

Kansas Register

Vol. 43, No. 21

May 23, 2024

Pages 687-770



In this issue ...

Page

Rates

Pooled Money Investment Board

Notice of Investment Rates Effective May 20 – May 26, 2024.....689

Notices

Kansas Children’s Cabinet and Trust Fund

Notice of Meeting.....689

Kansas State Board of Emergency Medical Services

Notice of Meetings.....689

Wichita State University

Notice of Intent to Lease Real Property.....689

Notice of Intent to Lease Real Property.....690

Kansas Department of Health and Environment

Notice of Proposed Kansas Air Quality Construction Permit for Azure Renewable Fuels Production Facility.....690

Notice of Proposed Kansas Air Quality Class I Operating Permit Renewal for ET Gathering & Processing – Hugoton Compressor Station #5.....691

Notificación sobre la propuesta de Kansas Renovación del permiso de funcionamiento de clase I de Calidad del Aire por ET Gathering & Processing – Hugoton Compressor Station #5.....692

Notice of Proposed Kansas/Federal Water Pollution Control Permits and Applications.....693

Kansas Department of Administration – Office of Facilities and Property Management

Notice of Hearing on Wichita State University Henrion Hall HVAC Improvement Projects.....696

Notice of Hearing on Pittsburg State University Alternate Project Delivery Method.....697

Kansas Department of Transportation

Notice to Contractors for June Letting Information.....697

Kansas Department of Administration – Office of Procurement and Contracts

Notice to Bidders for State Purchases.....698

Kansas State Board of Regents Universities

Notice to Bidders for University Purchases.....699

Port Authority of Stafford County

Request for Bids for Rock Aggregate.....699

Request for Bids for Rail Materials.....700

Southeast Kansas Education Service Center (Greenbush)

Request for Proposals on Various Projects.....700

Johnson County Community College

Request for Proposals for On-Call Electrical Services and On-Call Carpentry Services.....700

V & S Railway, LLC

Request for Proposals for Railroad Cross Tie Replacement Project Between Attica, Kansas and Medicine Lodge, Kansas.....700

Bonds

Shawnee Heights Fire District, Shawnee County, Kansas

Summary Notice of Bond Sale.....700

New State Laws

Kansas Legislature

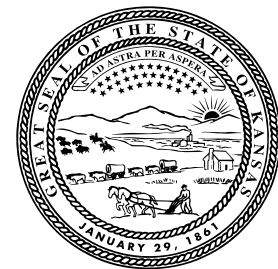
Senate Bill 414, concerning crimes, punishment and criminal procedure; relating to driving under the influence; requiring certain persons on a third or subsequent conviction thereof to participate in a multidisciplinary model of services for substance use disorders; relating to municipal courts; removing the requirement to collect fingerprints from persons convicted

The Kansas Register is an official publication of the state of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State.

© Kansas Secretary of State 2024. Reproduction of the publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

Current and back issues of the Kansas Register (HTML and PDF Format) can be found at <https://www.sos.ks.gov/publications/kansas-register.html>.

Register Office:
1st Floor, Memorial Hall
785-368-8095
kansasregister@ks.gov



Published by
Scott Schwab
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
785-296-4564
<https://www.sos.ks.gov>

Cover Artwork: *Wheat Ready to Harvest*
Photo by Todd Caywood

of violating certain municipal ordinance provisions related to driving without a valid driver’s license or motor vehicle liability insurance coverage; relating to aggravated endangering a child; increasing the criminal penalties in certain environments associated with fentanyl-related controlled substances or when bodily harm to the child results; relating to controlled substances; increasing penalties for unlawful distribution of controlled substances with respect to material containing any quantity of a fentanyl-related controlled substance; creating a special sentencing rule for such unlawful distribution thereof; relating to crimes involving violations of personal rights; eliminating the element of concealment from the crime of breach of privacy related to installing or using a device to photograph or record another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress; relating to sentencing; calculation of confinement; excluding certain types of incarceration time from the allowance of time against a person’s criminal sentence; relating to supervision of offenders; updating the terms of supervision for offenders on probation and postrelease supervision 701

Regulations

Office of the State Bank Commissioner

Notice of Hearing on Proposed Administrative Regulations..... 713

Kansas Department for Children and Families

Permanent Administrative Regulations..... 714

Index to administrative regulations..... 767

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 5-20-24 through 5-26-24

Term	Rate
1-89 days	5.33%
3 months	5.33%
6 months	5.24%
12 months	5.11%
18 months	4.94%
2 years	4.78%

Joel Oliver
Executive Director
Chief Investment Officer
Pooled Money Investment Board

Doc. No. 052141

State of Kansas

Kansas Children’s Cabinet and Trust Fund

Notice of Meeting

The Kansas Children’s Cabinet and Trust Fund board will be conducting its virtual quarterly board meeting from 9:00 a.m. to 12:30 p.m. Friday, June 7, 2024. Information about the meeting and the agenda can be found a day before the meeting at <http://www.kschildrenscabinet.org>.

Melissa Rooker
Executive Director
Kansas Children’s Cabinet and Trust Fund

Doc. No. 052145

State of Kansas

Board of Emergency Medical Services

Notice of Meetings

The Board of Emergency Medical Services will meet at 9:00 a.m. Friday, June 7, 2024, in Room 509 of the Landon State Office Building, 900 SW Jackson, Topeka, Kansas. Board committee meetings will be held Thursday, June 6, 2024, subject to call of the chair at the same location. All committee meeting schedules, information and items on the agenda for the board meeting can be found on our website at <http://www.ksbems.org>.

All meetings of the board are open to the public. For more information, contact Joseph House, Room 1031, Landon State Office Building, 900 SW Jackson, Topeka, KS, 66612-1228 or 785-296-7296.

Joseph House
Executive Director
Board of Emergency Medical Services

Doc. No. 052142

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to 1.22 acres of real property located on the northwest corner of the intersection of Fountain Avenue and 21st Street North, directly adjacent to the Wichita State University campus. This location would be designated for private development
(continued)

committed to supporting broadband infrastructure and Internet exchanges. The university is interested in leasing such ground to any individual, organization, or entity whose presence would advance WSU's vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. WSU intends to lease such space for a mutually agreeable period of time, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with WSU's educational mission and identify anticipated benefits to the university, its students, and the surrounding community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, community benefit commitments, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU and the surrounding community, design concepts, financial stability, and proposed use. Interested tenants will be responsible for all costs associated with the development and ongoing maintenance costs of any improvements. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of the improvement, and benefit to WSU. WSU will consider serious offers and inquiries from any financially qualified individual, group, organization. If interested, please contact Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance
Wichita State University

Doc. No. 052106

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to four acres of real property located on the Wichita State University's campus designated as the "Innovation Campus," for the private development and operation of a partnership building or buildings. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such space for a mutually agreeable period of time up to sixty years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the

essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Interested tenants will be required to construct adjacent and adequate surface parking that will not be included in the leased ground. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of building improvement, and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization. If interested, please contact Senior Vice President for Industry and Defense Programs, Dr. John Tomblin at john.tomblin@wichita.edu or Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance
Wichita State University

Doc. No. 052107

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Construction Permit

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality construction permit. Azure Renewable Fuels Production Facility has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of volatile organic compounds (VOC), particulate matter (PM), particulate matter with less than or equal to 10 microns in aerodynamic diameter (PM₁₀), particulate matter with less than or equal to 2.5 microns in aerodynamic diameter (PM_{2.5}), carbon monoxide (CO), oxides of nitrogen (NO_x), oxides of sulfur (SO_x), and hazardous air pollutants (HAPs) were evaluated during the permit review process.

Azure Renewable Fuels Production Facility, Livingston Place South Tower 1710, 222 3rd Ave. SW, Calgary, Alberta T2P 0B4, Canada, owns and operates a renewable fuels production facility located at Section 32, Township 32S, Range 17E, Cherryvale, Montgomery County, KS 67335, at which sustainable aviation fuel will be produced.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review from the date of publication during normal business hours at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southeast District Office, 308 W. 14th St., Chanute, KS 66720. To obtain or review the proposed permit and supporting documentation, contact Laura Chavira Molina at the central office of the KDHE at 785-296-1691, or Ryan Jack at the Southeast District Office at 620-860-7235. The standard departmental cost will be

assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <http://www.kdheks.gov/413/Public-Notices>.

A public comment period has been established to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. The public comment period is to begin on Thursday, May 23, 2024, and end at 12:00 p.m. Monday, June 24, 2024. Please direct written comments or questions regarding the proposed permit to Laura Chavira Molina, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, June 24, 2024.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Laura Chavira Molina, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, June 24, 2024, in order for the Secretary of Health and Environment to consider the request. If a request is received, a public hearing is tentatively scheduled at the Cherryvale Public Library, 329 E. Main St., Cherryvale, KS 67335 in the meeting room on Wednesday, June 26, 2024, beginning at 6:00 p.m. and continue until audience members have an opportunity to submit comments. If no requests to hold the public hearing are received by 12:00 p.m. Monday, June 24, 2024, the public hearing will be cancelled. A notice of the cancellation will be posted at the KDHE website at <http://www.kdheks.gov/413/Public-Notices>.

If a hearing is conducted, all interested parties will be given a reasonable opportunity to present their views orally or by submission of written materials during the public hearing. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to a specific time limit. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed materials in an accessible format. Requests for accommodation must be made no later than Tuesday, June 18, 2024, by contacting the Bureau of Air at 785-296-5231.

The preceding notice refers to the air permit for Azure Renewable Fuels Production Facility located at Section 32, Township 32S, Range 17E, Cherryvale, Montgomery County, KS 67335. If you want more information or you have other questions, please contact the KDHE Non-Discrimination coordinator and call 785-296-5156 or send an email to: KDHE.NonDiscrimination@ks.gov. [El aviso anterior se refiere al permiso de aire para Azure Renewable Fuels Production Facility ubicado en Section 32, Township 32S, Range 17E, Cherryvale, Montgomery County, KS 67335. Si desea obtener más información en español o tiene otras preguntas, por favor, comuníquese con el Coordinador de No Discriminación de KDHE y llame al 785-296-5156 o envíe un correo electrónico a: KDHE.NonDiscrimination@ks.gov.]

