

# **Kansas:**

## CHAPTER 75. STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES ARTICLE 7. ATTORNEY GENERAL

75-712b. Same; missing person system.

(a) The Kansas bureau of investigation shall establish a missing person system which shall be a central repository of information received by law enforcement agencies in this state relating to persons who have been reported missing or unidentified deceased persons. Such information shall be maintained for the purpose of and in a form enabling comparison of reports of unidentified deceased persons with reports of missing persons.

(b) All law enforcement agencies in this state shall report to the missing person system established pursuant to this section all information received relating to missing persons or unidentified deceased persons. Such reports shall be made in accordance with rules and regulations adopted pursuant to this section.

(c) The information in the missing person system established pursuant to this section shall be available to all law enforcement agencies in this state, in accordance with rules and regulations adopted pursuant to this section. Such information may also be made available to the federal bureau of investigation, U.S. department of justice, in accordance with the rules and regulations adopted pursuant to this section.

(d) The director of the Kansas bureau of investigation may apply for, accept and expend grants, gifts and bequests from any source for the purpose of carrying out the provisions of this section.

(e) The director of the Kansas bureau of investigation shall adopt rules and regulations prescribing:

(1) Procedures and forms for reports made to the missing person system established pursuant to this section; and

(2) procedures for disseminating information maintained in the missing person system to law enforcement agencies and the federal bureau of investigation as authorized by this section.

(f) Any law enforcement agency that willfully fails to make any report required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$ 500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

75-712c. Same; reports of missing children; duties of law enforcement agencies.

(a) All law enforcement agencies in any political subdivision of this state shall receive reports of any child who is unaccounted for or whose location has not been determined and who is

reported missing by a parent, guardian or foster parent, next of kin or other family member or other authoritative source who is concerned for such child's health, safety or well-being. The reports shall be entered immediately into the missing person systems of the national crime information center and the Kansas bureau of investigation. An immediate investigation shall be commenced based upon the elements of the initial reports. Within a reasonable period of time, follow-up forms from the national crime information center and the Kansas bureau of investigation shall be given to the reporting party for completion and return to the law enforcement agency. This data shall be entered into the missing person systems of the national crime information center and the Kansas bureau of investigation at the earliest possible time.

(b) The reporting party shall be advised to immediately notify the law enforcement agency in the event the missing child returns or is located. The law enforcement agency shall immediately notify the reporting party if the missing child is located or contacted.

(c) As used in this section, "child" means a person under 18 years of age.

75-712d. Same; missing children information clearinghouse.

(a) The Kansas bureau of investigation shall establish a missing children information clearinghouse. Such clearinghouse shall be a central repository of information relating to missing children and shall include all information currently entered in the missing person system of the Kansas bureau of investigation pursuant to K.S.A. 75-712c and amendments thereto.

(b) The missing children information clearinghouse shall:

(1) Collect, process, maintain and disseminate statistics and other information relating to missing children in this state;

(2) develop and maintain a system of communication, cooperation and coordination among organizations and agencies within this state which deal with missing children;

(3) cooperate and coordinate with organizations and agencies in other states and agencies of the federal government in efforts to locate missing children;

(4) establish such educational services and information as appropriate to aid organizations, agencies and persons dealing with missing children;

(5) maintain a listing of agencies, individuals and materials pertaining to missing children activities and programs;

(6) coordinate training efforts to aid in the reduction of the incidence of missing children; and

(7) perform any other services appropriate to aid in the location of missing children.

(c) The director of the Kansas bureau of investigation may apply for, accept and expend grants, gifts and bequests from any source for the purpose of carrying out the provisions of this section.

(d) The director of the Kansas bureau of investigation shall adopt such rules and regulations as necessary to implement the provisions of this section.

(d) As used in this section, "child" means a person under 18 years of age.

75-720. Child exchange and visitation centers; duties of the attorney general; child exchange and visitation centers fund.

(a) Subject to the provisions of appropriation acts, the attorney general shall provide for child exchange and visitation centers throughout the state for victims of domestic or family violence and their children to allow court-ordered child exchange or visitation in a manner that protects the safety of all family members. The attorney general shall coordinate and cooperate with local governmental agencies in providing the child exchange and visitation centers.

(b) A child exchange and visitation center shall provide:

(1) A secure setting and specialized procedures for supervised visitation and the exchange or transfer of children for visitation; and

(2) supervision by a person trained in security and the avoidance of domestic and family violence.

(c) A child exchange and visitation center is for children who have been removed from such children's parents and placed outside the home as a result of abuse or neglect or other risk of harm to such children and for children whose parents are separated or divorced and the children are at risk because:

(1) There is documented sexual, physical or emotional abuse as determined by the court;

(2) there is suspected or elevated risk of sexual, physical or emotional abuse, or there have been threats of parental abduction of the child;

(3) due to domestic violence, there is an ongoing risk of harm to a parent or child;

(4) a parent is impaired because of substance abuse or mental illness;

(5) there are allegations that a child is at risk for any of the reasons stated in paragraphs (1) through (4) pending an investigation; or

(6) other circumstances, as determined by the court, point to the existence of such a risk.

(d) The attorney general may apply for, receive and accept moneys from any source for the purposes of establishing child exchange and visitation centers for victims of domestic violence.

(e) There is hereby created in the state treasury the child exchange and visitation centers fund. All moneys credited to the fund shall be used solely for the purpose of establishing and maintaining child exchange and visitation centers for victims of domestic violence. All expenditures from the child exchange and visitation center fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by the attorney general's designee.

