



**Neutral Testimony on HB2536
House Judiciary Committee
February 8th, 2022**

Chair Patton, Vice Chair Ralph, Ranking Member Carmichael, and Members of the Committee, my name is Rachel Marsh, CEO of the Children's Alliance of Kansas. The Alliance is an association of 22 private, non-profit child welfare agencies that collectively provide a full array of services for children and families in child abuse and neglect prevention, family preservation, foster care, adoption, independent living, and parent, youth, and child skill-building, mental health, and substance use treatment. Members of the Alliance work regularly with DCF and Child Advocacy Center partners to support therapeutic interventions with child survivors of sexual abuse, cooperate with effective law enforcement investigations, and provide holistic case management services. Currently, we have questions about the implications of HB2536 for child sexual abuse investigations and interventions. We encourage further discussion to ensure that HB2536 positively impacts child sexual abuse survivors and, as such, the Alliance is neutral on HB2536. We appreciate and support the importance of public policy that enhances self-determination and supports for survivors of sexual assault.

We have three key concerns about HB2536:

1. The definition of "survivor" may need further clarification to address the needs of minor children and youth

In HB2536 Section 1(g)(2), the definition of "survivor" means any person who may be a victim of a crime described in article 55 of chapter 21; these crimes include rape and sexual exploitation of a child. While the child welfare perspective of the definition of child sexual abuse and the criminal law definitions of various sex crimes might not necessarily match; it appears that sexual exploitation of a child would include offenses commonly understood in child welfare as child sexual abuse. Therefore, we view HB2536 primarily from the child sexual abuse lens.

The definition of "survivor" continues: "if such person is incompetent, ... or a minor who is unable to consent, 'survivor' means the parent, guardian, spouse or other lawful representative of the survivor unless such person is the alleged perpetrator of the offense." For children under age 18 -- regardless of age, maturity, circumstances of the crime, familial dynamics, or the relationship of the perpetrator to the nonoffending parent -- this definition could be interpreted to mean that HB2536 offers no direct protection to the actual survivor of the crime. We are concerned HB2536 could limit the efficacy of existing supports for minor survivors by centering parental desires or concerns over trauma-informed child-centered responses. In many cases, parents protect children; but for situations of child sexual abuse that often occur within the family, we urge caution in shifting the intended public policy protections from the survivor to the parent.

Given the dynamics of many sexual abuse incidents, the definition of "survivor" -- instead of advancing care and support for children and youth -- might actually undermine the ability of DCF, law enforcement,

or CACs to support children and youth who have been sexually abused. We hope that any final draft of HB3526 can ensure that child survivors have autonomy over their own bodies and can participate in decision-making when appropriate.

2. The definition of “sexual assault counselor” may need expanded to benefit child sexual abuse survivors and to integrate HB2536 with current services offered by Children’s Advocacy Centers

HB2536 Section 1 (g)(2) defines "sexual assault counselor" means any person who is licensed by the Kansas BSRB and is working as a victim advocate in a domestic violence or sexual assault crisis center or a victim advocate working in a domestic violence or sexual assault crisis center.

Members of this committee may be familiar with the role of Children’s Advocacy Centers (CACs) in Kansas. Children’s Advocacy Centers support child sexual abuse survivors by coordinating multi-disciplinary teams, conducting forensic interviews, conducting physical exams, and by providing therapy and other services. We look to the Child Advocacy Centers to walk alongside and support families in these difficult situations; however, there is no mention of Child Advocacy Centers in HB2536. This leaves us unclear on how HB2536 would impact child survivors of sexual abuse and their families. As child welfare professionals, we ask that HB2536 be drafted in such a way that allows the CAC child sexual abuse forensic investigators to continue to perform their essential function.

3. Child sexual abuse often occurs within complex interfamilial dynamics; HB2536 must be considered through the lens of protecting and supporting survivors of child sexual abuse.

We have concerns for child sexual abuse survivors given HB2536’s approach to looking at parents as either offending or nonoffending. While the perpetrator of child sexual abuse may be a third-party, it is often someone that the child and family know and with whom they have a very close relationship. Non-offending parents can be strongly impacted by family power dynamics, economic concerns, domestic violence, guilt, shame, their own trauma history, or simply not wanting to believe a child’s allegations. These family dynamics could impact the ability of the non-offending parent to make decisions supporting investigations and appropriate interventions. We ask that HB2536 addresses the complexities of child sexual abuse and the difficulty of a black and white “offending” versus “nonoffending” approach – it is most often not how child sexual abuse cases present.

Thank you for the opportunity to share our thoughts on HB2536. We would be happy to work with committee members to explore ways to strengthen this bill to ensure the safety and well-being of child survivors of sexual abuse.

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Members of the Children's Alliance of Kansas:

The Bridge of Topeka, Topeka
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Eckerd, Wichita
EmberHope, Wichita
Florence Crittenton, Topeka
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KidsTLC, Olathe
Prairie Band Potawatomi Nation, Mayetta
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