

HOUSE BILL No. 2302

By Representative Ousley

2-5

1 AN ACT concerning children and minors; relating to the secretary for
2 children and families; requiring a law enforcement officer to contact
3 and consult with the secretary for children and families before taking a
4 child into custody; providing for the secretary to respond and consult
5 with such law enforcement officer outside of the secretary's operating
6 hours; requiring the secretary to provide operations to facilitate such
7 response; amending K.S.A. 2024 Supp. 38-2231 and repealing the
8 existing section.
9

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

11 Section 1. K.S.A. 2024 Supp. 38-2231 is hereby amended to read as
12 follows: 38-2231. (a) A law enforcement officer or court services officer
13 shall take a child under 18 years of age into custody when:

14 (1) The law enforcement officer or court services officer has a court
15 order commanding that the child be taken into custody as a child in need
16 of care; or

17 (2) the law enforcement officer or court services officer has probable
18 cause to believe that a court order commanding that the child be taken into
19 custody as a child in need of care has been issued in this state or in another
20 jurisdiction.

21 (b) A law enforcement officer shall take a child under 18 years of age
22 into custody when the officer:

23 (1) Reasonably believes the child will be harmed if not immediately
24 removed from the place or residence where the child has been found, *after*
25 *such law enforcement officer has contacted and received a response from*
26 *the secretary for children and families and consulted with the secretary*
27 *about taking the child into custody;*

28 (2) has probable cause to believe that the child is a runaway or a
29 missing person or a verified missing person entry for the child can be
30 found in the national crime information center missing person system;

31 (3) reasonably believes the child is a victim of human trafficking,
32 aggravated human trafficking or commercial sexual exploitation of a child;
33 or

34 (4) reasonably believes the child is experiencing a behavioral health
35 crisis and is likely to cause harm to self or others.

36 (c) *The secretary for children and families shall maintain operations*

1 *outside of the secretary's operating hours to provide a response and an*
2 *opportunity for consultation for a law enforcement officer who may take a*
3 *child into custody pursuant to subsection (b)(1).*

4 (d) (1) If a person provides shelter to a child whom the person knows
5 is a runaway, such person shall promptly report the child's location either
6 to a law enforcement agency or to the child's parent or other custodian.

7 (2) If a person reports a runaway's location to a law enforcement
8 agency pursuant to this section and a law enforcement officer of the
9 agency has reasonable grounds to believe that it is in the child's best
10 interests, the child may be allowed to remain in the place where shelter is
11 being provided, subject to subsection (b), in the absence of a court order to
12 the contrary. If the child is allowed to so remain, the law enforcement
13 agency shall promptly notify the secretary of the child's location and
14 circumstances.

15 ~~(e)~~ Except as provided in subsections (a) and (b), a law
16 enforcement officer may temporarily detain and assume temporary custody
17 of any child subject to compulsory school attendance, pursuant to K.S.A.
18 72-3120, and amendments thereto, during the hours school is actually in
19 session and shall deliver the child pursuant to K.S.A. 38-2232(g), and
20 amendments thereto.

21 Sec. 2. K.S.A. 2024 Supp. 38-2231 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.