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 052148

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. ET Gathering & Processing – Hugoton Compressor Station #5 has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

ET Gathering & Processing – Hugoton Compressor Station #5, PO Box 520, Sunray, TX 79086, owns and operates a pipeline transportation compressor station located at Section 21, Township 26 South, Range 39 West, Hamilton County, KS 67857.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 313 Oklahoma Terr., Ulysses, KS 67880. To obtain or review the proposed permit and supporting documentation, contact Matthew Reynolds at the central office of KDHE at 785-296-1719, or Ethel Evans at the Southwest District Office at 620-356-1075. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <http://www.kdheks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Matthew Reynolds, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, June 24, 2024.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Matthew Reynolds, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, June 24, 2024, in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency (EPA) has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day re-

(continued)

view period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Keith Johnson, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, phone 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

The preceding notice refers to the air permit for ET Gathering & Processing – Hugoton Compressor Station #5 located at Section 21, Township 26 South, Range 39 West, Hamilton County, KS 67857. If you want more information or you have other questions, please contact the KDHE Non-Discrimination coordinator and call 785-296-5156 or send an email to: KDHE.NonDiscrimination@ks.gov. [El aviso anterior se refiere al permiso de aire para ET Gathering & Processing – Hugoton Compressor Station #5 ubicado en Section 21, Township 26 South, Range 39 West, Hamilton County, KS 67857. Si desea obtener más información en español o tiene otras preguntas, por favor, comuníquese con el Coordinador de No Discriminación de KDHE y llame al 785-296-5156 o envíe un correo electrónico a: KDHE.NonDiscrimination@ks.gov.]

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 052146

Estado de Kansas

Departamento de Salud y Medioambiente

Notificación sobre la propuesta de Kansas Renovación del permiso de funcionamiento de clase I de Calidad del Aire

Por medio del presente aviso, se notifica que el Departamento de Salud y Medioambiente de Kansas (KDHE, por sus siglas en inglés) solicita comentarios con respecto a una propuesta de un permiso de funcionamiento que afecta la calidad del aire. La estación compresora nro. 5 del yacimiento de Hugoton, de ET Gathering & Processing, ha solicitado la renovación del permiso de funcionamiento de clase I de acuerdo con lo establecido en K.A.R 28-19-510 y otros. El propósito de un permiso de clase I es identificar las fuentes y los tipos de contaminantes del aire regulados que emite la instalación; las limitaciones, normas y requisitos de emisión aplicables a cada fuente; y los requisitos de control, mantenimiento de registros y presentación de informes aplicables a cada fuente a partir de la fecha de vigencia de la emisión del permiso.

La estación compresora nro. 5 del yacimiento de Hugoton, de ET Gathering & Processing, PO Box 520, Sunray, TX 79086, posee y opera una estación de compresión de transporte por tubería ubicada en Section 21, Township 26 South, Range 39 West, Hamilton County, KS 67857.

El público podrá consultar una copia del permiso propuesto, de la solicitud del permiso, de toda la documentación de respaldo y de toda la información utilizada durante el proceso de revisión de la solicitud de permiso durante el horario de atención al público (de 8:00 a.m. a 5:00 p.m.) en el KDHE, Oficina de Calidad del Aire (BOA, por sus siglas en inglés) 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, y en la Oficina del Distrito Suroeste, 313 Oklahoma Terr., Ulysses, KS 67880. Para obtener o revisar el permiso propuesto y la documentación de respaldo, comuníquese con Matthew Reynolds, 785-296-1719, en la oficina central del KDHE, o con Ethel Evans, 620-356-1075, en la Oficina del Distrito Suroeste. Las copias que se soliciten tendrán el costo normal del departamento. La propuesta de permiso, junto con la información de respaldo, está disponible de forma gratuita en el sitio web de notificaciones públicas de KDHE BOA en <http://www.kdheks.gov/413/Public-Notices>.

Dirija sus comentarios o preguntas por escrito sobre el permiso propuesto a Matthew Reynolds, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. A fin de que se tengan en cuenta para la formulación de una decisión final sobre el permiso, se deben presentar a más tardar al mediodía de la fecha del Monday, June 24, 2024.

Una persona puede solicitar que se celebre una audiencia pública en relación al permiso propuesto. La solicitud de audiencia pública debe presentarse por escrito y exponer los fundamentos correspondientes. La solicitud por escrito debe presentarse a Matthew Reynolds, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, a más tardar al mediodía de la fecha del Monday, June 24, 2024 para que la secretaria de Salud y Medioambiente considere la solicitud.

La Agencia de Protección Medioambiental de los Estados Unidos (USEPA, por sus siglas en inglés) tiene un período de revisión de 45 días, que comenzará simultáneamente con el período de comentarios del público, dentro del cual puede objetar el permiso propuesto. Si la USEPA no ha objetado por escrito a la emisión del permiso dentro del período de revisión de 45 días, cualquier persona puede solicitar al administrador de la USEPA que revise el permiso. El período de petición pública de 60 días seguirá directamente al período de revisión de 45 días de la USEPA.

Cualquier petición de este tipo se basará únicamente en objeciones al permiso que se hayan planteado con especificidad razonable durante el período de comentarios del público previsto en este aviso, a menos que el peticionario demuestre que era impracticable plantear dichas objeciones dentro de dicho período, o a menos que los motivos para tal objeción hayan surgido después de dicho período. Póngase en contacto con Ward Burns, USEPA, Región 7, Subdivisión de Autorizaciones y Normativa de la Legislación Atmosférica, 11201 Renner Boulevard, Lenexa, KS 66219, 913-551-7960, para determinar cuándo finaliza el período de revisión de 45 días de la USEPA y comienza el período de petición de 60 días.

El aviso anterior se refiere al permiso de aire para ET Gathering & Processing – Hugoton Compressor Station #5 ubicado en Section 21, Township 26 South, Range 39 West, Hamilton County, KS 67857. Si desea obtener más información en español o tiene otras preguntas, por fa-

vor, comuníquese con el Coordinador de No Discriminación de KDHE y llame al 785-296-5156 o envíe un correo electrónico a: KDHE.NonDiscrimination@ks.gov.

Janet Stanek
Secretaria

Departamento de Salud y Medioambiente

Doc. No. 052147

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Las acciones propuestas con respecto a los documentos preliminares se basan en la revisión del personal, aplicando los estándares, regulaciones y limitaciones de efluentes apropiados del estado de Kansas y de la Agencia de Protección Ambiental de Estados Unidos. La acción final resultará en la emisión de una Autorización Federal del Sistema Nacional de Eliminación de Descargas de Contaminantes y un permiso de Control de Contaminación del Agua de Kansas, sujeto a ciertas condiciones, revocación y reemisión del permiso designado o terminación del permiso designado. Si desea obtener más información en español o tiene otras preguntas, por favor, comuníquese con el Coordinador de No Discriminación al 785-296-5156 o en: KDHE.NonDiscrimination@ks.gov.

Public Notice No. KS-AG-24-136/144

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Poky Feeders, Inc. Joe Morgan 600 E. Road 30 Scott City, KS 67871	SW/4 of Section 08 & SW/4 of Section 17 & S/2 of Section 18 & E/2 of Section 19 & SW/4 of Section 20 T20S, R32W Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C017
Federal Permit No. KS0086576

The proposed action is to modify and reissue an existing NPDES permit for an expanding facility for 102,670 head (102,670 animal units) of beef cattle weighing more than 700 pounds, 6,500 head (650 animal units) of swine weighing 55 pounds or less, and 4,615 head (1,846 animal units) of swine weighing more than 55 pounds, for a total of 105,166 animal units. This permit is being modified to add 8.8 acres of controlled drainage area. There is no change in the permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Southwest Cattle, LLC 960 CR 50 Sublette, KS 67877	E/2 & NW/4 of Section 28 T27S, R33W Haskell County	Upper Arkansas River Basin

Kansas Permit No. A-UAHS-C001
Federal Permit No. KS0099465

The proposed action is to modify and reissue an existing State/NPDES permit for an expanding facility for 20,000 head (20,000 animal units) of cattle weighing more than 700 pounds, and 52,500 head (26,250 animal units) of cattle weighing less than 700 pounds; for a total of 46,250 animal units. This permit is being modified for re-approval of construction of open lot pens in the and for additional calf pens with barns. There is no change in the permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Enneking Dairy, Inc. - South David and Ilene Enneking 1155 K Rd. Centralia, KS 66415	N/2 of Section 10 & NW/4 of Section 11 T04S, R12E Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-M013

The proposed action is to modify and reissue the existing state permit for a facility for a proposed maximum capacity of 150 head (75 animal units) of cattle weighing less than 700 pounds, and 400 head (560 animal units) of mature dairy cows; for a total of 635 animal units. This represents an increase in the permitted animal units from the previous permit. This permit is also being modified for the extension of an existing freestall barn and the modification of grass buffer areas. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Rottinghaus Holstein Farm, Inc. David Rottinghaus 2161 L Rd. Seneca, KS 66538	SW/4 of Section 14 & SE/4 of Section 15 T02S, R12E Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-M015

The proposed action is to modify and reissue an existing state permit for an expanding facility for 109 head (109 animal units) of cattle weighing less than 700 pounds, 240 head (240 animal units) of cattle weighing greater than 700 pounds, and 550 head (770 animal units) of mature dairy cows for a total animal unit count of 999. This permit is being modified to permit previously done construction as well as propose the construction of an additional retention control structure. There is no change in the permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Claude Durler 11282 117 Rd. Dodge City, KS 67801	SW/4 of Section 01 T27S, R24W Ford County	Upper Arkansas River Basin

(continued)

Kansas Permit No. A-UAFO-B013

The proposed action is to reissue an existing state permit for an existing facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
High Plains Ranch, LLC - East 859 WW Rd. Copeland, KS 67837	SW/4 of Section 10 T28S, R31W Haskell County	Upper Arkansas River Basin

Kansas Permit No. A-UAHS-C012
Federal Permit No. KS0096971

The proposed action is to modify the current NPDES permit and Nutrient Management Plan (NMP) for an existing facility for 4,999 head (4,999 animal units) of cattle weighing more than 700 pounds. The proposed modification is to change the Land Application portion of the permit to all export. There are no other changes to the permit or NMP. Only the portions of the permit and NMP being modified are subject to comment.

Name and Address of Applicant	Legal Description	Receiving Water
Deines Farms, Inc. - South Terry Deines 2023 350th Rd. Ramona, KS 67475	NW/4 of Section 17 T17S, R04E Marion County	Smoky Hill River Basin

Kansas Permit No. A-SHMN-B004

The proposed action is to reissue an existing state permit for an existing facility for 550 head (550 animal units) of cattle weighing greater than 700 pounds and 449 head (224.5 animal units) of cattle weighing 700 pounds or less for a total of 774.5 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Flory Dairy Farm, LLC Randy Flory 638 E. 626 Rd. Lawrence, KS 66047	SW/4 of Section 14 T14S, R18E Douglas County	Kansas River Basin

Kansas Permit No. A-KSDG-B003

The proposed action is to reissue an existing state permit for an existing facility for 299 head (299 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Heritage Beef, LLC 1506 Road 30 Sublette, KS 67877	SW/4 & E/2 of Section 08 & W/2 of Section 09 T27S, R32W Haskell County	Upper Arkansas River Basin

Kansas Permit No. A-UAHS-C003
Federal Permit No. KS0115033

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 75,000 head (75,000 animal units) of cattle weighing greater than 700 pounds. The facility's NMP was updated to include changes in the application rate limitation for three fields. The fields' application rate limitations have become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Public Notice No. KS-AG-R-24-009

Per Kansas Statutes Annotated 65-171d, the following registration has been received for a proposed facility.

