hearing in
21 accordance with the Kansas administrative procedure act except as
22 otherwise provided in this subsection.

23 (2) The presiding officer of a proceeding initiated under this
24 subsection shall not be the secretary for children and families or a person
25 designated by the secretary.

26 (3) An individual may waive the right to a hearing and not contest
27 placement on the registry. Such waiver shall not be presented as evidence
28 or admission of guilt in other administrative or judicial proceedings.

29 (4) The individual who is the subject of the proceeding may be
30 represented by counsel before the presiding officer, including counsel
31 appointed by a district court in a child in need of care or criminal
32 proceeding related to the report of child abuse or neglect.

33 (5) The presiding officer shall enter an order containing findings of
34 fact and whether the evidence supports the secretary's determination that
35 a report of child abuse or neglect is substantiated. If the presiding officer

1 finds by a preponderance of the evidence that the report of child abuse or
2 neglect is substantiated, the presiding officer shall order the secretary to
3 place the individual on the registry, otherwise the presiding officer shall
4 order the secretary not to place the individual on the registry.

5 (6) An individual ordered to be placed on the registry may appeal
6 such decision to the district court pursuant to the Kansas judicial review
7 act within 12 months after the order was entered.

8 (c) If a county attorney or district attorney files a petition alleging that
9 an individual has committed a crime against a child or has abused or
10 neglected a child pursuant to the revised Kansas code for care of children,
11 the attorney shall also request in the petition that the court order the
12 secretary to place the individual on the registry. A court order to place the
13 individual on the registry pursuant to this subsection may be appealed in
14 the manner provided for civil cases in article 21 of chapter 60 of the
15 Kansas Statutes Annotated, and amendments thereto.

16 (d) If an individual is convicted of or adjudicated to have committed a
17 crime against a child or found to have abused or neglected a child pursuant
18 to the revised Kansas code for care of children, the court shall order the
19 secretary to place the individual on the registry.

20 (e) The secretary shall expunge the name of an individual ordered to
21 be placed on the registry from the registry under this section when:

22 (1) The individual has requested the expungement in a form and
23 manner prescribed by the secretary; and

24 (2) (A) three years have elapsed since the order was entered; or

25 (B) there is a change of circumstances or identification of new
26 information regarding the allegation that would otherwise change the
27 secretary's determination and warrant the removal of the individual's name
28 from the registry.

29 (f) Information contained in the registry shall be confidential and
30 protected under K.S.A. 38-2209 through 38-2213, 45-221 and 77-501 et
31 seq., and amendments thereto, except for the purposes of K.S.A. 38-2272,
32 59-2132, 65-516 and 75-7719, and amendments thereto.

33 (g) This section shall not be construed to prohibit the secretary for
34 children and families from maintaining any child abuse and neglect
35 registry or record required by federal law. If such a registry or record is
36 maintained by the secretary, information contained in such registry or
37 record shall be confidential and not disclosed unless otherwise required by
38 federal law for the maintenance of such registry or record.

39 (h) This section shall be a part of and supplemental to the revised
40 Kansas code for care of children.

41 Sec. 2. K.S.A. 2025 Supp. 38-2272a is hereby amended to read as
42 follows: 38-2272a. (a) SOUL family legal permanency may be appointed
43 with:

