

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2521

As Amended by House Committee on Judiciary

Brief*

HB 2521, as amended, would modify the definition of “governmental entity” in the Kansas Tort Claims Act to add a child placement agency, as defined in current child care facilities law, if the child placement agency had an active contract with the Secretary for Children and Families when the act or omission giving rise to the claim occurred.

[*Note:* The Tort Claims Act, codified at KSA 75-6101, *et seq.*, generally applies to claims arising from acts or omissions by a governmental entity. The Act specifies the liability of a governmental entity, exceptions from liability, and procedures for claims and payment of claims.]

Background

The bill was introduced by the House Committee on Judiciary at the request of Representative W. Carpenter on behalf of the Children's Alliance of Kansas.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by representatives of Calm Foster Care, Children's Alliance of Kansas, KVC Kansas, and the Miller Group. The proponents generally stated the bill would afford subcontractors the same benefit as the Department for Children and Families (DCF) for carrying out the same

*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/>

functions of child placement as DCF. It was noted liability insurance costs were rising and making the subcontractors almost uninsurable.

Written-only proponent testimony was provided by representatives of Conrade Insurance Group, Cornerstones of Care, and Saint Francis Ministries.

Opponent testimony was provided by a private citizen. The opponent generally stated the bill would benefit subcontractors and reduce competition and further harm foster children in Kansas, and expressed concerns that the bill is unconstitutional.

Written-only opponent testimony was provided by a private citizen.

No other testimony was provided.

The Committee amended the bill to:

- Remove “child placement agency” from the definition of “state” and place it into the definition of “governmental entity”; and
- Change the child placement agency’s contract status to require an active contract at the time that the act or omission giving rise to the claim occurred.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, DCF noted enactment of the bill could have increased costs for child placing agencies (CPAs) and could affect the agency through potentially increased costs in the agency’s agreements with the CPAs. Currently, the CPA costs are part of the Foster Care budget which is included in the Consensus Caseload

process. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Kansas Tort Claims Act; Department for Children and Families; child placement agency