Name and Address of Registrant	Legal Description	County
Heinen Feeders Todd Heinen 1457 96th Rd. Seneca, KS 66538	SE/4 & SW/4 of Section 32 T03S, R13E	Nemaha

Public Notice No. KS-Q-24-087/095

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Wellsville, City of 411 Main St. PO Box 455 Wellsville, KS 66092	Walnut Creek	Treated Domestic

Kansas Permit No. M-MC48-0003
Federal Permit No. KS0097110

Legal Description: NE¼, SE¼, SW¼, Section 28, Township 15S, Range 21E, Franklin County, Kansas

Location: [38.71271, -95.08478](#)

The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of: Aeromod activated sludge package treatment plant, aerobic digester, UV disinfection, and wet weather peak flow holding basins. The wet weather peak flow holding basins are not permitted to discharge and are designed to recirculate to the head of the plant. The facility receives domestic wastewater from residential and commercial areas. This permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia, and E. coli. The permit contains monitoring for Dissolved Oxygen, Total Phosphorus, Nitrates + Nitrites, Total Kjeldahl Nitrogen, and Total Nitrogen.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Junction City, City of PO Box 287 Junction City, KS 66441	Smoky Hill River	Treated Domestic

Kansas Permit No. M-SH45-0002
Federal Permit No. KS0092151

Legal Description: NW¼, NE¼, SW¼, Section 22, Township 12S, Range 5E, Geary County, Kansas

Location: [38.99215, -96.86578](#)

The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of: Industrial flow equalization, neutralization, and dissolved air flotation (DAF), bar screen, two basin activated sludge oxidation ditch, selector basin, final clarification, chlorination/dechlorination, cascade aeration, and sludge holding tank. The facility is currently undergoing upgrades. The upgraded facility will consist of: Industrial flow equalization, neutralization, and dissolved air flotation (DAF), bar screen, two basin activated sludge oxidation ditch, selector basin, final clarification, aluminum sulfate feed and storage system, chlorination/dechlorination, cascade aeration, sludge holding tank, sludge stabilization tanks (2), aerobic digesters (2), and sludge loadout station. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. This permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia, E. coli, Chlorides, Oil and Grease, Total Residual Chlorine, and Chronic Whole Effluent Toxicity. The permit contains monitoring for Sulfates, Total Phosphorus, Nitrates + Nitrites, Total Kjeldahl Nitrogen, Total Nitrogen, and total Cyanide.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Lindsborg, City of PO Box 71 Lindsborg, KS 67456	Smoky Hill River	Treated Domestic

Kansas Permit No. M-SH21-0001
Federal Permit No. KS0022462

Legal Description: SW¼, SW¼, SW¼, Section 16, Township 17S, Range 3W, McPherson County, Kansas

Location: [38.56657, -97.66537](#)

The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The existing facility is a mechanical wastewater treatment plant consisting of a mechanical spiral screen, grit removal, "Orbal" oxidation ditch, Bio-P removal basins, denitrification basins, final sedimentation, expanded sludge digestion/storage basins, belt press sludge dewatering, biosolids storage, UV disinfection, and golf course irrigation. The facility receives domestic wastewater from residential and commercial areas. This permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, pH, Ammonia, and E. coli. The permit contains monitoring for Total Phosphorus, Nitrates + Nitrites, Total Kjeldahl Nitrogen, and Total Nitrogen.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Gypsum, City of 521 Maple PO Box 313 Gypsum, KS 67448	Gypsum Creek	Treated Domestic

Kansas Permit No. M-SH15-0002
Federal Permit No. KS0092819

Legal Description: SE¼, SE¼ NE¼, Section 34, Township 15S, Range 1W, Saline County, Kansas

Location: [38.70427, -97.41037](#)

The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The existing facility is a three-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The facility receives domestic wastewater from residential and commercial areas. The detention time at design flow is 133.3 days. This permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia. The permit contains monitoring for pH, E. coli, and Sulfates.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Plainville, City of 222 W Mill PO Box 266 Plainville, KS 67663	Paradise Creek via Unnamed Tributary	Treated Domestic

Kansas Permit No. M-SA14-0002
Federal Permit No. KS0093165

Legal Description: NW¼, NE¼, NW¼, Section 1, Township 10S, Range 18W, Rooks County, Kansas

Location: [39.2181, -99.2833](#)

The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The existing facility is a five-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The facility receives domestic wastewater from residential and commercial areas. The detention time at design flow is 203.1 days. This permit contains limits for Biochemical Oxygen Demand, and Total Suspended Solids. The permit contains monitoring for pH, Ammonia, E. coli, Chlorides, Sulfates, Selenium, and Arsenic.

Name and Address of Applicant	Receiving Stream	Type of Discharge
General Finance Incorporated 767 N. US-281 Hwy. Hoisington, KS 67544	Arkansas River via Cow Creek via Little Cheyenne via Cheyenne Bottoms via Unnamed Tributary via Unnamed Wetland via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-AR45-PO07
Federal Permit No. KS0099279

Legal Description: Section 20, Township 18S, Range 13W, Barton County, Kansas

Location: [38.47068, -98.77959](#)

The proposed action consists of reissuing the above referenced NPDES permit. The primary change to the permit was the elimination of Outfall 001A. The facility is engaged in mining of clay and brick manufacturing. Clay pit de-watering is employed when necessary, to remove rain water, spring water or melted snow from the clay pits and is pumped to settling ponds, before being discharged. Treated stormwater around the clay pits, kiln area and brick stockpiles are also discharged from Outfall 002A. Outfall 001A is no longer active.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Excel Industries, Inc. 200 S. Ridge Rd. Hesston, KS 67062	Hesston MWWTP	Process Wastewater

Kansas Permit No. P-LA07-IO01
Federal Permit No. KSP000046

Legal Description: Harvey County

Location: [38.13566, -97.42509](#)

The proposed action consists of reissuing the above referenced Pretreatment permit. No significant changes were made to the permit. This facility manufactures various types of landscape equipment, including mowers. Steel parts are welded and phosphated using a ten-stage washer, using city water and metal parts painted to produce the final product. Outfall 001 is currently inactive. Outfall 002 consists of wastes from a pit and consists of wastewater from stages 1, 3, 4, 6, 7, 8, and 10. Outfall 003 consists of wastewater collected from Holding tank 1 (H1), which would represent wastes from process tanks 2, 5 and 9, if the holding tank (H1) discharges. Wastes from Outfall 003 can be hauled off-site for treatment and disposal, in lieu of discharging to the city sanitary sewer. A discharge from the RO system is discharged to the city sewer but is not discharged via an Outfall.

Name and Address of Applicant	Receiving Stream	Type of Discharge
City of DeSoto PO Box 549 DeSoto, KS 66018	Kansas River via Kill Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-KS12-PO07
Federal Permit No. KS0094536

Legal Description: NW¼ of Section 17, Township 13S, Range 22E, Johnson County, Kansas

Location: [38.92231, -95.00615](#)

The proposed action consists of modifying the above referenced NPDES permit, due to a treatment plant expansion, including the addition of two treatment lagoons. This is a public water treatment plant that treats well water using chlorine, lime and polymers, which is settled in clarifiers. The clarified overflow is filtered, re-chlorinated and then routed to the Clearwell, prior to being sent to the

(continued)

distribution system. About 0.264 MGD of wastewater is generated, 110,000 gallons from the lime softening process, filter to waste (37,000 gpd) and filter backwash from the clarifiers (107,000 gpd), and a discharge from an on-line monitoring equipment is sent to a four-cell lagoon for treatment. This permit contains limits for Total Residual Chlorine, and Total Suspended Solids. The permit contains monitoring for Total Phosphorus, and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
City of Lawrence PO Box 708 Lawrence, KS 66044	Kansas River via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-KS31-PO04
Federal Permit No. KS0001601

Legal Description: NW¼ of Section 4, Township 13S, Range 20E, Douglas County, Kansas

Location: 38.95672, -95.20045

The proposed action consists of renewal of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. This is a former Farmland Industries fully integrated nitrogen fertilizer manufacturing facility. All operations ceased in approximately 2002 and all manufacturing equipment and structures have been removed. The City of Lawrence acquired the property in 2010 and platted it as an industrial park. Construction of new City services (water and sewer) are complete. Lot development and new streets accessing the facility are proposed, complete, and/or under various stages of construction. This permit contains limits for pH. The permit contains monitoring for Nitrate, Ammonia, Flow – MGD, and Total Suspended Solids.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before June 22, 2024, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-24-136/144, KS-AG-R-24-009, KS-Q-24-087/095) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Casey Guccione, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Andrew Bowman at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on

file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Jada Martin at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. Las preguntas o comentarios por escrito deben dirigirse a Erich Glave, Director, Bureau of Environmental Field Services en KDHE: 1000 SW Jackson St., Suite 430, Topeka, KS 66612-1367; por correo electrónico: kdhe.feedlots@ks.gov; por teléfono: 785-296-6432. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Jamie Packard, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-4148 or email at Jamie.Packard@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 052149

State of Kansas

Department of Administration Office of Facilities and Property Management

Notice of Hearing

Pursuant to K.S.A. 75-37,143(d), the State Building Advisory Commission will conduct a public hearing at 9:00 a.m. June 12, 2024, in Suite 1200, 12th Floor, Eisenhower State Office Building, 700 SW Harrison St., Topeka, Kansas. The purpose of the hearing is for the public to have an opportunity to comment on a request from Wichita State University for Henrion HVAC Improvements – Phase 3 and 4. Construction costs are estimated at \$3,250,000.

Over the past three years, Wichita State University has invested just under \$2 million in two separate projects to improve the health and safety of Henrion Hall by improving ventilation and dust collection in the ceramics, sculpture, and foundry areas in the building. This project includes the scope of work required to provide central heating, air conditioning, and ventilation to the remainder of the building (approximately 29,000 square feet) to address the additional deferred maintenance HVAC items. Phase 3 would be contained to the west portion of the building and include addition of a chilled water plant, paving modifications to the south drive to accommodate a fire lane, heating water boiler plant, HVAC system to serving the west gym, and electrical infrastructure upgrades to support the proposed Phase 3 and Phase 4 HVAC equipment. Phase 4 would encompass the remainder of the non-central air-conditioned spaces including airside HVAC upgrades, dust collectors and make up air units at east end of building, electrical scope to support the HVAC upgrades, and the removal and replacement of ceilings required to support the HVAC and Electrical work.

The State of Kansas, as a matter of public policy, encourages anyone doing business with the State of Kansas to take steps to discourage human trafficking. If prospective bidders/vendors/contractors have any policies or participate in any initiatives that discourage human trafficking, the prospective bidder/vendor/contractor is encouraged to submit same as part of their bid response.