- 1 (1) Agreement and approval of a child 16 years of age or older;
- 2 (2) agreement and consent of the child's parent unless there has been
- 3 a finding of unfitness or termination of parental rights and parental consent
- 4 is no longer required; and
- 5 (3) approval of the court set forth in a court order.
- 6 (b) The court may order SOUL family legal permanency:
- 7 (1) After a finding of unfitness pursuant to K.S.A. 38-2269, and
- 8 amendments thereto;
- 9 (2) after termination of parental rights pursuant to K.S.A. 38-2270,
- 10 and amendments thereto; or
- 11 (3) when determined by the court to be in the best interests of a child
- 12 16 years of age or older and the requirements of subsection (a) are met.
- 13 (c) Prior to submitting SOUL family legal permanency for
- 14 appointment by the court, the secretary for children and families shall:
- 15 (1) Observe the child in the home of the potential SOUL family legal
- 16 permanency custodian with whom the child will reside and determine the
- 17 ability and suitability of the potential custodian to care for the child;
- 18 (2) determine whether the names of any potential SOUL family legal
- 19 permanency custodians appear on the ~~Kansas department for children and~~
- 20 ~~families~~ child abuse and neglect registry *established pursuant to section 1,*
- 21 *and amendments thereto*, and whether any potential custodians have been
- 22 convicted of crimes specified in K.S.A. 59-2132(e), and amendments
- 23 thereto;
- 24 (3) consider, to the extent the secretary determines the appointment to
- 25 be in the best interests of the child, appointing a relative or an individual
- 26 with whom the child has close emotional ties; and
- 27 (4) submit a report to the court containing determinations required by
- 28 this subsection.
- 29 (d) Prior to ordering SOUL family legal permanency, the court shall
- 30 review and consider:
- 31 (1) The report submitted by the secretary pursuant to subsection (c);
- 32 and
- 33 (2) information provided by the secretary related to benefits,
- 34 including, but not limited to, financial support, medical coverage and
- 35 educational support, if SOUL family legal permanency is established by
- 36 the court.
- 37 (e) The court shall ensure the child has access to the maximum
- 38 allowable benefits available under other permanency options pursuant to
- 39 K.S.A. 38-2264, and amendments thereto.
- 40 (f) When appointing SOUL family legal permanency, the court shall
- 41 consider, to the extent the court finds it is in the child's best interest,
- 42 appointing a relative or an individual with whom the child has close
- 43 emotional ties. If the court appoints more than one individual as a SOUL

1 family legal permanency custodian, the child and the individual may be
2 unrelated.

3 (g) Upon the establishment of SOUL family legal permanency, the
4 secretary's custody of the child shall cease. The court's jurisdiction over
5 the child shall continue unless the court enters an order terminating
6 jurisdiction pursuant to K.S.A. 38-2203, and amendments thereto, and this
7 section.

8 (h) If there is more than one SOUL family legal permanency
9 custodian, one individual shall be designated as primary custodian by the
10 court with the approval of the child and the individual to serve in such
11 role. If a dispute arises between the child and the SOUL family legal
12 permanency custodian or between custodians, the primary custodian shall
13 consider information provided by the child and other SOUL family legal
14 permanency custodians for possible resolution of a dispute. If a dispute
15 remains unresolved prior to the child reaching 18 years of age, or June 1 of
16 the school year during which the child became 18 years of age if the child
17 is still attending high school, subsequent to the filing of a motion by the
18 child or SOUL family legal permanency custodian, the court may consider
19 such motion and may order alternative dispute resolution. If the court has
20 previously terminated jurisdiction pursuant to K.S.A. 38-2203, and
21 amendments thereto, or this section, the court may reinstate the child's case
22 to consider such motion.

23 (i) Subject to subsection (j), a SOUL family legal permanency
24 custodian shall stand in loco parentis to the child and exercise all of the
25 rights and responsibilities of a parent, except that such custodian shall not:

26 (1) Consent to an adoption of the child; or

27 (2) be subject to court-ordered child support or medical support for
28 the child.

29 (j) The court, upon motion of parties or interested parties or its own
30 motion, may impose limitations or conditions upon the rights and
31 responsibilities of the SOUL family legal permanency as determined by
32 the court to be in the best interests of the child.

33 (k) Absent a judicial finding of unfitness or court-ordered limitations
34 pursuant to subsection (i), a SOUL family legal permanency custodian
35 may share parental responsibilities with a parent of the child if the SOUL
36 family legal permanency custodian determines sharing of parental
37 responsibilities is in the best interests of the child. Sharing parental
38 responsibilities does not relieve the SOUL family legal permanency
39 custodian of legal responsibility.

40 (l) When parental consent is required for the appointment of SOUL
41 family legal permanency, the consent shall be in writing and shall be
42 acknowledged before a judge of a court of record or before an officer
43 authorized by law to take acknowledgments. If the consent is

1 acknowledged before a judge of a court of record, it shall be the duty of
2 the court before ~~that~~ *such* consent is acknowledged to advise the
3 consenting parent of the consequences of the consent, including *asking* the
4 following:

5 (1) Do you understand that your parental rights are not being
6 terminated by the order establishing SOUL family legal permanency and
7 you can be ordered to pay child support and medical support for your
8 child?

9 (2) Do you understand that to exercise the rights you still have with
10 your child, you must keep the court up to date about how to contact you?
11 This means that the court needs to always have your current address and
12 telephone number.

13 (3) Do you understand that if you want information about your child's
14 health or education, you will have to keep the information you give the
15 court about where you are up to date because the information about your
16 child will be sent to the last known address the court has?