CHAPTER 21. CRIMES AND PUNISHMENTS  
ARTICLE 38. CRIMES AFFECTING GOVERNMENTAL FUNCTIONS

21-3827. Criminal disclosure of a warrant.

(a) Criminal disclosure of a warrant is making public in any way, except at the request of a law enforcement officer for the purpose of assisting in the execution of such warrant, the fact that a search warrant or warrant for arrest has been applied for or issued or the contents of the affidavit or testimony on which such warrant is based, prior to the execution thereof but the above shall not apply to personnel of a law enforcement agency disclosing a warrant: (1) For the purpose of encouraging the person named in the warrant to voluntarily surrender; or (2) issued in a case involving the abduction of a child unless such disclosure is specifically prohibited by the court issuing such warrant.

(b) Criminal disclosure of a warrant is a class B nonperson misdemeanor.

CHAPTER 23. DOMESTIC RELATIONS  
ARTICLE 10. CASE MANAGEMENT

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K.S.A. § 23-1003 (2003)

23-1003. Case manager; duties; withdrawal; reassignment; recommendations.

(a) A case manager appointed under K.S.A. 2003 Supp. 23-1002, and amendments thereto, shall:

(1) Meet with the parties, and other individuals deemed appropriate;

(2) gather information necessary to assist the parties in reaching an agreement or making recommendations, including medical, psychological, education and court records, including child custody investigations and child custody psychological evaluations, of the parties and children;

- (3) report to the court as directed by court order;
  - (4) keep a record by date and topic of all contacts with the parties in the case. When requested, this record shall be made available to the court in total or summary form without the express consent of the parties and shall not be considered a medical or psychological record for purposes of confidentiality;
  - (5) notify the court when a party fails to meet the financial obligations of the case management process;
  - (6) file for collection of costs as necessary. The court shall assist in such filing or collection efforts, or both;
  - (7) be authorized by the court to report threats, imminent danger, suspected child abuse, fear of abduction and suspected or actual harm to any party or child involved in case management either directly to the court and to other authorities, or both. Such action shall be followed by a written summary within five business days of the initial filing of such report which shall be sent to the judge or the judge's designee and included in the court file; and
  - (8) directly contact the court with any other information the case manager determines that the court should know.
- (b) A case manager appointed under K.S.A. 2003 Supp. 23-1002, and amendments thereto, may withdraw at any time following the initial order. Sufficient reasons for withdrawal may include, but not be limited to, the following:
- (1) Loss of neutrality which prevents objectivity;
  - (2) nonpayment by a party;
  - (3) lack of cooperation by a party;
  - (4) threat to a party;
  - (5) retirement or case load reduction by a case manager; or
  - (6) any other reason which shall be stated to the court in writing and considered adequate and sufficient reason by the court.
- (c) A disputant party may request reassignment of a case manager by filing a motion with the court. The court shall consider such requests upon review. Repeated requests may raise a presumption of lack of parental cooperation and the court may consider sanctions against the uncooperative parent or parents.

(d) (1) If parties have been ordered by the court to attempt to settle the party's disputes with the assistance of a case manager, and are unable to settle such disputes, the parties are to follow the recommendation or recommendations of the case manager as ordered by the court.

(2) When a case manager is forced to make recommendations for the parties, such recommendations shall be noted in writing as soon as possible and may be accompanied by supporting information. Such recommendation shall be reported to the court with copies to the attorneys of record for each party within 10 working days.

(3) Agreements of the parties and recommendations of the case manager which may concern temporary arrangements need not be entered into the court record by the attorneys of record.

(4) Case managers shall be furnished a form for orders to recommend such agreements to the court for the court's final order.

(5) Permanent issues such as designation of custody, primary residence or child support which are recommended by the case manager shall be entered into the court record within 10 working days of receipt of the recommendation. Should there be differing opinions as to the language of the journal entry, the case manager shall review the proposed journal entry and may recommend appropriate language to the court.

(6) If a disputant party disagrees with a recommendation such party may file a motion before the court for a review at which time an order shall be made by the court. The case manager shall explain to the court either by report or testimony the reasons for such recommendation or recommendations.

(7) Costs of the procedure and professional time may be assessed to the party who objected to the recommendations in the journal entry or may be otherwise assessed by the court.

CHAPTER 38. MINORS  
ARTICLE 13. CHILD CUSTODY JURISDICTION  
UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT

K.S.A. § 38-1358 (2005)

38-1358. Definitions; enforcement.

(UCCJEA 301). In K.S.A. 38-1358 through 38-1374 and amendments thereto:

(1) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the civil aspects of international child abduction or enforcement of a child-custody determination.

(2) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the civil aspects of international child abduction or enforcement of a child-custody determination.

38-1359. Enforcement under Hague Convention.

(UCCJEA 302). Under K.S.A. 38-1358 through 38-1374 and amendments thereto, a court of this state may enforce an order for the return of the child made under the Hague Convention on the civil aspects of international child abduction as if it were a child-custody determination.

38-1372. Role of prosecutor.

(UCCJEA 315). (a) In a case arising under this act or involving the Hague Convention on the civil aspects of international child abduction, the prosecutor may take any lawful action, including resort to a proceeding under K.S.A. 38-1358 through 38-1574 and amendments thereto or any other available civil proceeding to locate a child, obtain the return of a child, or enforce a child-custody determination if there is:

- (1) An existing child-custody determination;
  - (2) a request to do so from a court in a pending child-custody proceeding;
  - (3) a reasonable belief that a criminal statute has been violated; or
  - (4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the civil aspects of international child abduction.
- (b) A prosecutor acting under this section acts on behalf of the court and may not represent any party.

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