Barbara Schilling
Deputy Director-DCC
Office of Facilities and Property Management
Department of Administration

Doc. No. 052155

State of Kansas
Department of Administration
Office of Facilities and Property Management

Notice of Hearing

Pursuant to K.S.A. 75-37,143(d), the State Building Advisory Commission will conduct a public hearing at 9:00 a.m. June 12, 2024, in Suite 1200, 12th Floor, Eisenhower State Office Building, 700 SW Harrison St., Topeka, Kansas. Check in at the front desk with security is required.

The purpose of the hearing is for the public to have an opportunity to comment on a request from Pittsburg State University to utilize an alternative project delivery method for the Kelce College of Business, which is part of Project Gorilla Rising.

Project Gorilla Rising will build on the success of Block 22 to create a Downtown Educational Enterprise District, anchored by a new home for the Kelce College of Business. The facility will allow for expanded programming and the flexibility to implement active learning strategies and experiential pedagogies used in modern business education. The location will grow and enhance the university's relationships with corporations, manufacturers, city, community, and other partners in educating the next generation of business leaders in a rapidly changing environment.

Construction costs are estimated at \$27,600,000.

Barbara Schilling
Deputy Director-DCC
Office of Facilities and Property Management
Department of Administration

Doc. No. 052151

State of Kansas
Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting

date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation Standard Specifications for State Road and Bridge Construction.

KDOT will only accept electronic Internet proposals using the Bid Express website at <https://bidx.com/ks/main> until 1:00 p.m. (Central Time) on letting day. The KDOT bid letting will be conducted remotely by audio broadcast only at 3:00 p.m. (Central Time) on letting day. For the conference call information see <https://www.ksdot.org/bureaus/burconsmain/lettinginfo.asp>. KDOT has tested the process, but in the event of an unforeseen issue, KDOT will provide updates.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

Projects for the June 20, 2024, Letting

District One – Northeast

Atchison: 3 TE-0537-01 – Santa Fe Street, from 15th Street to 9th Street); 14th Street, from Main to Laramie; and side street connections between Commercial Street and Atchison Street in Atchison, pedestrian and bicycle paths, 1.0 miles. (Federal Funds)

Douglas: 40-23 KA-3634-03 – US-40, from the K-10/US-40 junction southeast to the K-10/US-59/US-40/Iowa Street interchange; K-10, from 1.21 miles south of the I-70/KTA/K-10 junction south to the K-10/US-40 junction; grading, bridge and surfacing, 7.4 miles. (Federal Funds)

Jefferson: 59-44 KA-7333-01 – US-59, from the US-59/98th Street junction north to the Jefferson/Atchison County line, crack repair, 13.6 miles. (State Funds)

Jefferson: 92-44 KA-7353-01 – K-92, from the K-92/Lovers Lane intersection in the city of McLouth northeast to the Jefferson/Leavenworth County line, crack repair, 5.5 miles. (State Funds)

Jefferson: 4-44 KA-7354-01 – K-4, from the K-4/K-92 junction northeast to the K-4/US-59 junction, crack repair, 18.3 miles. (State Funds)

Johnson: 7-46 KA-6797-01 – K-7, bridge #332 over the BNSF Railroad located 0.59 miles east of the K-7/Old US-56 west junction, bridge repair. (Federal Funds)

Nemaha: 9-66 KA-6439-01 – K-9, from 6th Street to 3rd Street in Centralia, grading and surfacing, 0.3 miles. (Federal Funds)

Shawnee: 70-89 KA-7350-01 – I-70, beginning 0.22 miles west of SW Valencia Road east to 0.31 miles east of SW Eagle Ridge Lane, pavement marking, 5.0 miles. (Federal Funds)

(continued)

Shawnee: 24-89 KA-7340-01 – US-24, beginning at the Pottawatomie/Shawnee County line east to the west city limits of Silver Lake, beginning 0.39 miles east of Northwest Menoken Road east to 0.11 miles west of Northwest Rochester Road, crack repair, 14.2 miles. (State Funds)

Wyandotte: 105 N-0739-01 – 138th Street, from K-32 to Morse Avenue in Bonner Springs, grading and surfacing, 0.5 miles. (Federal Funds)

Statewide: 106 KA-7335-01 – US-75 in Shawnee County, beginning at the 2-lane/4-lane split north to the Osage/Shawnee County line, beginning at the Osage/Shawnee County line north to the south edge wearing surface of the Topeka Boulevard bridge, beginning at the north edge wearing surface of the Topeka Boulevard bridge north to end of hot mix asphalt surface; and K-4 in Shawnee County, beginning at the Shawnee/Wabaunsee County line northeast to the K-4/Auburn Road junction, crack repair, 25.1 miles. (State Funds)

Statewide: 32-106 KA-7355-01 – K-32 in Douglas County, from the K-32/US-24 junction east to the Leavenworth/Douglas County line; and K-32 in Leavenworth County, from the Leavenworth/Douglas County line east to the Leavenworth/Wyandotte County line, crack repair, 17.2 miles. (State Funds)

District Two – North Central

Ellsworth: 70-27 KA-7231-01 – Light tower #1, located westbound I-70, center of the rest area. Light tower #2, located eastbound I-70, center of the rest area, lighting, 0.7 miles. (State Funds)

Marion: 56-57 KA-7349-01 – US-56, from 6th Street in Lincolnton north to 0.15 miles south of 340th Road, 4-inch overlay, 4.8 miles. (State Funds)

District Three – Northwest

Ellis: 26 C-5221-01 – Bridge over Big Creek, located 6.0 miles south and miles west of Walker, bridge replacement, 0.2 miles. (Federal Funds)

Roos: 24-82 KA-5754-01 – US-24, bridge #012 over South Fork Solomon River Drainage located 0.26 miles west of the US-183/US-24 junction, bridge replacement. (Federal Funds)

Sheridan: 23-90 KA-6019-01 – K-23, from 0.25 miles south of County Road 70 north to Walnut Avenue in Hoxie—includes bridges #016 over the South Fork Solomon River and #017 over the Sand Creek Bridge, grading, bridge and surfacing, 6.2 miles. (Federal Funds)

District Four – Southeast

Cherokee: 69-11 KA-7308-01 – US-69A, beginning at the US-69A/US-400/K-66 junction north 0.33 miles, pavement marking, 0.3 miles. (Federal Funds)

Greenwood: 54-37 KA-7068-01 – US-54, bridge #068 over the Verdigris River located 0.3 miles west of the Woodson/Greenwood County line, bridge repair. (State Funds)

Labette: 59-50 KA-7307-01 – US-59, beginning at the US-59/US-160 junction north 0.41 miles, pavement marking, 0.4 miles. (Federal Funds)

Linn: 69-54 KA-6735-01 – US-69, bridge #057 over the Marias Des Cygnes River located 0.88 miles south of the K-52/US-69 north junction, bridge repair. (State Funds)

Miami: 68-61 KA-7306-01 – K-68, beginning 0.86 miles west of the K-68/US-169/K-7 junction, east 0.4 miles, pavement marking, 0.4 miles. (Federal Funds)

Wilson: 400-103 KA-7309-01 – US-400: beginning 3.02 miles northwest of the US-400/K-47 junction, northwest 0.6 miles, pavement marking, 0.6 miles. (Federal Funds)

Wilson: 39-103 KA-6728-01 – K-39, bridge #021 over Snake Creek located 7.12 miles east of the US-400/K-39 junction, and bridge #022 over the Verdigris River located 8.48 miles east of the US-400/K-39 junction, bridge repair. (State Funds)

District Five – South Central

Barton: 4-5 KA-7320-01 – K-4, beginning 0.57 miles east of the US-281/K-4 junction east to the Rice/Barton County line, pavement marking, 16.1 miles. (Federal Funds)

Barton: 281-5 KA-7319-01 – US-281, beginning at the west city limits of Hoisington northwest to the Russell/Barton County line, pavement marking, 15.3 miles. (Federal Funds)

Barton: 4-5 KA-7321-01 – K-4, beginning at the Barton/Rush County line east to the US-281/K-4 west junction, pavement marking, 10.0 miles. (Federal Funds)

Butler: 8 C-5218-01 – Bridge over Eight Miles Creek, located 1.0 miles east and 1.3 miles north of Rose Hill, bridge replacement, 0.2 miles. (Federal Funds)

Harvey: 135-40 KA-0052-01 – I-135/36th Street interchange, 2 miles south of the I-135/US-50 south junction, grading, bridge and surfacing. (Federal Funds)

Rice: 14-80 KA-7322-01 – K-14, beginning 3.77 miles north of the US-56/K-96/K-14 junction north to the Rice/Ellsworth County line, pavement marking, 8.3 miles. (Federal Funds)

Rush: 4-83 KA-7318-01 – K-4, beginning at the K-4/US-183 junction east to the Rush/Barton County line, pavement marking, 15.1 miles. (Federal Funds)

Sumner: 160-96 KA-6941-01 – US-160, bridge #142 over the Union Pacific Railroad located 0.23 miles southwest of the US-81/US-160 west junction in Wellington, bridge repair. (State Funds)

Statewide: 106 KA-6863-01 – K-96, US-54 and K-15 in Sedgwick, Butler and Sumner counties, signing. (State Funds)

District Six – Southwest

Stevens: 95 TE-9605-01 – US-56, between South Polk Street and South Main Street in Hugoton, pedestrian and bicycle paths. (State Funds)

Calvin Reed
Secretary

Department of Transportation

Doc. No. 052144

State of Kansas

Department of Administration
Office of Procurement and Contracts

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376.

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

There are No Bids Under this Website Closing in this Week’s Ad

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

06/05/2024	A-015043	Reroof; Montgomery County Safety Rest Area – KDOT
06/11/2024	A-014767	Electrical Improvements; District Office #6 – KDOT
06/13/2024	A-014796	Parking Lot Resurfacing; Jung Building – Larned State Hospital
06/21/2024	A-014665	HVAC Improvements; Sedriks, Biddle and Cottonwood – Osawatomie State Hospital

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Todd Herman
 Director
 Office of Procurement and Contracts
 Department of Administration

Doc. No. 052156

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities’ purchasing offices’ websites for a listing of all transactions, including construction projects, for which the universities’ purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact info: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Cir., Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact info: phone: 785- 628-4251, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University

Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://bidportal.ksu.edu>. Effective August 1, 2023, all bids, quotes, or proposals must be submitted via the Kansas State University Bid Portal at <https://bidportal.ksu.edu>. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact information, phone: 785-532- 6214, email: kspurch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4167, email: swburke@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu/>. The University of Kansas exclusively uses the online eBid tool and will no longer accept paper responses unless otherwise specified in a solicitation. Additional contact information, email: purchasing@ku.edu. Mailing address: University of Kansas, Procurement Department, 1246 W. Campus Road Room 20, Lawrence, KS 66045.

