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**Testimony to the House Federal and State Affairs Committee
Opposing HB2088
February 1, 2021**

Chairman Barker and Committee Members:

Kansas law enforcement considers cases involving children very seriously and of a high priority. Our associations offer this testimony not based on concern of the basic principle being sought, but due to concerns with the clarity of intent and the practical application of the proposed statutory mandate without reasonable exception. Our testimony is also responding only to the proposals relating to law enforcement. We are not opining on the DCF related proposals.

We recognize it is good investigative practice to make personal contact with a possible victim of a crime alleging physical danger reported by a third party. However, legislating investigative practices as a requirement in every case is fraught with unintended consequences and costs. If the statutory policy is not practical or perhaps not even feasible in every case, it can open the agency up for liability even when best practices have been followed in such cases.

In cases of child abuse or neglect, there are other avenues to ascertain the condition of the child when physically observing the victim is impractical. In some of our cases the child is no longer in our jurisdiction or perhaps even out of state. In those cases, our practice would be to work with other law enforcement in the jurisdiction where the child is located to determine the safety of the child. In some cases the child is under medical care and in others the child is engaged in services from other professional services such as the Child Advocacy Centers. In some cases we may confirm the child was not present where the abuse or neglect is alleged to have occurred. In others we will simply lack the legal authority to demand viewing the child. Although such circumstances do not happen in an abundance of cases, we would be violating this statute if a member of the investigative agency fails to make that visual contact.

The committee should also consider that the mandatory reporting requirements along with other reports totaled over 66,000 in FY2020. Of those 93.1% were unsubstantiated. To put that in perspective there were over 5 times as many reports of possible child abuse and neglect as there were violent crimes reported in Kansas during that time period. That is a massive case load. Many of those reports are anonymous and lack probable cause or even reasonable suspicion required to escalate investigative actions beyond simple inquiry and voluntary contacts.

It is for this reasons that our associations have historically opposed placing law enforcement procedures into a statutory mandate for every case. Each case of allegations of criminal misconduct and activity are unique and require various investigative approaches. While we agree in a perfect world we could physically see the child in every investigation, our associations oppose an all-inclusive mandate that does not take into consideration there are times it is just not feasible.

We respectfully ask you to not move this bill forward.

Ed Klumpp
Legislative Liaison