

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR
SUBSTITUTE FOR HOUSE BILL NO. 2132**

As Recommended by House Committee on
Child Welfare and Foster Care

Brief*

Sub. for Sub. for HB 2132 would amend law in the Revised Kansas Code for Care of Children (CINC Code) concerning when a law enforcement officer may take a child under 18 years of age into custody.

The bill would make it discretionary for a law enforcement officer to take a child under 18 years of age into custody when the officer:

- Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found; or
- Reasonably believes the child is experiencing a behavioral health crisis and is likely to cause harm to self or others.

[*Note:* Current law makes it mandatory for law enforcement to take a child under 18 years of age into custody when the above circumstances exist.]

Background

On January 28, 2026, Substitute for HB 2132, pertaining to the definition of “neglect” in the CINC Code; what facts must be specified in a CINC petition requesting removal of

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

the child from the child's home; police protective custody; and factors to be considered in orders for temporary custody was withdrawn from the House Calendar and re-referred to the House Committee on Child Welfare and Foster Care.

Upon re-referral, the House Committee recommended a second substitute bill incorporating provisions replacing the word "shall" with "may" with respect to when a law enforcement officer takes a child under 18 years of age into custody.

[*Note:* The provisions of the initial substitute bill were not retained in the second substitute bill.]

Fiscal Information

A fiscal note was not available at the time the House Committee took action on the second substitute bill.

Children and minors; law enforcement; Revised Kansas Code for Care of Children; police protective custody