



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

Neutral Testimony Regarding House Bill 2150

**Presented to the House Judiciary Committee
By Deputy Attorney General Steven Karrer**

March 17, 2021

Chairman Patton and Members of the Committee:

Thank you for the opportunity to present this written neutral testimony on behalf of Kansas Attorney General Derek Schmidt on House Bill 2150.

House Bill 2150 amends statutes related to the reporting, investigation, and findings conducted by the Department of Child and Families related to abuse neglect and exploitation of elder and dependent adults. These investigations are civil in nature and are under the jurisdiction of DCF. Because this process does not directly affect the operations of the Office of the Kansas Attorney General, I am providing neutral testimony.

This bill would provide several important changes to statute. First, it would add several categories to the list of mandatory reporters, to include firefighters, optometrists, post graduates approved by the State Board of Healing Arts, probation officers and mediators, and school administrators. All of these individuals are in a unique position to often observe the results of abuse, neglect, and exploitation. By adding them to the list of mandatory reporters, the legislature will make it more likely abuse, neglect, and exploitation is not only reported but possibly stopped.

Second, the Bill clarifies definitions of abuse. No longer will there be both “fiduciary abuse” and “exploitation.” It will all be “financial exploitation.” This is important, because these terms are used in the findings made by DCF. On appeal, a case could be overturned simply because the social worker chose “fiduciary abuse” instead of “exploitation.” House Bill 2150 prevents that confusion. It is also important that all of the abuse defined in the two current terms will still be covered under “financial exploitation.” I also believe the statute change will make Kansas definitions more consistent with other states for reporting and data purposes.

Finally, the bill extends the allowed investigation time from 30 days to 60 days for reports of “financial exploitation.” This is important because these types of abuse often take longer to obtain evidence. The social worker often has to obtain financial records and legal documents through subpoena. Generally these subpoenas allow a party up to 14 days to respond. Then staff

have to review the records, which often can be extensive. This amendment does not extend the time for other types of abuse or neglect, only financial exploitation. I believe this extension will result in the possibility of more substantiations of financial exploitation because the worker has the time to collect and evaluate the evidence.

For these reasons, on behalf of the Kansas Attorney General Derek Schmidt, I have no objection to you reporting HB 2150 out of committee favorably and believe it contains provisions that could improve the state's response to the abuse of elder and dependent adults.

###