

DCF LEGISLATIVE TESTIMONY



February 15, 2022

TESTIMONY OF

Secretary Laura Howard
Department for Children and Families

TESTIMONY ON

Senate Bill 425

Chair

Senator Hilderbrand

Vice Chair

Senator Gossage

Ranking Minority

Senator Pettey

and

Members of the Committee

SUMMARY OF ISSUE & DCF POSITION

Chairman Hilderbrand and members of the committee, thank you for the opportunity to provide proponent testimony on SB 425 regarding information sharing and data transmission between the Department for Children and Families and Law Enforcement agencies.

In response to the recommendation from the Joint Committee on Child Welfare System Oversight, DCF has worked with the Revisors office and Ed Klumpp who represents the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and the Kansas Peace Officers Association to create this new legislation that further clarifies what information should be shared between agencies.

CONTEXT & HISTORY

Historically, the statute KSA 38-2210 has been interpreted differently by each DCF Administration. This has led to an inconsistent approach to the free exchange of information between the department and law enforcement agencies.

DCF currently interprets KSA 38-2210 to mean a 'free exchange of information' without redaction to expedite processes for both agencies. In Jan. of 2021, DCF created and implemented a new statewide form specifically for sharing information with Law Enforcement. This replaced previous forms utilized for several different data sharing processes that contained redacted information. It was noted during the interim committee by both parties that this form had not been consistently used statewide yet, and that DCF would expand this practice to a statewide level.

A mutually agreed upon solution by all parties was to create new statutory language to directly address the free exchange of information between DCF and Law Enforcement. This new language solves any current and future interpretation issues of the current statutes, and explicitly states that DCF and law enforcement agencies shall have a free exchange of information during any investigation of a child who is alleged or adjudicated to be in need of care.

EFFECT OF LEGISLATION & FISCAL IMPACT

SB 425 clarifies the exchange of information related to investigations of Child Abuse between the department and Law Enforcement agencies and directs DCF to release certain information to said agencies. The proposed bill would amend K.S.A. 38-2210, 38-2211 and 38-2212 and repeal the existing sections.

The new language compels DCF to disclose all confidential records to law enforcement of a child alleged or adjudicated to be a child in need of care when law enforcement is investigating a report of neglect or abuse. Law enforcement is also required to provide information to DCF during the course of any joint investigations. DCF is aware of an amendment brought by Mr. Klumpp, and while we don't think the addition of language to include 'the identification of the reporter and any DCF contractor or staff' is necessary, we are not in opposition to this amendment.

DCF does not anticipate a fiscal impact to the agency based on the proposed legislation in SB 425.

DCF POSITION

DCF is supportive of this legislation as proposed and would ask this committee to pass SB 425 favorably.