17 (4) Do you understand that you may be able to have some contact
18 with your child, but only if the SOUL family legal permanency custodian
19 decides it is in the best interests of the child and if the court allows the
20 contact?

21 (5) Do you understand that unless the court orders differently, the
22 SOUL family legal permanency custodian has the right to make decisions
23 about day-to-day care of your child?

24 (m) A parental consent is final when executed, unless the parent
25 whose consent is at issue, prior to issuance of the order appointing a SOUL
26 family legal permanency custodian, proves by clear and convincing
27 evidence that the consent was not freely and voluntarily given. The burden
28 of proving the consent was not freely and voluntarily given shall rest with
29 that parent.

30 (n) If a parent has consented to appointment of a SOUL family legal
31 permanency based upon a belief that the child's other parent would so
32 consent or be found unfit, and such other parent does not consent, the
33 consent shall be null and void.

34 (o) If a SOUL family legal permanency custodian is ordered after a
35 judicial finding of parental unfitness without a termination of parental
36 rights, all parental rights transfer to the SOUL family legal permanency,
37 except ~~for~~:

38 (1) The obligation to pay child support and medical support;

39 (2) the right to inherit from the child; and

40 (3) the right to consent to adoption of the child.

41 (p) If SOUL family legal permanency is ordered after termination of
42 parental rights, the parent retains no rights or responsibilities to the child
43 pursuant to the termination by the court.

1 (q) The court may recognize other individuals in addition to the
2 individuals appointed by the court as the child's SOUL family legal
3 permanency custodian, who shall testify to the court, with request and
4 approval by the child, that they will provide support as requested by and
5 agreed upon with the child and the SOUL family legal permanency
6 custodian. Such other individuals shall have no legal obligations or rights
7 related to the child pursuant to the court's recognition as set out in this
8 subsection.

9 (r) All SOUL family legal permanency custodians acting in such
10 capacity shall execute sworn documents related to the appointment
11 confirming the custodian's willingness to serve as a SOUL family legal
12 permanency custodian and an order of the court. Such documents shall be
13 filed with the court.

14 (s) If SOUL family legal permanency custodians are married to each
15 other and, subsequent to the SOUL family legal permanency appointment,
16 are divorced, the marriage is annulled or the court orders separate
17 maintenance, the court shall make custody determinations between the
18 SOUL family legal permanency custodians.

19 (t) A SOUL family legal permanency custodian shall consider
20 whether the custodian will provide any rights of inheritance to the child
21 and medical power of attorney for the child for whom they were appointed
22 a SOUL family legal permanency custodian and separately execute such
23 agreements.

24 (u) *This section shall be a part of and supplemental to the revised*
25 *Kansas code for care of children.*

26 Sec. 3. K.S.A. 59-2132 is hereby amended to read as follows: 59-
27 2132. (a) Except as provided in subsection (h), in independent and agency
28 adoptions, the court shall require the petitioner to obtain an assessment of
29 the advisability of the adoption by a court approved:

30 (1) (A) Licensed social worker, licensed specialist social worker,
31 licensed specialist clinical social worker, licensed masters social worker,
32 licensed baccalaureate social worker or licensed associate social worker
33 licensed by the behavioral sciences regulatory board;

34 (B) licensed clinical marriage and family therapist as defined in
35 K.S.A. 65-6402, and amendments thereto;

36 (C) licensed marriage and family therapist as defined in K.S.A. 65-
37 6402, and amendments thereto;

38 (D) licensed clinical professional counselor as defined in K.S.A. 65-
39 5802, and amendments thereto;

40 (E) licensed professional counselor as defined in K.S.A. 65-5802, and
41 amendments thereto;

42 (F) licensed psychologist as defined in K.S.A. 65-6319, and
43 amendments thereto;

1 (G) licensed masters level psychologist as defined in K.S.A. 74-5362,
2 and amendments thereto;

3 (H) licensed clinical psychotherapist as defined in K.S.A. 74-5363,
4 and amendments thereto; or

5 (I) a licensed child-placing agency.

6 (2) Any person performing an assessment pursuant to this subsection
7 shall:

8 (A) Possess a minimum of two years experience in adoption services
9 or be supervised by a person with such experience; or

10 (B) if licensed by the behavioral sciences regulatory board to
11 diagnose and treat mental disorders in independent practice, possess a
12 minimum of one year of experience in adoption services or be supervised
13 by a person with such experience.