University of Kansas Medical Center – Electronic bid postings: <https://www.kumc.edu/finance/supply-chain/bid-opportunities.html>. Additional contact information, phone: 913-588-1117, email: hunkemoore@kumc.edu. The University of Kansas Medical Center accepts only electronic bids.

Wichita State University – Bid postings: https://www.wichita.edu/services/purchasing/Bid_Documents/Bid_Documents.php. Additional contact information, phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Chris Robinson
 Director
 Purchasing and Contract Services
 Kansas State University

Doc. No. 051386

(Published in the Kansas Register May 23, 2024.)

Port Authority of Stafford County

Request for Bids

The Port Authority of Stafford County is soliciting bids for the procurement and delivery of approximately 12,000 tons of ballast rock aggregate and 25,000 of road base aggregate to their facility near St. John, Kansas. All material shall adhere to the requirements and stipulations set forth in the Buy American Act of 1978. Deliveries shall begin on or after Monday, August 26, 2024, and shall be completed no later than Friday, September 20, 2024. Please contact Jake Ferrell with ASM Engineering Consultants at jferrell@asm4.com for bidding documents including scope of work description, location map, quantities tabulation, and complete material specifications.

(continued)

Electronic bids are due to Carolyn Dunn at cdunn@staffordecodevo.com by 5:00 p.m. Friday, June 21, 2024.

Carolyn Dunn
President
Port Authority of Stafford County

Doc. No. 052159

(Published in the Kansas Register May 23, 2024.)

Port Authority of Stafford County

Request for Bids

The Port Authority of Stafford County is soliciting bids for the procurement and delivery of approximately 16,000 track-feet of rail, cross ties, spikes, plates, rail anchors, joint bars and bolts (collectively rail and OTM); 2 double switch point derails; and seven No. 11 turnouts to their facility near St. John, Kansas. All material shall adhere to the requirements and stipulations set forth in the Buy American Act of 1978. Deliveries shall begin on or after Monday, August 26, 2024, and shall be completed no later than Friday, September 20, 2024. Please contact Jake Ferrell with ASM Engineering Consultants at jferrell@asm4.com for bidding documents including scope of work description, location map, quantities tabulation, and complete material specifications.

Electronic bids are due to Carolyn Dunn at cdunn@staffordecodevo.com by 5:00 p.m. Friday, June 21, 2024.

Carolyn Dunn
President
Port Authority of Stafford County

Doc. No. 052160

(Published in the Kansas Register May 23, 2024.)

Southeast Kansas Education Service Center (Greenbush)

Request for Proposals

Sealed proposals will be received by the Purchasing Cooperative at Greenbush (Southeast Kansas Education Service Center) on behalf of its eligible participating entities for: RFP 24.3 ESC-SPECTATORSEATING2024; RFP 24.4 ESC-HVAC2024; and RFP 24.5 ESC-AUDIOVISUAL2024. Specifications and forms may be obtained by registering for free with Greenbush on Public Purchase at <http://www.publicpurchase.com>. Proposals must be uploaded to Public Purchase before 4:00 p.m. (Central Time) June 7, 2024. Late proposals will not be considered.

Tina Smith
Director of Business Relations
Greenbush

Doc. No. 052143

(Published in the Kansas Register May 23, 2024.)

Johnson County Community College

Request for Proposals

Johnson County Community College is accepting proposals for on-call electrical services (RFP# 24-148) and on-call carpentry services (RFP# 24-149). Solicitation doc-

uments may be obtained via the College's eProcurement site and public bulletin board, ProcureWare, at <https://jccc.procureware.com/home>. Call 913-469-3812 or email procurement@jccc.edu if you have questions or need assistance. Bids received through ProcureWare no later than 2:00 p.m. (Central Time) June 7, 2024, will be evaluated. Upon completion of evaluation, ProcureWare will be updated with contract award information.

Larry Allen
Senior Buyer
Campus Services
Johnson County Community College

Doc. No. 052153

(Published in the Kansas Register May 23, 2024.)

V & S Railway, LLC

Request for Proposals

V & S Railway, LLC (VSR) is requesting proposals from railroad track contractors for the labor, equipment, fuel, and incidental materials required to remove and replace approximately 4,000 cross ties (AREMA Grade 7 [7" x 9" x 8'6"]) on the Main Track consisting of 1- and 2-mile segments at the rate of approximately 1,000 ties per mile between MP 1.0 and MP 16.6 between Attica, Kansas and Medicine Lodge, Kansas (KDOT Project No. 106 RA- 8057-23).

The replacement cross ties, spikes, tie plugs and casualty rail, and OTM will be furnished by VSR. The VSR main line is predominately 112 lb/yd CWR east of MP 12.9 and 112 lb/yd jointed rail west of MP 12.9 with scattered segments of 90 lb/yd and 115 lb/yd rail.

Copies of the Request for Proposals (RFP) may be obtained by contacting Ed Landreth, a contractor to the VSR and the designated VSR Project Manager for this project, at 505-239-9915 or EWLandreth@aol.com. Proposals are due June 14, 2024.

V & S Railway, LLC reserves the right to reject any and all bids and to waive technicalities.

Ed Landreth
Acting General Manager
V & S Railway, LLC

Doc. No. 052154

(Published in the Kansas Register May 23, 2024.)

Shawnee Heights Fire District Shawnee County, Kansas

Summary Notice of Bond Sale \$8,500,000* General Obligation Bonds, Series 2024

(General Obligation Bonds Payable from Unlimited Ad Valorem Taxes)

Bids

Subject to the Notice of Bond Sale dated March 28, 2024 (the "Notice"), facsimile and electronic bids will be received on behalf of the Fire Chief of Shawnee Heights Fire District, Shawnee County, Kansas (the "Issuer") in the case of facsimile bids, at the address set forth below, and

in the case of electronic bids, through PARITY® until 10:00 a.m. (Central Time) June 4, 2024, for the purchase of the above-referenced bonds (the “Bonds”). No bid of less than 102.50% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated June 27, 2024, and will become due on September 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2025	\$ 60,000	2040	\$270,000
2026	135,000	2041	285,000
2027	145,000	2042	295,000
2028	150,000	2043	310,000
2029	160,000	2044	325,000
2030	165,000	2045	345,000
2031	175,000	2046	360,000
2032	180,000	2047	380,000
2033	190,000	2048	395,000
2034	200,000	2049	415,000
2035	210,000	2050	440,000
2036	220,000	2051	460,000
2037	230,000	2052	480,000
2038	245,000	2053	500,000
2039	255,000	2054	520,000

* Subject to change, see the Notice

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2025.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier’s or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$170,000.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about June 27, 2024, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2023 is \$190,285,405. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$8,500,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned or from the Financial Advisor at the addresses set forth below:

Issuer

Shawnee Heights Fire District
 Administrative Office
 Attn: Rick Deibert, Fire Chief
 2626 SE Shawnee Heights Rd.
 Tecumseh, KS 66542
 785-379-0566
rdeibert@shfd.us

Financial Advisor

Piper Sandler & Co.
 Attn: Clayton Kelley
 11635 Rosewood St.
 Leawood, KS 66211
 913-345-3377
 Fax: 913-345-3393
clayton.kelley@psc.com

Dated March 28, 2024.

Rick Deibert
 Fire Chief
 Shawnee Heights Fire District

Doc. No. 052150

State of Kansas

Secretary of State

Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
 Secretary of State

(Published in the Kansas Register May 23, 2024.)

Senate Bill No. 414

AN ACT concerning crimes, punishment and criminal procedure; relating to driving under the influence; requiring certain persons on a third or subsequent conviction thereof to participate in a multidisciplinary model of services for substance use disorders; relating to municipal courts; removing the requirement to collect fingerprints from persons convicted of violating certain municipal ordinance provisions related to driving without a valid driver’s license or motor vehicle liability insurance coverage; relating to aggravated endangering a child; increasing the criminal penalties in certain environments associated with fentanyl-related controlled substances or when bodily harm to the child results; relating to controlled substances; increasing penalties for unlawful distribution of controlled substances with respect to material containing any quantity of a fentanyl-related controlled substance; creating a special sentencing rule for such unlawful distribution thereof; relating to crimes involving

(continued)

violations of personal rights; eliminating the element of concealment from the crime of breach of privacy related to installing or using a device to photograph or record another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress; relating to sentencing; calculation of confinement; excluding certain types of incarceration time from the allowance of time against a person's criminal sentence; relating to supervision of offenders; updating the terms of supervision for offenders on probation and postrelease supervision; amending K.S.A. 8-1567, 12-4517, 21-5601, 21-5705, 21-6101, 21-6607, 21-6615, 21-6805, 22-2907 and 22-3717 and repealing the existing sections.

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

Section 1. On and after July 1, 2024, K.S.A. 8-1567 is hereby amended to read as follows: 8-1567. (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

(A) On a first conviction, a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000;

(B) on a second conviction, a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto;

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(C) on a third conviction, a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work

release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(D) on a third conviction, a severity level 6, nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

(E) on a fourth or subsequent conviction, a severity level 6, nonperson felony. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(2) (A) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-6804, and amendments thereto. The secretary of corrections may refuse to admit the person to the designated facility and place the person in a different state facility, or admit the person and subsequently transfer the person to a different state facility, if the secretary determines: ~~(A)~~(i) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; ~~(B)~~(ii) the person has failed

to meaningfully participate in the treatment program of the designated facility; (C)(iii) the person is disruptive to the security or operation of the designated facility; or (D)(iv) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review.

(B) In addition to the provisions of subsection (b)(1), for any conviction pursuant to subsection (b)(1)(D) or (b)(1)(E), if the person is granted probation, the court shall determine whether the person shall be supervised by community correctional services or court services based on the risk and needs of the person. The risk and needs of the person shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. During the probation supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the person.

(3) In addition to the provisions of subsection (b)(1), for any conviction pursuant to subsection (b)(1)(C), at the time of the filing of the judgment form or journal entry as required by K.S.A. 21-6711 or 22-3426 or K.S.A. 21-6714, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender person in charge. The court shall determine whether the offender person, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender person. The risk and needs of the offender person shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant person for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant person to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the offender person. An offender A person for whom a warrant has been issued by the court alleging a violation of this supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found the offender that the person has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court's discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail up to the remainder of the original sentence, not the term of the extended supervision.

(4) In addition to the provisions of subsection (b)(1), prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of violating this section or an ordinance which prohibits the acts that this section pro-

hibits who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of subsection (a)(4) or (a)(5), the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant person by the court.

(f) (1) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the \$250 required to be remitted to the state treasurer pursuant to subsection (q)(2), upon a showing that the person successfully completed court-ordered education or treatment.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division including any finding regarding the alcohol concentration in the offender's person's blood or breath. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

(A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto;

(B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

(C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto;

(D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto; and

(E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the

(continued)

crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes:

(A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection (i)(2); and

(B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (i)(1) or (i)(2);

(4) multiple convictions of any crime described in subsection (i) (1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

(j) For the purposes of determining whether an offense is comparable, the following shall be considered:

(1) The name of the out-of-jurisdiction offense;

(2) the elements of the out-of-jurisdiction offense; and

(3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

(k) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(l) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(m) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.

