AN ACT concerning children and minors; relating to procedures in investigations of child abuse or neglect; amending K.S.A. 2020 Supp. 38-2226 and repealing the existing section.

WHEREAS, The amendments made to the provisions of K.S.A. 2020 Supp. 38-2226 by this act shall be known as Adrian's law.

Now, therefore:

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2020 Supp. 38-2226 is hereby amended to read as follows: 38-2226. (a) Investigation for child abuse or neglect. The secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of determining whether the report is valid and whether action is required to protect a child. Any person or agency which maintains records relating to the involved child which are relevant to any investigation conducted by the secretary or law enforcement agency under this code shall provide the secretary or law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the secretary or law enforcement: (1) A written request for information; and (2) a written notice that the investigation is being conducted by the secretary or law enforcement. If the secretary and such officers determine that no action is necessary to protect the child but that a criminal prosecution should be considered, such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) Joint investigations. When a report of child abuse or neglect indicates: (1) That there is serious physical harm to, serious deterioration of or sexual abuse of the child; and (2) that action may be required to protect the child, the investigation shall be conducted as a joint effort between the secretary and the appropriate law enforcement agency or agencies, with a free exchange of information between them pursuant to K.S.A. 2020 Supp. 38-2210, and amendments thereto. If a statement of a suspect is obtained by either agency, a copy of the statement shall be provided to the other.

(c) Investigation of certain cases. Suspected child abuse or neglect which occurs in an institution operated by the Kansas department of
corrections shall be investigated by the attorney general or secretary of
corrections. Any suspected child abuse or neglect in an institution operated
by the Kansas department for aging and disability services, or by persons
employed by the Kansas department for aging and disability services or
the Kansas department for children and families, or of children of persons
employed by either department, shall be investigated by the appropriate
law enforcement agency.

(d) Coordination of investigations by county or district attorney. If a
dispute develops between agencies investigating a reported case of child
abuse or neglect, the appropriate county or district attorney shall take
charge of, direct and coordinate the investigation.

(e) Investigations concerning certain facilities. Any investigation
involving a facility subject to licensing or regulation by the secretary of
health and environment shall be promptly reported to the state secretary of
health and environment.

(f) Cooperation between agencies. Law enforcement agencies and the
secretary shall assist each other in taking action which is necessary to
protect a child regardless of which agency conducted the initial
investigation.

(g) Cooperation between school personnel and investigative
agencies. (1) Educational institutions, the secretary and law enforcement
agencies shall cooperate with each other in the investigation of reports of
suspected child abuse or neglect. The secretary and law enforcement
agencies shall have access to a child in a setting designated by school
personnel on the premises of an educational institution. Attendance at an
interview conducted on such premises shall be at the discretion of the
agency conducting the interview, giving consideration to the best interests
of the child. To the extent that safety and practical considerations allow,
law enforcement officers on such premises for the purpose of investigating
a report of suspected child abuse or neglect shall not be in uniform.

(2) The secretary or a law enforcement officer may request the
presence of school personnel during an interview if the secretary or officer
determines that the presence of such person might provide comfort to the
child or facilitate the investigation.

(h) Visual observation required. As part of any investigation
conducted pursuant to this section, the secretary or the law enforcement
agency that is conducting the investigation shall visually observe the child
who is the alleged victim of abuse or neglect. In the case of a joint
investigation conducted pursuant to subsection (b), the secretary and the
investigating law enforcement agency shall both visually observe the child
who is the alleged victim of abuse or neglect. All investigation reports
shall include the date, time and location of any visual observation of a
child that is required by this subsection.
Sec. 2. K.S.A. 2020 Supp. 38-2226 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.