14 (b) The petitioner shall file with the court before the hearing on the
15 petition a report of the assessment and, if necessary, confirmation or
16 clarification of the information filed under K.S.A. 59-2130, and
17 amendments thereto.

18 (c) If there is no one authorized pursuant to this section available to
19 make the assessment and report to the court, the court may use the Kansas
20 department for children and families for that purpose.

21 (d) The costs of making the assessment and report may be assessed as
22 court costs in the case as provided in article 20 of chapter 60 of the Kansas
23 Statutes Annotated, and amendments thereto.

24 (e) In making the assessment, the person authorized pursuant to this
25 section or Kansas department for children and families is authorized to
26 observe the child in the petitioner's home, verify financial information of
27 the petitioner, ~~shall~~ clear the name of the petitioner with the child abuse
28 and neglect registry through the Kansas department for children and
29 families *as established in section 1, and amendments thereto*, and, ~~when if~~
30 appropriate, with a similar registry in another state or nation, ~~shall~~
31 determine whether the petitioner has been convicted of a felony for any act
32 described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes
33 Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the
34 Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 21-6104,
35 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto,
36 or, within the last five years been convicted of a felony violation of K.S.A.
37 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter
38 21 of the Kansas Statutes Annotated, and amendments thereto, or any
39 felony violation of any provision of the uniform controlled substances act
40 prior to July 1, 2009, and, ~~when if~~ appropriate, any similar conviction in
41 another jurisdiction, and ~~to~~ contact the agency or individuals consenting to
42 the adoption and confirm and, if necessary, clarify any genetic and medical
43 history filed with the petition. This information shall be made a part of the

1 report to the court. The report to the court by any person authorized
2 pursuant to this section to perform this assessment shall include the results
3 of the investigation of the petitioner, the petitioner's home and the ability
4 of the petitioner to care for the child.

5 (f) In the case of a nonresident who is filing a petition to adopt a child
6 in Kansas, the assessment and report required by this section must be
7 completed in the petitioner's state of residence by a person authorized in
8 that state to conduct such assessments.

9 (g) The assessment and report required by this section shall comply
10 with any applicable rules and regulations of the department of health and
11 environment and shall have been completed not more than one year prior
12 to the filing of the petition for adoption.

13 (h) The assessment and report required by this section may be waived
14 by the court upon:

15 (1) Review of a petition requesting such waiver by a relative of the
16 child; or

17 (2) the court's own motion.

18 Sec. 4. K.S.A. 2025 Supp. 65-516 is hereby amended to read as
19 follows: 65-516. (a) No person shall knowingly maintain a child care
20 facility if an employee who, in this state or in other states or the federal
21 government:

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

24 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-
25 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
26 of the Kansas Statutes Annotated, and amendments thereto, or any felony
27 violation of any provision of the uniform controlled substances act prior to
28 July 1, 2009;

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

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

42 (E) has been convicted of any act that is described in K.S.A. 21-3718
43 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments

1 thereto, or similar statutes of any other state or the federal government;

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

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

18 (4) has committed an act of physical, mental or emotional abuse or
19 neglect or sexual abuse and who is listed in the child abuse and neglect
20 registry maintained by the Kansas department for children and families
21 pursuant to ~~K.S.A. 38-2226~~ *section 1*, and amendments thereto, or any
22 similar child abuse and neglect registries maintained by any other state or
23 the federal government and;

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

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

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

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

42 (7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et
43 seq., and amendments thereto, or an immediate intervention agreement

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

3 (8) has an infectious or contagious disease.

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

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

10 (2) is 18 years of age or older;

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

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

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

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

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

21 (e) In accordance with the provisions of this subsection, the secretary
22 of health and environment shall have access to any court orders or
23 adjudications of any court of record, any records of such orders or
24 adjudications, criminal history record information including, but not
25 limited to, diversion agreements, in the possession of the Kansas bureau of
26 investigation and any report of investigations as authorized by K.S.A. 38-
27 2226, and amendments thereto, in the possession of the Kansas department
28 for children and families or court of this state concerning employees in a
29 child care facility. The secretary shall have access to these records for the
30 purpose of determining whether or not the home meets the requirements of
31 K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

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

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

41 (2) The secretary shall remit all moneys received from the fees
42 established under this section to the state treasurer in accordance with
43 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such

1 remittance, the state treasurer shall deposit the entire amount in the state
2 treasury to the credit of the child care criminal background and
3 fingerprinting fund.