(o) The alternatives set out in subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or more of such alternatives prior to submission of the case to the fact finder.

(p) As used in this section:

(1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a ~~defendant~~ person and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.

(q) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

Sec. 2. On and after July 1, 2024, K.S.A. 12-4517 is hereby amended to read as follows: 12-4517. (a) (1) *Except as provided further*, the municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in K.S.A. ~~2022 Supp.~~ 21-5412(a), and amendments thereto, under a Kansas criminal statute are fingerprinted and processed. *The provisions of this section shall not apply to persons convicted of violating municipal ordinance provisions that prohibit the acts prohibited by K.S.A. 8-235 or 40-3104, and amendments thereto.*

(2) The municipal court judge shall ensure that all persons arrested or charged with a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567, and amendments thereto, are fingerprinted and processed at the time of booking or first appearance, whichever occurs first.

(b) The municipal court judge shall order the individual to be fingerprinted at an appropriate location as determined by the municipal court judge. Failure of the person to be fingerprinted after court order issued by the municipal judge shall constitute contempt of court. To reimburse the city or other entity for costs associated with fingerprinting, the municipal court judge may assess reasonable court costs, in addition to other court costs imposed by the state or municipality.

Sec. 3. On and after July 1, 2024, K.S.A. 21-5601 is hereby amended to read as follows: 21-5601. (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be endangered.

(b) Aggravated endangering a child is:

(1) Recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is endangered;

(2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine, ~~or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto or any fentanyl-related controlled substance;~~ or

(3) causing or permitting such child to be in an environment where the person knows or reasonably should know that:

(A) Drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing or attempting to manufacture any methamphetamine, ~~or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto;~~ or

(B) drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.

- (c) (1) Endangering a child is a class A person misdemeanor.
- (2) Aggravated endangering a child is a:
- (A) Severity level 9, person felony *except as provided in subsection (c) (2)(B); and*
- (B) *severity level 6, person felony when bodily harm is inflicted upon the child.*
- (3) The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (d) Nothing in subsection (a) shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.
- (e) As used in this section:
- (1) "Drug paraphernalia," "fentanyl-related controlled substance" and "manufacture" ~~means mean~~ the same as defined in K.S.A. 21-5701, and amendments thereto; and
- (2) "~~drug paraphernalia~~methamphetamine" ~~means the same as any substance designated in K.S.A. 21-5701 65-4107(d)(3) or (f)(1), and amendments thereto, or any analog thereof.~~

Sec. 4. On and after July 1, 2024, K.S.A. 21-5705 is hereby amended to read as follows: 21-5705. (a) It shall be unlawful for any person to distribute or possess with the intent to distribute any of the following controlled substances or controlled substance analogs thereof:

- (1) Opiates, opium or narcotic drugs, or any stimulant designated in ~~subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto;~~
- (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e), subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b), and amendments thereto;~~
- (3) any stimulant designated in ~~subsection (f) of K.S.A. 65-4105(f), subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or subsection (e) of K.S.A. 65-4109(e), and amendments thereto;~~
- (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A. 65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of K.S.A. 65-4109(g), and amendments thereto;~~
- (5) any substance designated in ~~subsection (g) of K.S.A. 65-4105(g) and subsection (c), (d), (e), (f) or (g) of K.S.A. or 65-4111(c), (d), (e), (f) or (g), and amendments thereto;~~
- (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-4109(f), and amendments thereto; or~~
- (7) any substance designated in ~~subsection (h) of K.S.A. 65-4105(h), and amendments thereto.~~

(b) It shall be unlawful for any person to distribute or possess with the intent to distribute a controlled substance or a controlled substance analog designated in K.S.A. 65-4113, and amendments thereto.

(c) It shall be unlawful for any person to cultivate any controlled substance or controlled substance analog listed in subsection (a).

- (d) (1) Except as provided further, violation of subsection (a) is a:
- (A) Drug severity level 4 felony if the quantity of the material was less than 3.5 grams;
- (B) drug severity level 3 felony if the quantity of the material was at least 3.5 grams but less than 100 grams;
- (C) drug severity level 2 felony if the quantity of the material was at least 100 grams but less than 1 kilogram; and
- (D) drug severity level 1 felony if the quantity of the material was 1 kilogram or more.
- (2) *Except as provided further, violation of subsection (a) with respect to material containing any quantity of marijuana, or an analog thereof, is a:*
- (A) Drug severity level 4 felony if the quantity of the material was less than 25 grams;
- (B) drug severity level 3 felony if the quantity of the material was at least 25 grams but less than 450 grams;
- (C) drug severity level 2 felony if the quantity of the material was at least 450 grams but less than 30 kilograms; and
- (D) drug severity level 1 felony if the quantity of the material was 30 kilograms or more.
- (3) *Except as provided further, violation of subsection (a) with respect to material containing any quantity of a fentanyl-related controlled sub-*

stance, heroin, as defined by ~~subsection (c)(1) of K.S.A. 65-4105(c)(12), and amendments thereto, or methamphetamine, as defined by ~~subsection (d)(3) or (f)(1) of K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, is a:~~~~

- (A) drug severity level 4 felony if the quantity of the material was less than 1 gram;
- (B) drug severity level 3 felony if the quantity of the material was at least 1 gram but less than 3.5 grams;
- (C) drug severity level 2 felony if the quantity of the material was at least 3.5 grams but less than 100 grams; and
- (D) drug severity level 1 felony if the quantity of the material was 100 grams or more.
- (4) *Except as provided further, violation of subsection (a) with respect to material containing any quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107, 65-4109 or 65-4111, and amendments thereto, or an analog thereof, distributed by dosage unit, is a:*
- (A) drug severity level 4 felony if the number of dosage units was fewer than 10;
- (B) drug severity level 3 felony if the number of dosage units was at least 10 but ~~less fewer~~ than 100;
- (C) drug severity level 2 felony if the number of dosage units was at least 100 but ~~less fewer~~ than 1,000; and
- (D) drug severity level 1 felony if the number of dosage units was 1,000 or more.
- (5) *Violation of subsection (a) with respect to material containing any quantity of a fentanyl-related controlled substance, distributed by dosage unit, is a:*
- (A) *Drug severity level 4 felony if the number of dosage units was fewer than 10;*
- (B) *drug severity level 3 felony if the number of dosage units was at least 10 but fewer than 50;*
- (C) *drug severity level 2 felony if the number of dosage units was at least 50 but fewer than 250; and*
- (D) *drug severity level 1 felony if the number of dosage units was 250 or more.*
- (6) For any violation of subsection (a), the severity level of the offense shall be increased one level if the controlled substance or controlled substance analog was distributed or possessed with the intent to distribute on or within 1,000 feet of any school property.
- ~~(6)(7)~~ Violation of subsection (b) is a:
- (A) Class A person misdemeanor, except as provided in subsection ~~(d)(6)(B)~~ (d)(7)(B); and
- (B) nondrug severity level 7, person felony if the substance was distributed to or possessed with the intent to distribute to a minor.
- ~~(7)(8)~~ Violation of subsection (c) is a:
- (A) Drug severity level 3 felony if the number of plants cultivated was more than 4 but fewer than 50;
- (B) drug severity level 2 felony if the number of plants cultivated was at least 50 but fewer than 100; and
- (C) drug severity level 1 felony if the number of plants cultivated was 100 or more.
- (e) In any prosecution under this section, there shall be a ~~rebuttable presumption an inference of an intent to distribute if any such an inference is supported by the facts and such person possesses the following quantities of controlled substances or analogs thereof:~~
- (1) 450 grams or more of marijuana;
- (2) 3.5 grams or more of a fentanyl-related controlled substance, heroin or methamphetamine;
- (3) 50 dosage units or more containing any quantity of a fentanyl-related controlled substance;
- (4) 100 dosage units or more containing ~~a~~ any other controlled substance; or
- ~~(4)(5)~~ 100 grams or more of any other controlled substance.
- (f) It shall not be a defense to charges arising under this section that the defendant:
- (1) Was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog;
- (2) did not know the quantity of the controlled substance or controlled substance analog; or
- (3) did not know the specific controlled substance or controlled substance analog contained in the material that was distributed or possessed with the intent to distribute.
- (g) As used in this section:
- (1) "Material" means the total amount of any substance, including

(continued)

a compound or a mixture, which contains any quantity of a controlled substance or controlled substance analog.

(2) "Dosage unit" means a controlled substance or controlled substance analog distributed or possessed with the intent to distribute as a discrete unit, including but not limited to, one pill, one capsule or one microdot, and not distributed by weight.

(A) For steroids, or controlled substances in liquid solution legally manufactured for prescription use, or an analog thereof, "dosage unit" means the smallest medically approved dosage unit, as determined by the label, materials provided by the manufacturer, a prescribing authority, licensed health care professional or other qualified health authority.

(B) For illegally manufactured controlled substances in liquid solution, or controlled substances in liquid products not intended for ingestion by human beings, or an analog thereof, "dosage unit" means 10 milligrams, including the liquid carrier medium, except as provided in subsection (g)(2)(C).

(C) For lysergic acid diethylamide (LSD) in liquid form, or an analog thereof, a dosage unit is defined as 0.4 milligrams, including the liquid medium.

Sec. 5. On and after July 1, 2024, K.S.A. 21-6101 is hereby amended to read as follows: 21-6101. (a) Breach of privacy is knowingly and without lawful authority:

(1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting ~~it~~ such message;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication;

(6) installing or using a ~~concealed~~ camcorder, motion picture camera or photographic camera of any type to ~~secretly~~ videotape, film, photograph or record, by electronic or other means, another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;

(7) disseminating or permitting the dissemination of any videotape, photograph, film or image obtained in violation of subsection (a) (6); or

(8) disseminating any videotape, photograph, film or image of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten or intimidate such identifiable person, and such identifiable person did not consent to such dissemination.

(b) Breach of privacy as defined in:

(1) Subsection (a)(1) through (a)(5) is a class A nonperson misdemeanor;

(2) subsection (a)(6) or (a)(8) is a:

(A) Severity level 8, person felony, except as provided in subsection (b)(2)(B); and

(B) severity level 5, person felony upon a second or subsequent conviction within the previous five years; and

(3) subsection (a)(7) is a severity level 5, person felony.

(c) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

(d) The provisions of this section shall not apply to:

(1) An operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is incident to the rendition of public utility service or to the protection of the rights of property of such public utility;

(2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person;

(3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto; and

(4) a local exchange carrier or telecommunications carrier as defined in K.S.A. 66-1,187, and amendments thereto.

