

## 2023 Legislative Session – In Brief

### Child Welfare

The list below contains items of interest regarding child welfare which are noted below the bill number. Please review the full bill for context and other information that may be of use. This document is intended to help navigate through the relevant legislation that will take effect on July 1 (or earlier in some cases, as noted). It is not intended to be a comprehensive review of every point of interest in new legislation.

❖ ***HB 2021: Evidence-based Program Account Expenditures; Agency Collaboration in Juvenile Offender and CINC Cases***

- HB 2021 creates and amends law regarding the assessment of and provision of services to children in the child welfare and juvenile justice system; overall case length limits and community-based graduate sanctions under the Juvenile Code; exchange of confidential data within the juvenile justice system; and use of funds from the Evidence-based Programs Account of the State General Fund.
  - The bill requires, on or before October 1, 2023, the Secretary for Children and Families to identify an evidence-based risk and needs assessment to administer to children identified as exhibiting behavior that could lead to juvenile offender charges related to physical violence, aggression, damage to property, or use of life-threatening drugs during the course of a child in need of care (CINC) case. The bill directs the Secretary for Children and Families to collaborate with the Secretary of Corrections to allow these identified children to participate in programs funded by the Evidence-based Programs Account. (p.1)
  - The bill directs the Secretary of Corrections to ensure when a juvenile is placed in detention, the juvenile receives a standardized risk and needs assessment within 72 hours, or has appropriate updates made to such assessment if one has already been conducted; receives an updated or completed case plan within 48 hours after such assessment has been conducted or updated; and has access to behavioral health services, mental health services, and substance use treatment disorder services while in detention. (p. 1)
  - The Secretary of Corrections is required to coordinate with court services, community corrections, and juvenile detention centers to provide the services above in a timely manner. (p. 1)
  - The bill requires that if a child under the CINC Code and the Juvenile Code is eligible to receive services from DCF, KDOC, or the Judicial Branch, that these agencies collaborate to provide such services. (p. 6, p. 13)
  - The bill amends the overall case length limits for juvenile offenders so that the court may extend the overall case length limit to allow for completion of an evidence-based program if the juvenile's repeated, intentional effort to delay is the reason for failure to complete the evidence-based program, as reported by the evidence-based services provider. Such extensions may only be granted incrementally. (p. 16)
  - The bill amends law governing community-based graduated responses to certain violations of juvenile sentencing dispositions including probation, conditional

release, and condition of sentence by juveniles to require the court services officer or community correctional services officer to immediately notify the court and submit a written report showing in what manner the juvenile has violated such sentencing disposition. (p. 17)

- The bill allows a judge to commit a juvenile, who is on probation, to detention for a probation violation if the judge makes a finding that the juvenile is demonstrating escalating use of physical violence, aggression, weapons, damage to property, or life-threatening substances. The detention may not exceed 24 hours for the first violation, 48 hours for the second violation, and 15 days for the third or subsequent violation. (p. 18)
  - KDOC is required to develop a system, or contract with an entity to develop an electronic records system, by July 1, 2025, to facilitate the exchange of confidential information among all parts of the juvenile justice system. (p. 21)
  - The bill expands allowable expenditures from the Evidence-based Programs Account to include evidence-based community programs and practices for specified reasons. The bill also expands those eligible to administer such programs and practices. (p. 21, p. 22)
  - The bill defines “behavioral health crisis” in the CINC Code. (p. 5)
  - The bill amends the statute establishing juvenile crisis intervention centers to add substance abuse services to the services provided by a juvenile crisis center. The bill also adds a behavioral health condition as a reason a juvenile could be determined to be likely to cause harm to self or others. (p. 18)
- The bill will take effect on July 1, 2023.