4 (h) The child care criminal background and fingerprinting fund is
5 hereby created in the state treasury to be administered by the secretary of
6 health and environment. All moneys credited to the child care criminal
7 background and fingerprinting fund shall be used to pay local and state
8 law enforcement officers and agencies for the processing of fingerprints
9 and criminal history background checks for the department. All
10 expenditures from the child care criminal background and fingerprinting
11 fund shall be made in accordance with appropriation acts upon warrants of
12 the director of accounts and reports issued pursuant to vouchers approved
13 by the secretary or by a person designated by the secretary.

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

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

24 (k) For the purpose of subsection ~~(a)(3)~~ (a)(4), a person listed in the
25 child abuse and neglect ~~central~~ registry *maintained by the Kansas*
26 *department for children and families pursuant to section 1, and*
27 *amendments thereto, or any other state or federal government* shall not be
28 prohibited from residing, working or volunteering in a child care facility
29 unless such person has:

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

32 (2) been given notice of the agency decision and an opportunity to
33 appeal such decision ~~to the secretary and to the courts pursuant to the~~
34 ~~Kansas judicial review act as provided for in section 1, and amendments~~
35 ~~thereto.~~

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

37 (1) The secretary of health and environment shall provide in writing
38 information available to the secretary to each child placement agency
39 requesting information under this section, including the information
40 provided by the Kansas bureau of investigation pursuant to this section, for
41 the purpose of assessing the fitness of persons living, working or regularly
42 volunteering in a family foster home under the child placement agency's
43 sponsorship.

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

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

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

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

- 16 (A) The person who is the subject of the request for information;
17 (B) the applicant or operator of the family foster home in which the
18 person lives, works or regularly volunteers;
19 (C) the department of health and environment;
20 (D) the Kansas department for children and families;
21 (E) the department of corrections; and
22 (F) the courts.

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

25 ~~(m) (1) No person shall maintain a day care facility unless such~~
26 ~~person is a high school graduate or the equivalent thereof, except where~~
27 ~~extraordinary circumstances exist, the secretary of health and environment~~
28 ~~may exercise discretion to make exceptions to this requirement. The~~
29 ~~provisions of this subsection shall not apply to any person who was~~
30 ~~maintaining a day care facility on the day immediately prior to July 1,~~
31 ~~2010, or who had an application for an initial license or the renewal of an~~
32 ~~existing license pending on July 1, 2010.~~

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

34 Sec. 5. K.S.A. 2025 Supp. 75-7719 is hereby amended to read as
35 follows: 75-7719. (a) No person shall knowingly maintain a day care
36 facility if an employee in this state or in other states or the federal
37 government:

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

40 (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-
41 36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21
42 of the Kansas Statutes Annotated, and amendments thereto, or any felony
43 violation of any provision of the uniform controlled substances act prior to

1 July 1, 2009;

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

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

15 (E) has been convicted of any act that is described in K.S.A. 21-3718
16 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments
17 thereto, or similar statutes of any other state or the federal government;

18 (2) except as provided in subsection (b), has been adjudicated a
19 juvenile offender because of having committed an act which, if committed
20 by an adult, would constitute the commission of a felony and that is a
21 crime against persons, is any act described in articles 34, 35 or 36 of
22 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
23 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and
24 amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418
25 through 21-6422 or 21-6424, and amendments thereto, or similar statutes
26 of any other state or the federal government, or is any act described in
27 K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and
28 amendments thereto, or similar statutes of any other state or the federal
29 government;

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

34 (4) has committed an act of physical, mental or emotional abuse or
35 neglect or sexual abuse and is listed in the child abuse and neglect registry
36 maintained by the Kansas department for children and families pursuant to
37 ~~K.S.A. 38-2226~~ *section 1*, and amendments thereto, or any similar child
38 abuse and neglect registries maintained by any other state or the federal
39 government and;

40 (A) Has failed to successfully complete a corrective action plan that
41 has been deemed appropriate and approved by the Kansas department for
42 children and families or requirements of similar entities in any other state
43 or the federal government; or

1 (B) such person's record has not been expunged;

2 (5) has had a child removed from the home based on a court order
3 pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a
4 court order from any other state based upon a similar statute that finds the
5 child to be deprived or a child in need of care based on a finding of
6 physical, mental or emotional abuse or neglect or sexual abuse and the
7 child has not been returned to the home or the child has reached the age of
8 majority before being returned to the home and such person has failed to
9 satisfactorily complete a corrective action plan approved by the
10 department of health and environment;

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

13 (7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et
14 seq., and amendments thereto, or an immediate intervention agreement
15 pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge
16 of child abuse or a sexual offense; or

17 (8) has an infectious or contagious disease.