(e) The provisions of subsection (a)(8) shall not apply to a person acting with a bona fide and lawful scientific, educational, governmental, news or other similar public purpose.

(f) As used in this section, "private place" means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance.

Sec. 6. On and after July 1, 2024, K.S.A. 21-6607 is hereby amended to read as follows: 21-6607. (a) Except as required by subsection (c), nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correctional services program. The court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation, suspension of sentence or assignment to a community correctional services program. For crimes committed on or after July 1, 1993, in presumptive nonprison cases, the court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation or assignment to a community correctional services program. The court may at any time order the modification of such conditions, after notice to the court services officer or community correctional services officer and an opportunity for such officer to be heard thereon. The court shall cause a copy of any such order to be delivered to the court services officer and the probationer or to the community correctional services officer and the community corrections participant, as the case may be. The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.

(b) The court may impose any conditions of probation, suspension of sentence or assignment to a community correctional services program that the court deems proper, including, but not limited to, requiring that the defendant:

(1) ~~avoid such injurious or vicious habits, as directed by the court, court services officer or community correctional services officer;~~

(2) ~~avoid such persons or places of disreputable or harmful character, as directed by the court, court services officer or community correctional services officer;~~

(3) ~~report to the court services officer or community correctional services officer as directed;~~

(4) ~~permit the court services officer or community correctional services officer to visit the defendant at home or elsewhere;~~

(5) ~~work faithfully at suitable employment insofar as possible;~~

(6) ~~remain within the state unless the court grants permission to leave;~~

(7) ~~pay a fine or costs, applicable to the offense, in one or several sums and in the manner as directed by the court;~~

(8) ~~support the defendant's dependents;~~

(9) ~~reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;~~

(10) ~~perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;~~

(11) ~~perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days, determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;~~

(12) ~~participate in a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto;~~

(13) ~~order the defendant to pay the administrative fee authorized~~

by K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

(14) ~~in felony cases, except for violations of K.S.A. 8-1567, and amendments thereto, be confined in a county jail not to exceed 60 days, which need not be served consecutively. Obey all laws and ordinances and report any law enforcement contact to the defendant's supervision officer within 24 hours after such contact;~~

(2) ~~not engage in physical violence or threats of violence of any kind and, if the defendant is being supervised for conviction of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision;~~

(3) ~~report to the defendant's supervision officer as directed and be truthful in all matters;~~

(4) ~~remain within the state of Kansas or other specified areas as defined by the defendant's supervision officer;~~

(5) ~~reside at the defendant's approved residence unless the defendant receives permission from the defendant's supervision officer to relocate and notify the defendant's supervision officer within 24 hours after any emergency changes in residence or contact information;~~

(6) ~~not possess, use or distribute any controlled substances except those prescribed by a licensed medical professional;~~

(7) ~~not possess or consume any form of alcohol or intoxicating substance or enter any establishment where alcohol is sold or consumed as the primary business;~~

(8) ~~submit to any form of alcohol or substance use testing directed by the defendant's supervision officer and not alter or tamper with the specimen or test;~~

(9) ~~participate in assessment, treatment, programming and other directives of the court or the defendant's supervision officer;~~

(10) ~~be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, community correctional services officer or any other law enforcement officer based on reasonable suspicion that the defendant violated conditions of probation or engaged in criminal activity; or~~

(11) ~~refrain from contacting victims unless authorized by the court to contact a victim as part of rehabilitative or therapeutic purposes.~~

(c) In addition to any ~~other~~ conditions of probation, suspension of sentence or assignment to a community correctional services program ordered pursuant to subsection (b), the court shall order the defendant to ~~comply with each of the following conditions:~~

(1) ~~The defendant shall obey all laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject;~~

(2) ~~Make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime in accordance with K.S.A. 21-6604(b), and amendments thereto;~~

(3)(2) (A) pay a correctional supervision fee of \$60 if the person was convicted of a misdemeanor or a fee of \$120 if the person was convicted of a felony. In any case the amount of the correctional supervision fee specified by this paragraph may be reduced or waived by the judge if the person is unable to pay that amount;

(B) the correctional supervision fee imposed by this paragraph shall be charged and collected by the district court. The clerk of the district court shall remit all revenues received under this paragraph from correctional supervision fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, a sum equal to 41.67% of such remittance, and to the correctional supervision fund, a sum equal to 58.33% of such remittance;

(C) this paragraph shall apply to persons placed on felony or misdemeanor probation or released on misdemeanor parole to reside in Kansas and supervised by Kansas court services officers under the interstate compact for offender supervision; and

(D) this paragraph shall not apply to persons placed on probation or released on parole to reside in Kansas under the uniform act for out-of-state parolee supervision; and

(4)(3) reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the

amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less;

(5) ~~be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, a community correctional services officer and any other law enforcement officer based on reasonable suspicion of the defendant violating conditions of probation or criminal activity; and~~

(6) ~~be subject to random, but reasonable, tests for drug and alcohol consumption as ordered by a court services officer or community correctional services officer.~~

(d) ~~The office of judicial administration and the department of corrections shall collaborate to develop documentation related to conditions of supervision.~~

(e) Any law enforcement officer ~~conducting~~ who conducts a search pursuant to subsection ~~(e)(5)~~ (b)(10) shall submit a written report to the appropriate court services officer or community correctional services officer ~~no later than the close of the next business day~~ *business the next day* after such search is conducted. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(e)(f) There is hereby established in the state treasury the correctional supervision fund. All moneys credited to the correctional supervision fund shall be used for: (1) The implementation of and training for use of a statewide, mandatory, standardized risk assessment tool or instrument as specified by the Kansas sentencing commission, pursuant to K.S.A. 75-5291, and amendments thereto; (2) the implementation of and training for use of a statewide, mandatory, standardized risk assessment tool or instrument for juveniles adjudicated to be juvenile offenders; and (3) evidence-based adult and juvenile offender supervision programs by judicial branch personnel. If all expenditures for the program have been paid and moneys remain in the correctional supervision fund for a fiscal year, remaining moneys may be expended from the correctional supervision fund to support adult and juvenile offender supervision by court services officers. All expenditures from the correctional supervision 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 chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

Sec. 7. K.S.A. 21-6615 is hereby amended to read as follows: 21-6615. (a) (1) In any criminal action in which the defendant is convicted, the judge, if the judge sentences the defendant to confinement, shall direct that for the purpose of computing *the* defendant's sentence and parole eligibility and conditional release dates thereunder, that such sentence is to be computed from a date, to be specifically designated by the court in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time ~~which~~ that the defendant has spent incarcerated pending the disposition of the defendant's case. *The defendant shall be entitled to have credit applied for each day spent incarcerated.* In recording the commencing date of such sentence the date as specifically set forth by the court shall be used as the date of sentence and all good time allowances as are authorized by the secretary of corrections are to be allowed on such sentence from such date as though the defendant were actually incarcerated in any of the institutions of the state correctional system.

(2) *When computing the defendant's sentence, the following shall not be considered time spent incarcerated pending disposition of the defendant's case:*

(A) *Any time awarded as credit in another case when consecutive sentences are imposed on a defendant; or*

(B) *any time spent incarcerated in another jurisdiction if no hold has been issued in such jurisdiction for the case being sentenced.*

(b) In any criminal action in which probation, or assignment to a ~~conservation camp or assignment~~ to community corrections is revoked and the defendant is sentenced to confinement, for the purpose of computing the defendant's sentence and parole eligibility and conditional release date, the defendant's sentence is to be computed from a date, hereafter to be specifically designated in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time ~~which~~ that the defen-

(continued)

dant has spent in a residential facility while on probation, or assignment to a conservation camp or assignment to community correctional residential services program. The commencing date of such sentence shall be used as the date of sentence and all good time allowances as are authorized by law are to be allowed on such sentence from such date as though the defendant were actually incarcerated in a correctional institution.

(c) Such credit is not to be considered to reduce the minimum or maximum terms of confinement authorized by law for the offense of which the defendant has been convicted.

Sec. 8. On and after July 1, 2024, K.S.A. 21-6805 is hereby amended to read as follows: 21-6805. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for drug crimes. The following sentencing guidelines grid for drug crimes shall be applicable to felony crimes under K.S.A. 21-5701 through 21-5717, and amendments thereto, except as otherwise provided by law:

SENTENCING RANGE - DRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level I	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	58 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	28 26 24	23 22 20	20 19 18	18 16 15
V	42 40 37	36 34 32	32 30 28	28 26 24	24 22 20	20 18 16	16 14 12	14 13 12	12 11 10

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for drug crimes in subsection (a) represent months of imprisonment.

(c) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the up-

per and lower limits for aggravating and mitigating factors insufficient to warrant a departure. The sentencing court shall not distinguish between the controlled substances cocaine base (9041L000) and cocaine hydrochloride (9041L005) when sentencing within the sentencing range of the grid block.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

- (A) Prison sentence;
- (B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(d) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 4-E, 4-F, 4-G, 4-H, 4-I, 5-C or 5-D, the court may impose an optional nonprison sentence as provided in K.S.A. 21-6804(q), and amendments thereto.

(e) The sentence for a second or subsequent conviction for unlawful manufacturing of a controlled substance, K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, K.S.A. 21-5703, and amendments thereto, or a substantially similar offense from another jurisdiction, if the controlled substance in any prior conviction was methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, shall be a presumptive term of imprisonment of two times the maximum duration of the presumptive term of imprisonment. The court may impose an optional reduction in such sentence of not to exceed 50% of the mandatory increase provided by this subsection upon making a finding on the record that one or more of the mitigating factors as specified in K.S.A. 21-6815, and amendments thereto, justify such a reduction in sentence. Any decision made by the court regarding the reduction in such sentence shall not be considered a departure and shall not be subject to appeal.

(f) (1) The sentence for a third or subsequent felony conviction of K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 21-5706, and amendments thereto, shall be a presumptive term of imprisonment and the defendant shall be sentenced to prison as provided by this section. The defendant's term of imprisonment shall be served in the custody of the secretary of corrections in a facility designated by the secretary. Subject to appropriations therefore, the defendant shall participate in an intensive substance abuse treatment program, of at least four months duration, selected by the secretary of corrections. If the secretary determines that substance abuse treatment resources are otherwise available, such term of imprisonment may be served in a facility designated by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance abuse treatment program. The secretary's determination regarding the availability of treatment resources shall not be subject to review. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

(2) Such defendant's term of imprisonment shall not be subject to modification under paragraph (1) if:

- (A) The defendant has previously completed a certified drug abuse treatment program, as provided in K.S.A. 75-52,144, and amendments thereto;
- (B) has been discharged or refused to participate in a certified drug abuse treatment program, as provided in K.S.A. 75-52,144, and amendments thereto;
- (C) has completed an intensive substance abuse treatment program under paragraph (1); or
- (D) has been discharged or refused to participate in an intensive substance abuse treatment program under paragraph (1).

