AN ACT concerning reports of abuse; relating to abuse, neglect or exploitation of certain adults and children; animal control officers and persons investigating suspected cruelty to animals; emergency medical services personnel; amending K.S.A. 2017 Supp. 38-2223, 39-1402 and 39-1431 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 38-2223 is hereby amended to read as follows: 38-2223. (a) Persons making reports. (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2017 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2017 Supp. 23-3502, and
amendments thereto; and

(E) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance; and

(F) animal control officers, as defined in K.S.A. 47-1701, and amendments thereto, and persons authorized to take custody of an animal pursuant to K.S.A. 2017 Supp. 21-6412(e), and amendments thereto, when investigating suspected cruelty of animals.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) Form of report. (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) To whom made. Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 2017 Supp. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the Kansas department of corrections shall be made to the attorney general or the secretary of corrections. Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services shall be made to the
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appropriate law enforcement agency. All other reports of child abuse
or neglect 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 made to the appropriate law enforcement agency.

(d) Death of child. Any person who is required by this section to
report a suspicion that a child is in need of care and who knows of
information relating to the death of a child shall immediately notify
the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) Violations. (1) Willful and knowing failure to make a report
required by this section is a class B misdemeanor. It is not a defense
that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a
report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report
pursuant to this section or makes a report that such person knows
lacks factual foundation is guilty of a class B misdemeanor.

(f) Immunity from liability. Anyone who, without malice,
participates in the making of a report to the secretary or a law
enforcement agency relating to a suspicion a child may be a child in
need of care or who participates in any activity or investigation
relating to the report or who participates in any judicial proceeding
resulting from the report shall have immunity from any civil liability
that might otherwise be incurred or imposed.

Sec. 1. Sec. 2. K.S.A. 2017 Supp. 39-1402 is hereby amended to read
as follows: 39-1402. (a) Any person who is licensed to practice any branch
of the healing arts, a licensed psychologist, a licensed master level
psychologist, a licensed clinical psychotherapist, a chief administrative
officer of a medical care facility, an adult care home administrator or
operator, a licensed social worker, a licensed professional nurse, a licensed
practical nurse, a licensed marriage and family therapist, a licensed clinical
marriage and family therapist, licensed professional counselor, licensed
clinical professional counselor, registered alcohol and drug abuse
counselor, a teacher, a bank trust officer and any other officers of financial
institutions, a legal representative, or, a governmental assistance provider
or an emergency medical services attendant who has reasonable cause to
believe that a resident is being or has been abused, neglected or exploited,
or is in a condition which is the result of such abuse, neglect or
exploitation or is in need of protective services, shall report immediately
such information or cause a report of such information to be made in any
reasonable manner to the Kansas department for aging and disability
services with respect to residents defined under subsection (a)(1) of K.S.A.
39-1401(a)(1), and amendments thereto, to the department of health and
environment with respect to residents defined under subsection (a)(2) of K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families and appropriate law enforcement agencies with respect to all other residents. Reports made to one department which are required by this subsection to be made to the other department shall be referred by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working week days and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the appropriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a report under this section.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the resident, the name and address of the involved resident, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information which the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services may report such information to the Kansas department for aging and disability services with respect to residents defined under subsection (a)(1) of K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under subsection (a)(2) of K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families with respect to all other residents. Reports made to one department which are to be made to the other department under this section shall be referred by the department to which the report is made to the appropriate department for that report.

(d) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult care home and medical care facility in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.
Sec. 2. K.S.A. 2017 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of
the healing arts, a licensed psychologist, a licensed master level
psychologist, a licensed clinical psychotherapist, the chief administrative
officer of a medical care facility, a teacher, a licensed social worker, a
licensed professional nurse, a licensed practical nurse, a licensed dentist, a
licensed marriage and family therapist, a licensed clinical marriage and
family therapist, licensed professional counselor, licensed clinical
professional counselor, registered alcohol and drug abuse counselor, a law
enforcement officer, an animal control officer, as defined in K.S.A. 47-
1701, and amendments thereto, a person investigating suspected
cruelty to animals who is authorized to take custody of an animal
pursuant to K.S.A. 2017 Supp. 21-6412(c), and amendments thereto,
an emergency medical services attendant, a case manager, a rehabilitation
counselor, a bank trust officer or any other officers of financial institutions,
a legal representative, a governmental assistance provider, an owner or
operator of a residential care facility, an independent living counselor and
the chief administrative officer of a licensed home health agency, the chief
administrative officer of an adult family home and the chief administrative
officer of a provider of community services and affiliates thereof operated
or funded by the Kansas department for aging and disability services or
licensed under K.S.A.—75-3307b 2017 Supp. 39-2001 et seq., and
amendments thereto, who has reasonable cause to believe that an adult is
being or has been abused, neglected or exploited or is in need of protective
services shall report, immediately from receipt of the information, such
information or cause a report of such information to be made in any
reasonable manner. An employee of a domestic violence center shall not
be required to report information or cause a report of information to be
made under this subsection. Other state agencies receiving reports that are
to be referred to the Kansas department for children and families and the
appropriate law enforcement agency, shall submit the report to the
department and agency within six hours, during normal work days, of
receiving the information. Reports shall be made to the Kansas department
for children and families during the normal working week days and hours
of operation. Reports shall be made to law enforcement agencies during
the time the Kansas department for children and families is not in
operation. Law enforcement shall submit the report and appropriate
information to the Kansas department for children and families on the first
working day that the Kansas department for children and families is in
operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name
and address of the person making the report and of the caretaker caring for
the involved adult, the name and address of the involved adult, information
regarding the nature and extent of the abuse, neglect or exploitation, the
name of the next of kin of the involved adult, if known, and any other
information which the person making the report believes might be helpful
in the investigation of the case and the protection of the involved adult.
   (c) Any other person, not listed in subsection (a), having reasonable
cause to suspect or believe that an adult is being or has been abused,
neglected or exploited or is in need of protective services may report such
information to the Kansas department for children and families. Reports
shall be made to law enforcement agencies during the time the Kansas
department for children and families is not in operation.
   (d) A person making a report under subsection (a) shall not be
required to make a report under K.S.A. 39-1401 to through 39-1410,
inclusive, and amendments thereto.
   (e) Any person required to report information or cause a report of
information to be made under subsection (a) who knowingly fails to make
such report or cause such report not to be made shall be guilty of a class B
misdemeanor.
   (f) Notice of the requirements of this act and the department to which
a report is to be made under this act shall be posted in a conspicuous
public place in every adult family home as defined in K.S.A. 39-1501, and
amendments thereto, and every provider of community services and
affiliates thereof operated or funded by the Kansas department for aging
and disability services or other facility licensed under K.S.A.—75-3307b
2017 Supp. 39-2001 et seq., and amendments thereto, and other
institutions included in subsection (a).
Sec.—4. K.S.A. 2017 Supp. 38-2223, 39-1402 and 39-1431 are
hereby repealed.
Sec.—4. 5. This act shall take effect and be in force from and after its
publication in the statute book.