

February 20, 2023

Kansas Department for Children and Families on HB 2386 - Prohibiting a state or local governmental employee from entering or remaining on private property and providing exceptions.

Chairman Corbet and members of the committee, thank you for the opportunity to provide opponent testimony on House Bill 2386. The Kansas Department for Children and Families (DCF) is required by existing statute to investigate certain reports and license facilities, both of which requires entry into an individual's property. While DCF requests verbal / oral permission to enter an individual's private property, the requirement to obtain a warrant, court order, subpoena, or written permission as required by the proposed legislation could create delays and further hinder the agency employees from performing statutorily required duties.

Adult Protective Services Reporting - K.S.A 39-1433 requires DCF to make contact with an adult alleged to be the victim of abuse, neglect, or financial exploitation which may include entering an individual's private property:

(a) The Kansas department for children and families, upon receiving a report that an adult is being or has been harmed as a result of abuse, neglect or financial exploitation, shall:

(1) Immediately notify, in writing, the appropriate law enforcement agency when a criminal act has occurred or appears to have occurred;

(2) make a face-to-face visit with the involved adult:

(A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved adult;

K.S.A. 39-1435 and related sections include requirements around coordination for joint investigation with law enforcement:

In performing the duties set forth in this act, the secretary for children and families may request the assistance of all state departments, agencies and commissions and may utilize any other public or private agencies, groups or individuals who are appropriate and who may be available. Law enforcement shall be contacted to assist the Kansas department for children and families when the information received on the report indicates that an adult, residing in such adult's own home or the home of another individual, an adult family home, a community development disabilities facility or residential facility is in a life-threatening situation.

Children Protective Services Reporting – K.S.A 38-2226 requires DCF to make contact with a child alleged to be a Child In Need of Care, of which may need to occur on a person's private property.

(a) Investigation for child abuse or neglect. The secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of determining whether the report is valid and whether action is required to protect a child

(h) Visual observation required. As part of any investigation conducted pursuant to this section, the secretary, or the secretary's designee, or the law enforcement agency, or such agency's designee, that is conducting the investigation shall visually observe the child who is the alleged victim of abuse or neglect. In the case of a joint investigation conducted pursuant to subsection (b), the secretary and the investigating law enforcement agency, or the designees of the secretary and such agency, shall both visually observe the child who is the alleged victim of abuse or neglect

In these child reports, the family and alleged perpetrator(s) shall be informed that they are not required to cooperate with the agency and what the possible next steps may be. In those instances, law enforcement may be contacted if the family declines or refuses contact with a child.

Additionally, DCF employees within the Foster Care Licensing Division are responsible for licensure and regulatory compliance of all 24-hour/seven-day-a-week childcare facilities in the State of Kansas, including the private property of Family Foster Homes.

DCF is in opposition to this as written as it does not give consideration to DCF investigation of reports or DCF licensing capacity. Thank you again for the opportunity to provide testimony on HB 2386.