



Senate Corrections & Juvenile Justice Committee

January 27, 2016

Testimony on:

SB 325

Written Testimony By:

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Testimony of:

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Topeka, Kansas

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Chairman Smith, Vice Chair Knox, Ranking Member Pettet and Members of the Committee:

SB 325 amends K.S.A. 38-2211 Section 1. to allow access to the official file of a child in need of care proceeding pursuant to the Child In Need of Care (CINC) Code to “Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.” Further, it amends 38-2211 Section 2. to allow access to the social file of a child in need of care proceeding pursuant to the Child In Need of Care (CINC) Code to “Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.”

Access to the official and social files by the county or district attorney as described in the proposed bill could be accomplished pursuant to the existing language in K.S.A. 38-2211 (a)(8) and (b)(8), which provide such access to “Any other person when authorized by a court order, subject to the conditions imposed by the order.” These provisions allow for the court to render a decision regarding access based upon the specific facts and circumstances of a case. Additionally, K.S.A. 38-2212 (c)(13) provides for access to information from agency records with limitation to information “reasonably necessary to carry out their lawful responsibilities” related to a child alleged or adjudicated to be a child in need of care. Such access can be gained by any “federal, state or local government executive branch entity or agent of such entity, having a need for such information in order to carry out such entity’s responsibilities under the law to protect children from abuse and neglect.”

DCF is neutral with respect to SB 325.

Thank you for the opportunity to present testimony before this Committee.