

## 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~~ child abuse and neglect registry *established pursuant to section 1, and amendments thereto*, and whether any potential custodians have been
- 20       convicted of crimes specified in K.S.A. 59-2132(e), and amendments
- 21       thereto;
- 22       (3) consider, to the extent the secretary determines the appointment to
- 23       be in the best interests of the child, appointing a relative or an individual
- 24       with whom the child has close emotional ties; and
- 25       (4) submit a report to the court containing determinations required by
- 26       this subsection.
- 27       (d) Prior to ordering SOUL family legal permanency, the court shall
- 28       review and consider:
  - 29       (1) The report submitted by the secretary pursuant to subsection (c);
  - 30       and
  - 31       (2) information provided by the secretary related to benefits,
  - 32       including, but not limited to, financial support, medical coverage and
  - 33       educational support, if SOUL family legal permanency is established by
  - 34       the court.
  - 35       (e) The court shall ensure the child has access to the maximum
  - 36       allowable benefits available under other permanency options pursuant to
  - 37       K.S.A. 38-2264, and amendments thereto.
  - 38       (f) When appointing SOUL family legal permanency, the court shall
  - 39       consider, to the extent the court finds it is in the child's best interest,
  - 40       appointing a relative or an individual with whom the child has close
  - 41       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. 21-3719  
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 ~~(4) 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.