

SESSION OF 2019

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 77**

As Amended by House Committee on Federal  
and State Affairs

**Brief\***

SB 77, as amended, would create law in the Revised Kansas Code for Care of Children (CINC Code) defining a “child with sexual behavior problems” to mean a person under 18 years of age who has allegedly committed sexual abuse against another person under 18 years of age and requiring the Department for Children and Families (DCF) to take certain actions when reports of child abuse or neglect are received, the subject of such report is a child with sexual behavior problems, and DCF determines a joint investigation with law enforcement is required in accordance with the CINC Code. Under such circumstances, DCF would be required to immediately provide a referral to a child advocacy center or other mental health provider and, as needed, offer additional services to the child and the child’s family. Such services would be voluntary, unless DCF determines there will be a high risk of future sexual behavior problems by the child if the child or family refuses services.

The bill also would require DCF to document attempts to provide voluntary services, reasons the services are important to reduce the risk of future sexual behavior problems by the child, whether services were accepted and provided, and the outcome for the child and family.

The bill would specify it would not prohibit any action or investigation by DCF otherwise authorized by law.

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\*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 <http://www.kslegislature.org>

## **Background**

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Baumgardner. In the Senate Committee hearing, a representative of American Family Action of Kansas and Missouri and a pediatric sexual assault nurse examiner testified in favor of the bill. Representatives of DCF and Children's Advocacy Centers of Kansas provided neutral testimony. Representatives of the Child Advocacy Center of Sedgwick County and the Children's Advocacy Centers of Kansas provided written-only testimony supporting the bill. No opponent testimony was provided.

The Senate Committee amended the bill to require DCF to provide a referral to a child advocacy center instead of offer counseling and to adjust the language describing a child with sexual behavior problems.

In the House Committee on Federal and State Affairs hearing, Senator Baumgardner and representatives of American Family Action of Kansas and Missouri and the Children's Advocacy Centers of Kansas testified in favor of the bill. A representative of DCF provided neutral testimony. Written-only proponent testimony was submitted by a pediatric sexual assault nurse examiner. No opponent testimony was provided.

The House Committee amended the bill to allow DCF to provide a referral to other mental health providers in addition to child advocacy centers.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, DCF anticipates 277 children and 819 family members would voluntarily accept counseling and services not covered by Medicaid or private health insurance at a cost of \$213,730 from the State General Fund for FY 2020. These expenses would continue in future years and could increase. Any fiscal effect associated with

enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

On March 19, as part of the hearing in the House Committee on Federal and State Affairs, DCF provided updated fiscal information on the bill, as amended by the Senate Committee on Judiciary, noting the information had been submitted to the Division of the Budget for inclusion in an updated fiscal note. DCF estimated the bill, as amended, would lead to a 15.0 percent increase in calls related to allegations regarding children exhibiting problem sexual behaviors to the Kansas Protection Reporting Center (KPRC). DCF estimated the increased calls would require one additional staff member at the KPRC and one additional child protection investigator at a cost of \$126,352 in FY 2020 and \$126,884 in FY 2021, with similar costs in subsequent years.