



Kansas
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Children and Family Services

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Written testimony of:

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Topeka, Kansas

presented to:

The Hon. Lance Kinzer and Honorable Members
of the Kansas House Judiciary Committee:

SRS testimony on HB 2533

Chairman Kinzer, Vice-Chair Patton, Ranking Member Pauls and Honored Members:

Mister Chairman, thank you for the opportunity to provide written testimony regarding HB 2533.

House Bill 2533 modifies the responsibilities of mandated reporters, expands the list of mandatory reporters, and revises the penalties for failing to report child abuse.

The bill changes the circumstance in which a mandated reporter must file a report. Currently mandated reporters must report child abuse when there is a reason to suspect that a child has been “harmed” physically, mentally, emotionally, or sexually. The bill requires a report to be

filed when there is a reason to suspect that the child has been a “victim” of physical, mental, emotional, or sexual abuse.

Currently, Section 1. K.S.A. 2011 Supp. 38-2223 identifies the following mandated reporters when there is reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse:

- 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;
- Chief administrative officers of medical care facilities;
- Licensed psychologists;
- Licensed masters level psychologists;
- Licensed clinical psychotherapists;
- Licensed social workers;
- Licensed marriage and family therapists;
- Licensed clinical marriage and family therapists
- Licensed professional counselors;
- Licensed clinical professional counselors;
- Registered alcohol and drug abuse counselors;
- Teachers, school administrators or other employees of an educational institution which the child is attending;
- 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;
- Firefighters
- Emergency medical services personnel
- Law enforcement officers
- Juvenile intake and assessment workers;
- Court services officers and community corrections officers;
- Case managers appointed under K.S.A. 23-1001 *et seq.*, and amendments thereto
- Mediators appointed under K.S.A. 23-602, and amendments thereto;
- 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;

The bill expands the list of mandatory reporters to include:

- Employees of any public or private educational institution, including technical colleges, community colleges, and universities
- Persons licensed by SRS, or their employees, who provide foster care services
- Employees and volunteers of any organization providing recreational services to children
- Religious volunteers
- All state employees who work in a position of authority over minors in an official capacity

The bill bars a legal defense for a mandated reporter failing to file a report because 1) of a belief that another person made the report or 2) the mandated reporter feared a repercussion.

The following penalties would be established:

- failing to report child abuse would remain a class B misdemeanor
- failing to report child sexual abuse would be increased from a class B misdemeanor to a severity 10, nonperson felony
- preventing or interfering with a child abuse report would be increased from a class B misdemeanor to a severity 8, nonperson felony
- making a false report would remain a class B misdemeanor, however, the bill would expand the action to a false report with an intent to harm, harass, or defame another.

As a point of clarification, SRS currently does not license day care centers nor foster homes as those functions are being performed by KDHE.

SRS is in support of all measures that will help ensure the safety and will be proactive in preventing abuse of all children in Kansas. In order to implement the provisions of this legislation, appropriate funds must be allotted to cover the increased staff we will be needed. While SRS understands there will be a fiscal impact, the agency is not able to make an accurate estimate of the increase in calls received by the Kansas Protection Report Center, and reports assigned to the field for investigation. During FY 2011, 95,154 reports were received by the report center. For FY 2012, 99,362 reports are estimated to be received by the report center. Current staffing provides 45 intake workers and 21 social workers for assessment and investigation of reports received. The agency estimates a 5.0 percent increase in calls and reports assigned for investigation. For this increase, the agency would need 18 additional positions at an annual cost of approximately \$1.0 million.