

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2601

As Amended by House Committee on Child
Welfare and Foster Care

Brief*

HB 2601, as amended, would establish a Child Abuse and Neglect Registry (Registry) maintained by the Secretary for Children and Families (Secretary) and require administrative hearings, including the opportunity for appeal, before placing an individual on the Registry. The bill would also limit use of information on the Registry and permit the Secretary to maintain other registries or records to meet federal requirements.

Registry (New Section 1)

Except as otherwise provided by the bill, the Secretary could not place an individual who has been alleged to have abused or neglected a child on the Registry without providing notice and an opportunity for a hearing, including any subsequent appeals.

If the Secretary investigates and determines that a report of child abuse or neglect is substantiated, the individual would be placed on the Registry after proper notice and an opportunity for a hearing in accordance with the Kansas Administrative Procedure Act.

The bill would require that the presiding officer of a proceeding initiated under the bill not be the Secretary or a person designated by the Secretary.

*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 bill would allow an individual to waive the right to a hearing and not contest placement on the Registry. The waiver could not be presented as evidence or admission of guilt in other administrative or judicial proceedings.

The bill would allow the individual who is the subject of the proceeding to be represented by counsel, including counsel appointed by a district court in a child in need of care or criminal proceeding related to the report of child abuse or neglect.

The bill would require the presiding officer to enter an order containing findings of fact and whether the evidence supports the Secretary's determination that a report of child abuse or neglect is substantiated. If the presiding officer finds by preponderance of evidence that the report of child abuse or neglect is substantiated, the bill would require the Secretary to place the individual on the Registry. The bill would require the presiding officer to otherwise direct the Secretary to not place the individual on the Registry.

If a county or district attorney files a petition alleging an individual has committed a crime against a child, including abuse and neglect, the attorney would be required to transmit the information regarding the petition to the Secretary so the individual may be placed on the Registry.

If an individual is convicted of or adjudicated to have committed a crime against a child or found to have abused or neglected a child, the Secretary would be required to place the individual on the Registry per order of the court.

Appeal and Expungement

The bill would allow an individual ordered to be placed on the Registry to appeal such decision to the district court within 30 days after the order was entered.

The bill would allow the Secretary to expunge the name of an individual ordered to be placed on the Registry from the Registry when:

- The individual has requested expungement in a form and manner prescribed by the Secretary;
- Three years have lapsed since the order was entered;
- The Secretary has considered the following in granting such expungement:
 - The nature and severity of the abuse or neglect case against the applicant;
 - The number of any other substantiated reports of abuse or neglect involving the applicant;
 - Circumstances that no longer contribute to the finding;
 - Whether the applicant was a juvenile at the time of the finding; and
 - Actions taken by the applicant to prevent the reoccurrence of abuse or neglect.

The bill would require that after an individual has been on the Registry for 20 years, the Secretary review and may expunge such individual.

Rules and Regulations

The bill would require that after July 1, 2027, any existing rules and regulations adopted by the Secretary concerning any child abuse or neglect registry be null, void, and unenforceable. The bill would require the Secretary to adopt new rules and regulations pursuant to the processes provided by the bill.

References to Registry in Other Laws

The bill would amend several laws that reference the existing child abuse and neglect registry to replace such references with the Registry created by the bill. The bill would also make technical amendments.

Background

The bill was introduced by the House Committee on Child Welfare and Foster Care at the request of Representative Howerton.

House Committee on Child Welfare and Foster Care

In the House Committee Hearing, **proponent** testimony was provided by a representative of Children's Alliance of Kansas. The proponent stated that the bill would allow for due process through timely notice, clear information, and the opportunity to contest determinations.

Written-only proponent testimony was provided by a representative of Project Heaven Child Advocacy and Representative Howerton.

Neutral testimony was provided by the Child Advocate and a representative of the Office of Administrative Hearings. Neutral conferees generally stated that the bill could have many potential impacts, including on child safety and well-being. They expressed the belief that the bill needed to be discussed in depth to make sure it achieves its stated purpose.

Opponent testimony was provided by a representative of the Department for Children and Families (DCF). The opponent stated that the bill might result in risk of harm to children, especially in cases where an allegation has not been fully investigated.

No other testimony was provided.

The House Committee amended the bill to:

- Allow an individual to appeal a decision to be placed on the Registry within 30 days;
- Change reference to “alleged perpetrator” to “has been alleged to have abused or neglected a child”;
- Provide that the county or district attorney transmit information regarding a petition to the Secretary so that the Secretary may place the individual on the Registry;
- Allow, rather than require, the Secretary to expunge the name of an individual on the Registry when all criteria have been met;
- Provide criteria for the Secretary to consider when granting expungement;
- Require that after July 1, 2027, any existing rules and regulations adopted by the Secretary concerning any child abuse and neglect registry be considered null, void, and unenforceable; and
- Make technical amendments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it would allow an individual ordered to be placed on the Registry to appeal such decision to the district court pursuant to the Kansas Judicial Review Act within 12 months after the order was entered. This would increase the time spent by district court judicial and nonjudicial personnel in processing,

researching, and hearing cases. The bill's enactment would result in the collection of docket fees in cases filed under the provisions of the bill, which would be deposited into SGF. However, a fiscal effect cannot be estimated.

DCF indicates that enactment of the bill would not have a fiscal effect on the agency. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Child abuse and neglect; registry; Secretary for Children and Families