



Department for Children
and Families

Strong Families Make a Strong Kansas

Senate Judiciary Committee

February 17, 2015

Testimony on:

SB 159

Written Testimony By:

Phyllis Gilmore

Secretary

Kansas Department for Children and Families

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Testimony of:

Phyllis Gilmore, Secretary
Kansas Department for Children and Families
Topeka, Kansas

Testimony on:

SB 159

Chair King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:

SB 159 amends K.S.A. 38-2231(b) by adding a provision that a law enforcement officer shall take a child under 18 years into custody when the officer “reasonably believes there is a violation of crimes involving controlled substances occurring in the child’s residence that threatens the child’s safety.”

DCF and law enforcement officers are primarily concerned with the safety of children, and DCF supports law enforcement’s ability statutorily to take into custody a child whenever such child’s safety is threatened. 38-2231 (b)(1) currently provides that a child may be removed from the place or residence where the child is found if law enforcement reasonably believes the child will be harmed if not removed immediately. The scenario, as well as other fact scenarios (i.e. domestic violence in the home), set forth in the new proposed (b)(4), is covered by existing language in (b)(1) and would arguably render this language unnecessary. 38-2231 (b)(1) is in its current form written broadly. K.S.A. 38-2201(b) provides “the code shall be liberally construed to carry out the policies of the state which are to (1) consider the safety and welfare of a child to be paramount” among other additional and numerous considerations set forth in 38-2201(b).

DCF strives to avoid removal of a child from the child’s home but will support doing so when a child’s safety is threatened.

DCF is neutral with respect to SB 159. Thank you for the opportunity to submit testimony about this proposed legislation.