**Bill:** [http://kslegislature.org/li/b2023\\_24/measures/documents/hb2021\\_enrolled.pdf](http://kslegislature.org/li/b2023_24/measures/documents/hb2021_enrolled.pdf)

**Summary:** [http://kslegislature.org/li/b2023\\_24/measures/documents/summary\\_hb\\_2021\\_2023](http://kslegislature.org/li/b2023_24/measures/documents/summary_hb_2021_2023)

❖ ***HB 2024: Newborn Safety Devices; CARE Program; Representative Gail Finney Memorial Foster Care Bill of Rights***

- The bills creates the Newborn Infant Protection Act. The Act authorizes a parent or other person having lawful custody of an infant who is not more than 60 days old and who has not suffered great bodily harm as determined by a person specified in the bill.
- The devices may be installed at a police station, sheriff’s office, law enforcement center, fire station, city or county health department, hospital, ambulatory surgical center, or recuperation center.
- The bill makes the relinquishing parent who follows the above procedure immune from civil or criminal liability for surrendering an infant meeting the criteria stated above.
- The bill amends a provision in the Act governing the procedure for non-relinquishing parent to establish parental rights after the surrender of an infant to specify when a person seeks to establish parental rights, the court must require the person to submit, at such person’s own expense, to a genetic test to verify that person is the biological parent of the child.
- The bill establishes the “Child Abuse Medical Review and Evaluation (CARE) Program. A CARE exam is a forensic medical evaluation of a child alleged to be a victim of abuse or neglect conducted by a CARE provider. (p. 1)

- The bill requires the Secretary for Children and Families or the law enforcement agency who is investigating a case of physical abuse or physical neglect of a child five years of age or younger to make a CARE referral for such child. (p. 1)
- The law requires a CARE provider to report a determination in a completed review that a child has been subject to physical abuse, emotional abuse, medical neglect, or physical neglect to the Secretary and law enforcement. (p. 1)
- Specific training is required for CARE providers and the bill requires the Secretary of Health and Environment to administer training and maintain compliance with the requirements of the CARE program. The bill allows for a healthcare worker who is seeking training to become a CARE provider to be reimbursed for the exam by KDHE. (p. 1)
- The bill defines “kinship caregiver” in the CINC code as an adult that the Secretary for children and Families has selected for placement for a CINC with whom the child or child’s parent already has close emotional ties. (p. 8)
- The bill provides that, consistent with the policy of the State expressed in the CINC Code to provide proper care and protection of foster youth, such youth have certain rights, as described by the bill, unless otherwise ordered by the court. (p. 2)
- The bill also states the rights of foster parents and kinship caregivers.
- The bill requires the Secretary for Children and Families to provide written and oral notification of the Bill of Rights as well as information for filing complaints to foster youth, foster parents, and kinship caregivers, and make the Bill of Rights available on the Secretary’s website. (p.5)
- The bill takes effect July 1, 2023.

**Bill:** [http://kslegislature.org/li/b2023\\_24/measures/documents/hb2024\\_enrolled.pdf](http://kslegislature.org/li/b2023_24/measures/documents/hb2024_enrolled.pdf)

**Summary:** [http://kslegislature.org/li/b2023\\_24/measures/documents/summary\\_hb\\_2024\\_2023](http://kslegislature.org/li/b2023_24/measures/documents/summary_hb_2024_2023)

❖ ***HB 2114: J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight***

- The bill renames the JCCJO as the J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight (Committee). The bill also amends the Committee’s charge to monitor the implementation of juvenile justice reform and the work of the Juvenile Justice Oversight Committee from monitoring the establishment of the Juvenile Justice Authority and review and study of the programs, activities, and plans of the Juvenile Justice Authority. (p. 1)
- The bill takes effect on July 1, 2023.

**Bill:** [http://kslegislature.org/li/b2023\\_24/measures/documents/hb2114\\_enrolled.pdf](http://kslegislature.org/li/b2023_24/measures/documents/hb2114_enrolled.pdf)

**Summary:** [http://kslegislature.org/li/b2023\\_24/measures/documents/summary\\_hb\\_2114\\_2023](http://kslegislature.org/li/b2023_24/measures/documents/summary_hb_2114_2023)

❖ ***Senate Sub. for HB 2127: Statute of Limitations – Childhood Sexual Abuse***

- The bill permits a criminal prosecution for childhood sexual abuse to be commenced at any time, extends the time to file a civil action for recovery of damages resulting from childhood sexual abuse, and provides exceptions in the Kansas Tort Claims Act for claims arising from such abuse.
- The bill takes effect July 1, 2023.

