

Children in Need of Care—Police Protective Custody and Permanency Hearings; HB 2075

HB 2075 amends law concerning when law enforcement may take a child under 18 into custody for suspected abuse or neglect (police protective custody); adds a procedure for law enforcement to report suspected abuse or neglect to the Secretary for Children and Families (Secretary) for the purposes of initiating an investigation; and amends law concerning the frequency of, and requirements for, permanency hearings under the Revised Kansas Code for the Care of Children.

Police Protective Custody

The bill requires that before a child is taken into police protective custody due to a law enforcement officer's reasonable belief that the child will be harmed if not immediately removed, the officer must explore other options to separate the child from the source of serious harm before taking the child into custody.

The bill requires the Secretary to provide an electronic means of communication for a responding law enforcement officer to refer a child who may be a victim of abuse or neglect to the Secretary. Within 24 hours of receipt of a referral, the Secretary must initiate an investigation and contact the persons who are subject to the investigation. Within 24 hours of the contact, the Secretary must respond to the referring law enforcement agency with the status of the investigation.

Permanency Hearings

The bill requires a permanency hearing for a child in the custody of the Secretary to be held within nine months of a child's removal from the home and requires subsequent hearings be held every six months thereafter, changed from requirements for a permanency hearing to be held within 12 months of removal and every 12 months thereafter.

In addition to entering certain findings related to permanency under continuing law, the bill requires the court to review with all the present parties, including parents and interested parties, the current permanency goal, and on the record, make the following inquiries of each party at each permanency hearing:

- Whether the party participated in the most recent permanency plan; if the party did not participate, the court must inquire regarding the reason for non-participation;
- Whether the party received a copy of such plan; if the party did not receive a copy, the court must order the Secretary provide a copy within two business days of entering the order; and
- Whether the party has made reasonable efforts to achieve the permanency goal in place at the time of the hearing.