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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: March 21, 2019

Subject: HB 2392 – Mandated reporters of child abuse and neglect

House Bill No. 2392 (HB 2392) makes amendments to the Revised Kansas Code for Care of Children regarding mandated reporters of child abuse and neglect. In addition to the current individuals who are required by K.S.A. 38-2223 to report physical, mental or emotional abuse or neglect or sexual abuse of a child, HB 2392 would require adults residing in the home of the child to report such abuse and neglect. The bill defines "residing" as staying, sleeping, or maintaining one's person or property in the home for 3 or more consecutive days, or for 10 or more nonconsecutive days within a 30-day period.

Any adult who resides with a child and fails to report the abuse or neglect of such child as required under the statute would be guilty of a Class B misdemeanor. However, HB 2392 provides an exemption from such criminal liability if the adult, or any child of the adult has been a victim of physical, mental or emotional abuse or neglect or sexual abuse by the same suspected abuser.

HB 2392 further provides that if the adult residing with the child complies with the statute, then the adult is immune from criminal liability for any harm or injury to the child, unless the adult engaged in the abuse or neglect, or the abuse or neglect resulted in the death of the child.

Finally, HB 2392 amends K.S.A. 38-2226 regarding investigations of abuse and neglect. The bill would require that as part of any investigation conducted pursuant to K.S.A. 38-2226, the investigator must visually observe the child who is the alleged victim. All investigation reports must include the date, time, and location of any visual observation of the child.

If enacted, HB 2392 would become effective on July 1, 2019.