

HOUSE BILL No. 2582

By Committee on Children and Seniors

2-1

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February 2022
Office of Revisor of Statutes

1 AN ACT concerning children and minors; relating to the Kansas
2 department for children and families; clarifying information exchange
3 in investigations of child abuse between the department and law
4 enforcement agencies; directing the department to release certain
5 information to law enforcement agencies; amending K.S.A. 38-2210,
6 38-2211 and 38-2212 and repealing the existing sections.
7

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

9 Section 1. K.S.A. 38-2210 is hereby amended to read as follows: 38-
10 2210. To facilitate investigation and ensure the provision of necessary
11 services to children who may be in need of care and such children's
12 families, the following persons and entities with responsibilities
13 concerning a child who is alleged or adjudicated to be in need of care shall
14 freely exchange information:

- 15 (a) The secretary.
- 16 (b) The secretary of corrections.
- 17 (c) ~~The~~ A law enforcement agency *investigating or receiving such*
18 *report. Such information shall include information and records disclosed*
19 *pursuant to K.S.A. 38-2212(e), and amendments thereto.*
- 20 (d) Members of a court appointed multidisciplinary team.
- 21 (e) An entity mandated by federal law or an agency of any state
22 authorized to receive and investigate reports of a child known or suspected
23 to be in need of care.
- 24 (f) A military enclave or Indian tribal organization authorized to
25 receive and investigate reports of a child known or suspected to be in need
26 of care.
- 27 (g) A county or district attorney with responsibility for filing a
28 petition pursuant to K.S.A. 38-2214, and amendments thereto.
- 29 (h) A court services officer who has taken a child into custody
30 pursuant to K.S.A. 38-2231, and amendments thereto.
- 31 (i) An intake and assessment worker.
- 32 (j) Any community corrections program which has the child under
33 court ordered supervision.
- 34 (k) The department of health and environment or persons authorized
35 by the department of health and environment pursuant to K.S.A. 65-512,
36 and amendments thereto, for the purpose of carrying out responsibilities

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1 professionals.
2 (e) Law enforcement access. The secretary shall disclose confidential
3 agency records of a child alleged or adjudicated to be a child in need of
4 care, as described in K.S.A. 38-2209, and amendments thereto, to the law
5 enforcement agency investigating the alleged or substantiated report or
6 investigation of abuse or neglect, regardless of the disposition of such
7 report or investigation. Such records shall include, but not be limited to,
8 any information regarding such report or investigation and records of past
9 reports or investigations concerning such child and such child's siblings
10 and the perpetrator or alleged perpetrator.

, name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators or contracting agency employees assigned to or investigating such report.

11 (e)(f) Court order. Notwithstanding the provisions of this section, a
12 court of competent jurisdiction, after in camera inspection, may order
13 disclosure of confidential agency records pursuant to a determination that
14 the disclosure is in the best interests of the child who is the subject of the
15 reports or that the records are necessary for the proceedings of the court.
16 The court shall specify the terms of disclosure and impose appropriate
17 limitations.

18 (f)(g) (1) Notwithstanding any other provision of law to the contrary,
19 except as provided in paragraph (6), in the event that child abuse or
20 neglect results in a child fatality or near fatality, reports or records of a
21 child alleged or adjudicated to be in need of care received by the secretary,
22 a law enforcement agency or any juvenile intake and assessment worker
23 shall become a public record and subject to disclosure pursuant to K.S.A.
24 45-215, and amendments thereto.

25 (2) Within seven days of receipt of a request in accordance with the
26 procedures adopted under K.S.A. 45-220, and amendments thereto, the
27 secretary shall notify any affected individual that an open records request
28 has been made concerning such records. The secretary or any affected
29 individual may file a motion requesting the court to prevent disclosure of
30 such record or report, or any select portion thereof. Notice of the filing of
31 such motion shall be provided to all parties requesting the records or
32 reports, and such party or parties shall have a right to hearing, upon
33 request, prior to the entry of any order on such motion. If the affected
34 individual does not file such motion within seven days of notification, and
35 the secretary has not filed a motion, the secretary shall release the reports
36 or records. If such motion is filed, the court shall consider the effect such
37 disclosure may have upon an ongoing criminal investigation, a pending
38 prosecution, or the privacy of the child, if living, or the child's siblings,
39 parents or guardians, and the public's interest in the disclosure of such
40 records or reports. The court shall make written findings on the record
41 justifying the closing of the records and shall provide a copy of the journal
42 entry to the affected parties and the individual requesting disclosure
43 pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and