18 (b) Notwithstanding the provisions in subsection (a), no person shall
19 maintain a day care facility if such person has been found to be a person in
20 need of a guardian or a conservator, or both, as provided in K.S.A. 59-
21 3050 through 59-3095, and amendments thereto.

22 (c) Any person who resides in a day care facility and who has been
23 found to be in need of a guardian or a conservator, or both, shall be
24 counted in the total number of children allowed in care.

25 (d) In accordance with this subsection, the director of the Kansas
26 office of early childhood shall have access to any court orders or
27 adjudications of any court of record, any records of such orders or
28 adjudications, criminal history record information, including, but not
29 limited to, diversion agreements in the possession of the Kansas bureau of
30 investigation and any report of investigations as authorized by K.S.A. 38-
31 2226, and amendments thereto, or the Kansas department for children and
32 families or court of this state concerning employees in a day care facility.
33 The director shall have access to these records for the purpose of
34 determining whether or not the home meets the requirements of this
35 section, K.S.A. 59-2132, and amendments thereto, and K.S.A. 2025 Supp.
36 75-7708 and 75-7713, and amendments thereto.

37 (e) In accordance with this subsection, the director is authorized to
38 conduct national criminal history record checks to determine criminal
39 history on employees in a day care facility. In order to conduct a national
40 criminal history check, the director shall require fingerprinting for
41 identification and determination of criminal history in accordance with
42 K.S.A. 22-4714, and amendments thereto.

43 (f) (1) The director of the Kansas office of early childhood shall adopt

1 rules and regulations to fix a fee for fingerprinting employees in a day care
2 facility, as may be required by the Kansas office of early childhood to
3 reimburse the Kansas office of early childhood for the cost of the
4 fingerprinting.

5 (2) The director shall remit all moneys received from the fees
6 established under this section to the state treasurer in accordance with
7 K.S.A. 72-4215, and amendments thereto. Upon receipt of each such
8 remittance, the state treasurer shall deposit the entire amount in the state
9 treasury to the credit of the day care criminal background and
10 fingerprinting fund.

11 (g) The day care criminal background and fingerprinting fund is
12 hereby created in the state treasury to be administered by the director of
13 the Kansas office of early childhood. All moneys credited to the day care
14 criminal background and fingerprinting fund shall be used to pay local and
15 state law enforcement officers and agencies for the processing of
16 fingerprints and criminal history background checks for the Kansas office
17 of early childhood. All expenditures from the day care criminal
18 background and fingerprinting fund shall be made in accordance with
19 appropriation acts upon warrants of the director of accounts and reports
20 issued pursuant to vouchers approved by the director or the director's
21 designee.

22 (h) The director shall notify the day care applicant or licensee within
23 seven days by certified mail, with return receipt requested, when the result
24 of the national criminal history record check or other appropriate review
25 reveals unfitness specified in subsection (a)(1) through (a)(8) of the person
26 who is the subject of the review.

27 (i) No day care facility or the employees thereof shall be liable for
28 civil damages to any person who is refused employment or discharged
29 from employment by reason of such facility's compliance with this section,
30 if such facility acts in good faith to comply with this section.

31 (j) For the purpose of subsection ~~(a)(3)~~ (a)(4), a person listed in the
32 child abuse and neglect ~~central~~ *registry maintained by the Kansas*
33 *department for children and families pursuant to section 1, and*
34 *amendments thereto, or any other state or the federal government* shall not
35 be prohibited from being an employee in a day care facility unless such
36 person has:

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

39 (2) been given notice of the agency decision and an opportunity to
40 appeal such decision ~~to the director and to the courts pursuant to the~~
41 ~~Kansas judicial review act as provided for in section 1, and amendments~~
42 ~~thereto.~~

43 (k) No person shall maintain a day care facility unless such person is

1 a high school graduate or the equivalent thereof, except that, if
2 extraordinary circumstances exist, the director of the Kansas office of
3 early childhood may exercise discretion to make exceptions from this
4 requirement. This subsection shall not apply to any person who was
5 maintaining a day care facility on the day immediately prior to July 1,
6 2010.

7 ~~(f) This section shall take effect on and after July 1, 2026.~~

8 Sec. 6. K.S.A. 59-2132 and K.S.A. 2025 Supp. 38-2272a, 65-516 and
9 75-7719 are hereby repealed.

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