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**Testimony to the House Child Welfare and Foster Care Committee
In Support of HB2034
January 25, 2023**

Chair Concannon and Committee Members,

Our associations support HB2034 creating standards for additional physical examinations of child abuse and neglect victims. These cases must be investigated from all angles. We must do all we can to prepare accurate facts to present to the prosecutor, and ultimately to a court, in cases where abuse or neglect is alleged. We must minimize the chances of an injustice to the victim and the victim's family if a case of abuse or neglect is misclassified as resulting from some innocent event. Likewise, the damage that can be done to a family, including the child, can be immense if a case is improperly classified as abuse or neglect when it is not. The importance of these two factors by themselves justify what is proposed in this bill.

We appreciate the bill clearly addresses the source of state funding to cover these costs. Mandated costs such as those associated with these examinations can be a burden on our cities and counties if assessed to them, especially those in rural areas. This provision was important in our decision to support this bill.

We support the provisions found on page 10, lines 22 through 30. However, we are concerned the provision of subsection (i)(1) on lines 22-26 may not accurately reflect the true intent. We believe this paragraph may be interpreted as requiring law enforcement to refer the child age five or under for these examinations only if DCF has assigned the investigation. Many of these investigations come directly to law enforcement before DCF is aware of them. If paragraph (i)(1) is interpreted the way we believe it may be, then paragraph (i)(2) becomes the ruling provision and makes those referrals optional. That can create an inequity based on who is conducting the investigation. We believe if DCF is required to make a referral, then in the same circumstances so should law enforcement investigating the allegations. We also believe that is probably the intent of the bill.

To make that paragraph clear, we propose what we hope will be seen as a friendly amendment by inserting "investigation by law enforcement or" after the word "Upon" on page 10 line 22. That would make this paragraph read:

"Upon investigation by law enforcement or assignment by the secretary of any investigation of physical abuse or physical neglect conducted pursuant to this section that concerns a child five years of age or younger, the secretary, the law enforcement agency or the agency's designee shall make a CARE referral for such child."

We believe the amendment will clearly state what appears to be the intent.

Thank you for considering the above amendment. We encourage you to add our proposed amendment and recommend the bill favorably.

Ed Klumpp, Legislative Liaison