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MEMORANDUM

To: House Committee on Federal and State Affairs

From: Kyle Hamilton, Assistant Revisor of Statutes

Date: March 19, 2019

Subject: Bill Brief on SB 77

Under current law, when a report of child abuse or neglect indicates that there has been sexual abuse of a child and that action may be required to protect the child, a joint investigation is then conducted by law enforcement and DCF. Under SB 77, if such a report indicated that the sexual abuse was committed by a minor against another minor, DCF would be required, in addition to any other services required under the Revised Kansas Code for Care of Children, to immediately provide a referral to a child advocacy center and, as needed, offer additional services to the alleged child perpetrator and the alleged perpetrator's family. Child advocacy centers are statutorily created nonprofit private or governmental entities (K.S.A. 38-2227) where forensic interviews take place with children in cases of suspected or alleged physical, mental, emotional or sexual abuse.

Paragraph (2) states that such services would be voluntary, unless DCF determines there will be a high risk of future sexual behavior problems by the alleged child perpetrator if the services are not accepted by either the alleged child perpetrator or the child's family. DCF would be required to document its offers to provide services, the importance of the services, whether the services were accepted and provided, and the outcome for the child and family.

Subsection (b) would define "child with sexual behavior problems" to mean a person less than 18 years of age who has allegedly committed sexual abuse against another person less then 18 years of age.

The provisions would become a part of the Revised Kansas Code for Care of Children.

SB 77 would become effective upon publication in the statute book, on July 1, 2019.