

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Health and Human Services** recommends **HB 2244** be amended on page 1, in line 4, before "Section" by inserting "New"; in line 5, by striking "safe" and inserting "supporting"; in line 6, before "Sec." by inserting "New"; also in line 6, by striking "safe" and inserting "supporting"; in line 17, before "Sec." by inserting "New";

On page 2, in line 4, after "homes" by inserting ", except that the department for children and families shall conduct a background check on such person similar to background checks conducted on prospective foster parents. Prior to execution of any power of attorney pursuant to this section, the department shall verify in writing that the department has conducted the background check required by this subsection and, based on such background check, found no reason to object to the execution of the power of attorney. The background check required by this subsection shall not be required for an-attorney-in fact who is a grandparent, aunt, uncle or adult sibling of the child"; in line 14, after "care" by inserting ", except as otherwise provided in this section,"; by striking all in lines 20 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 10; and inserting the following:

"New Sec. 4. The Kansas judicial council shall create a form of power of attorney to delegate parental or legal authority consistent with the requirements of section 3, and amendments thereto.";

Also on page 4, in line 11, by striking "safe" and inserting "supporting"; in line 12, after "with" by inserting "the power of attorney form created by the Kansas judicial council pursuant

to"; in line 15, before "Sec." by inserting "New"; in line 17, by striking "a child protective investigator" and inserting "the Kansas department for children and families"; in line 22, by striking "safe" and inserting "supporting"; in line 23, by striking "safe" and inserting "supporting"; in line 24, before "Sec." by inserting "New"; also in line 24, by striking "safe" and inserting "supporting"; in line 27, after "regulations," by inserting "except as provided in section 3, and amendments thereto,"; in line 30, before "Sec." by inserting "New"; in line 35, by striking "safe" and inserting "supporting"; following line 37, by inserting:

"Sec. 8. K.S.A. 2014 Supp. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2014 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2014 Supp. 23-3502, and amendments thereto;~~and~~

(E) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance; and

(F) any attorney-in-fact delegated power regarding the custody and care of a child pursuant to sections 1 through 7, and amendments thereto.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) *Form of report.* (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) *To whom made.* Reports made pursuant to this section shall be made to the secretary,

except as follows:

(1) When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 2014 Supp. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the Kansas department for aging and disability services and the Kansas department for children and families shall be made to the appropriate law enforcement agency.

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) *Violations.* (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) *Immunity from liability.* Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might

otherwise be incurred or imposed.

Sec. 9. K.S.A. 2014 Supp. 38-2223 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "safe" and inserting "supporting"; also in line 1, after "act" by inserting "; relating to reporting of child abuse or neglect; amending K.S.A. 2014 Supp. 38-2223 and repealing the existing section"; and the bill be passed as amended.

\_\_\_\_\_Chairperson