

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2088

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2088, as amended, would amend law in the Kansas Code for Care of Children concerning investigations for child abuse or neglect.

[*Note*: the bill contains a whereas clause designating its provisions as Adrian's Law.]

Concerning investigations related to reports of child abuse or neglect, the bill would require that a child who was an alleged victim of abuse or neglect be visually observed by either the employee of the Kansas Department for Children and Families (DCF), or the law enforcement agency investigating the report. The bill would allow either the Secretary for Children and Families (Secretary) or the law enforcement agency to appoint a designee for observation.

The bill would provide that in the event of a joint investigation by DCF and law enforcement, both agencies would be required to visually observe such child. All investigation reports required by the bill would have to include the date, time, and location of any such visual observation of a child. The bill would allow both the Secretary and the law enforcement agency to appoint a designee for such observation.

*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 House Committee on Federal and State Affairs at the request of Representative Louis Ruiz.

House Committee on Federal and State Affairs

At the House Committee hearing on February 1, 2021, Representative Louis Ruiz, a representative of DCF, and a private citizen testified as **proponents** of the bill, stating that the bill would provide a safeguard to ensure the safety of children who are victims of abuse and neglect. Written-only **proponent** testimony was submitted by representatives of Children's Alliance of Kansas and FosterAdoptConnect.

Opponent testimony was submitted by a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officer's Association, and the Kansas Sheriffs' Association, stating that in some cases law enforcement may lack the legal authority to demand viewing the child. A representative of League of Kansas Municipalities submitted written neutral testimony.

The House Committee amended the bill by adding provisions that would allow a designee of either the Secretary or investigating law enforcement agency to meet the visual observation requirement.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, DCF, the Kansas Bureau of Investigation, the Office of Judicial Administration, the Kansas Department for Aging and Disability Services, and the Kansas Department of Corrections indicate that enactment of the bill would not have a fiscal effect on their respective agencies.

The Attorney General's Office indicates that the bill could result in additional criminal cases being referred to the Office for prosecution. However, the fiscal effect cannot be estimated because cases are referred at the discretion of local county or district attorneys and it is unknown how many cases can be referred. The Kansas Association of Counties states that the bill would have a negligible fiscal effect on counties. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Adrian's law; child abuse or neglect; visual observation