**Bill:** [http://kslegislature.org/li/b2023\\_24/measures/documents/hb2127\\_enrolled.pdf](http://kslegislature.org/li/b2023_24/measures/documents/hb2127_enrolled.pdf)

**Summary:** [http://kslegislature.org/li/b2023\\_24/measures/documents/summary\\_hb\\_2127\\_2023](http://kslegislature.org/li/b2023_24/measures/documents/summary_hb_2127_2023)

❖ ***HB 2240: Notice of Qualified Residential Treatment Facility Placement***

- HB 2240 amends the Revised Kansas Code for Care of Children to clarify and require the clerk of the district court to provide various parties with written notice when a child is placed in a qualified residential treatment program (QRTP), after receipt of such written notice from the Secretary for Children and Families. (p. 1)
- The specified entities who must be notified are the petitioner; the attorney for the parents, if any; each parent at the last known address; the child, if 12 years of age or older; the child's guardian ad litem; any other party or interested party; and the child's court-appointed special advocate. (p. 1)
- The bill will take effect July 1, 2023.

**Bill:** [http://kslegislature.org/li/b2023\\_24/measures/documents/hb2240\\_enrolled.pdf](http://kslegislature.org/li/b2023_24/measures/documents/hb2240_enrolled.pdf)

**Summary:** [http://kslegislature.org/li/b2023\\_24/measures/documents/summary\\_hb\\_2240\\_2023](http://kslegislature.org/li/b2023_24/measures/documents/summary_hb_2240_2023)

❖ ***HB 2269: Tobacco 21***

- HB 2269 amends the Kansas Cigarette and Tobacco Products Act to raise the minimum age to 21 to sell, purchase, or possess cigarettes, electronic cigarettes, or tobacco products. (p. 2)
- The bill amends provisions setting out criminal penalties for the unlawful acts of selling, giving, furnishing, or buying such cigarettes or tobacco products to reflect the raising of the minimum age from 18 to 21. The bill also makes related amendments to provisions concerning defenses to such offenses. (p. 3)
- The bill will take effect on July 1, 2023.

**Bill:** [http://kslegislature.org/li/b2023\\_24/measures/documents/sb221\\_enrolled.pdf](http://kslegislature.org/li/b2023_24/measures/documents/sb221_enrolled.pdf)

**Summary:** [http://kslegislature.org/li/b2023\\_24/measures/documents/summary\\_sb\\_221\\_2023](http://kslegislature.org/li/b2023_24/measures/documents/summary_sb_221_2023)

❖ ***SB 217: Restrictions on Electronic Tracking; Timeframes of Protective Orders***

- The bill expands permissible orders related to restraining parties with regard to disposition of property and with regard to molesting or interfering with the privacy or rights of each other to specify these orders cover the conduct of utilizing any electronic tracking system or acquiring tracking information to determine the other person's location, movement, or travel patterns. (Kansas Family Law Code – Permissible Orders After the Filing of a Petition for Divorce, Annulment, or Separate Maintenance Before Action Final) (p. 3)
- The bill specifies, for the purposes of sections of law concerning temporary custody orders, informal supervision restraining orders, and prohibitions on authorized dispositions of custody, the terms “harassing or intimidating” and “harass or intimidate” to include, but are not limited to, utilizing any electronic tracking system or acquiring

tracking information to determine the targeted person's location, movement, or travel. (p. 7)

- The bill specifies restraining orders granted under the Protection From Abuse Act to include restraining the defendant from utilizing any electronic tracking system or acquiring tracking information to determine the other person's location, movement, or travel patterns. (p. 11)
- The bill specifies, for the purposes of restraining orders granted under the Protection from Stalking, Sexual Assault, or Human Trafficking Act, the terms "harassing" or "interfering with the privacy rights" to include, but are not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement, or travel patterns. (p. 15)
- The bill changes the time period for which initial orders may remain effective to a period of one to two years and changes the time period for extensions of such orders to be effective for an additional one to three years.(p. 13)
- The bill also amends a provision in the Protection from Abuse Act requiring the court to extend protective orders for up to the lifetime of the defendant when the court determines a violation has occurred, by lowering the floor of the possible extension period from two additional years to one additional year. (p. 13)
- The bill will take effect July 1, 2023.

**Bill:** [http://kslegislature.org/li/b2023\\_24/measures/documents/sb217\\_enrolled.pdf](http://kslegislature.org/li/b2023_24/measures/documents/sb217_enrolled.pdf)

**Summary:** [http://kslegislature.org/li/b2023\\_24/measures/documents/summary\\_sb\\_217\\_2023](http://kslegislature.org/li/b2023_24/measures/documents/summary_sb_217_2023)