(3) The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(g) (1) Except as provided further, if the trier of fact makes a find-

ing that an offender carried a firearm to commit a drug felony, or in furtherance of a drug felony, possessed a firearm, in addition to the sentence imposed pursuant to K.S.A. 21-6801 through 21-6824, and amendments thereto, the offender shall be sentenced to:

(A) Except as provided in subsection (g)(1)(B), an additional 6 months' imprisonment; and

(B) if the trier of fact makes a finding that the firearm was discharged, an additional 18 months' imprisonment.

(2) The sentence imposed pursuant to subsection (g)(1) shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to violations of K.S.A. 21-5706 or 21-5713, and amendments thereto.

(h) (1) The sentence for a violation of ~~K.S.A. 21-5703, and amendments thereto~~, the following with respect to material containing any quantity of a fentanyl-related controlled substance shall be presumed imprisonment and shall be two times the maximum duration of the presumptive term of imprisonment:

(A) K.S.A. 21-5703, and amendments thereto; and

(B) K.S.A. 21-5705, and amendments thereto, if the violation is classified as a drug severity level 1, 2 or 3 felony.

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for a violation of K.S.A. 21-5703 or 21-5705, and amendments thereto, shall be presumed imprisonment and shall be two times the maximum duration of the presumptive term of imprisonment if the trier of fact makes a finding beyond a reasonable doubt that the controlled substance involved, because of its appearance or packaging, was likely to be attractive to minors. Such sentence shall not be considered a departure and shall not be subject to appeal.

Sec. 9. On and after July 1, 2024, K.S.A. 22-2907 is hereby amended to read as follows: 22-2907. (a) After a complaint has been filed charging a defendant with commission of a crime and prior to conviction thereof, and after the district attorney has considered the factors listed in K.S.A. 22-2908, if it appears to the district attorney that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the district attorney may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the district attorney in accordance with K.S.A. 22-2909, and amendments thereto.

(b) Each district attorney shall adopt written policies and guidelines for the implementation of a diversion program in accordance with this act. Such policies and guidelines shall provide for a diversion conference and other procedures in those cases where the district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint.

(c) Each defendant shall be informed in writing of the diversion program and the policies and guidelines adopted by the district attorney. The district attorney may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family, residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program. In all cases, the defendant shall be present and shall have the right to be represented by counsel at the diversion conference with the district attorney.

(d) (1) A county or district attorney may enter into a memorandum of understanding with the chief judge of a judicial district or community correctional services to assist with supervision and monitoring of persons who have entered into a diversion agreement. The county or district attorney shall retain authority over whether a defendant is given the option to enter into a diversion agreement and whether the defendant's diversion agreement will be revoked.

(2) A memorandum of understanding shall include provisions related to:

- (A) Determining the level of supervision needed for a defendant;
- (B) use of a criminal risk-need assessment;
- (C) payment of costs for supervision; and
- (D) waiver of the supervision fee established in this subsection.

(3) (A) When a person who has entered into a diversion agreement is supervised pursuant to a memorandum of understanding under this subsection, the person shall pay a supervision fee in the amount established in K.S.A. 21-6607(c)(3)(A) (c)(2)(A) for misdemeanor or felony post-conviction supervision, as appropriate for the crime charged.

(B) The diversion supervision fee imposed by this paragraph shall be charged and collected by the county or district attorney.

(C) All moneys collected pursuant to this section shall be paid into the county general fund and used to fund the costs of diversion supervision performed pursuant to a memorandum of understanding under this subsection.

(D) The diversion supervision fee specified by this paragraph may be reduced or waived by the county or district attorney in accordance with a memorandum of understanding under this subsection.

(4) When a person who has entered into a diversion agreement is supervised pursuant to a memorandum of understanding under this subsection, the person shall pay the actual costs of any urinalysis testing required as a term of supervision. Payments for urinalysis testing shall be remitted to the county treasurer for deposit in the county general fund. The costs of urinalysis testing may be reduced or waived by the county or district attorney.

(5) The office of judicial administration may develop guidelines regarding the content of a memorandum of understanding between a county or district attorney and the chief judge of a judicial district and the administration of a supervision program operating pursuant to such memorandum of understanding.

Sec. 10. On and after July 1, 2024, K.S.A. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of: (A) Capital murder committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in K.S.A. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(3) Except as provided by subsections (b)(1), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(5) An inmate sentenced to imprisonment for a violation of K.S.A. 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(continued)

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, committed on or after July 1, 1993, but prior to July 1, 2006, a sexually motivated crime in which the offender has been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;

(b) any evidence received during the proceeding;

(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to K.S.A. 21-4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto; and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction,

pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) (i) Except as provided in subsection ~~(v)~~, persons sentenced to imprisonment for a sexually violent crime committed on or after July 1, 2006, when the offender was 18 years of age or older, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(ii) Persons sentenced to imprisonment for a sexually violent crime committed on or after the effective date of this act, when the offender was under 18 years of age, and who are released from prison, shall be released to a mandatory period of postrelease supervision for 60 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

(D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) internet trading in child pornography, as defined in K.S.A. 21-5514(a), and amendments thereto;

(M) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto;

(N) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto; or

(O) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause

of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and pre-recorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on post-release supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(continued)

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board shall require that the inmate:

(1) ~~Unless it finds compelling circumstances that would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;~~

(2) ~~to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;~~

(3) ~~may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not for profit or charitable or social service organizations performing services for the community; Obey all laws and ordinances and report any law enforcement contact to the inmate's supervision officer within 24 hours after such contact;~~

(2) ~~engage in physical violence or threats of violence of any kind and, if the inmate is being supervised for conviction of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision;~~

(3) ~~report to the inmate's supervision officer as directed and be truthful in all matters;~~

(4) ~~remain within the state of Kansas or other specified areas as defined by the defendant's supervision officer;~~

(5) ~~reside at the inmate's approved residence unless the defendant receives permission from the inmate's supervision officer to relocate and notify the inmate's supervision officer within 24 hours after any emergency changes in residence or contact information;~~

(6) ~~not possess, use or distribute any controlled substances except those prescribed by a licensed medical professional;~~

(7) ~~not possess or consume any form of alcohol or intoxicating substance or enter any establishment where alcohol is sold or consumed as the primary business;~~

(8) ~~submit to any form of alcohol or substance use testing directed by the inmate's supervision officer and not alter or tamper with the specimen or test;~~

(9) ~~participate in assessment, treatment, programming and other directives of the court or the inmate's supervision officer;~~

(10) ~~submit to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause, except that nothing in this paragraph shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment;~~

(11) ~~submit to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity;~~

(12) ~~refrain from contacting victims unless authorized by the board to contact a victim as part of rehabilitative or therapeutic purposes;~~

(4)(13) ~~may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances that would render payment unworkable; and~~

(5)(14) ~~unless it the board finds compelling circumstances that would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;~~

(6) ~~shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and~~

(7) ~~shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.~~

(n) ~~Any law enforcement officer who conducts a search pursuant to subsection (m)(11) shall submit a written report to the inmate's parole officer not later than the close of business the next day after such search is conducted. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.~~

(o) ~~If the court that sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances that would render a plan of restitution unworkable.~~

(p) ~~Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.~~

(q) ~~When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.~~

(r) ~~Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.~~

(s) ~~An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary~~

of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life-threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions that result in a financial savings to the state.

(~~s~~)(t) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (~~t~~)(u).

(~~t~~)(u) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(~~u~~)(v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(~~v~~)(w) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to K.S.A. 21-6604(r), and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(~~w~~)(x) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

Sec. 11. K.S.A. 21-6615 is hereby repealed.

Sec. 12. On and after July 1, 2024, K.S.A. 8-1567, 12-4517, 21-5601, 21-5705, 21-6101, 21-6607, 21-6805, 22-2907 and 22-3717 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 052157

State of Kansas

Office of the State Bank Commissioner

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9:00 a.m. Tuesday, July 23, 2024, in the Bank Commissioner's Conference Room A, Jayhawk Tower Building, 700 SW Jackson, Fourth Floor, Topeka, KS 66603, to consider amending Kansas Administrative Regulations 17-11-18 and 17-11-21, administrative regulations promulgated by the Office of the State Bank Commissioner regarding loan documentation for state banks.

This 60-day notice of the public hearing shall constitute a public comment period to receive written public comments on the proposed amended regulations. All interested parties may submit written comments before the hearing by mailing them to the Office of the State Bank Commissioner, 700 SW Jackson, Suite 300, Topeka, KS 66603-3796, or by email to brock.roehler@osbckansas.org. All interested parties will be provided a reasonable opportunity to present their views orally or in writing regarding the amendments to K.A.R. 17-11-18 and 17-11-21 during the public hearing. It may be necessary to limit each participant's oral presentation.

Copies of the current regulations, proposed amendments, and the economic impact statements may be obtained from the Office of the State Bank Commissioner by contacting Brock Roehler at 785-379-3892, brock.roehler@osbckansas.org, or the mailing address given above. TTY calls may be made by contacting the Kansas Relay Center at 1-800-766-3777.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amended regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Brock Roehler at the Office of the State Bank Commissioner. The west entrance to the Jayhawk Tower Building is accessible and there is one accessible parking spot at 720 SW Jackson.

Copies of the proposed amended regulations and the economic impact statements can be viewed at the Office of the State Bank Commissioner's website at <http://www.osbckansas.org>. A summary of the proposed amended regulations and economic impact follows.

Summary

K.A.R. 17-11-18 creates requirements for state banks to maintain certain loan documentation that aids the Office of the State Bank Commissioner in examining state banks and ensures sound and safe banking practices.

Amended K.A.R. 17-11-18 changes the requirements for state banks' maintenance of loan documents. Subsection (b)(1)(C) would modify the minimum documentation requirement for a non-governmental guaranteed non-purchase money real estate loan of \$250,000 or less. State banks would be permitted to document that they conducted a lien search on the property as the minimum documentation requirement. Under subsection (b)(1)(A),

(continued)

this amendment also clarifies that a state bank issuing a non-governmental guaranteed purchase-money real estate loan of \$250,000 or less will be permitted to maintain a written title opinion or title insurance policy as a minimum documentation requirement.

K.A.R. 17-11-21 creates a requirement to maintain an appraisal or evaluation of real estate mortgages. Amended K.A.R. 17-11-21 changes the threshold where two officers or directors of a bank or a qualified individual who is independent of the transaction may conduct an evaluation of a real estate mortgage. These thresholds have not changed for at least 20 years. This regulation will now distinguish between a single one-to four-family residential property and a non-single one-to four-family residential property and will have a different threshold for each.

For a real estate loan secured by a single one-to four-family residential property, an evaluation may be conducted up to \$400,000. For a real estate loan not secured by single one-to four-family residential property, an evaluation may be conducted up to \$500,000. This amendment also addresses a loan with multiple properties and will allow an evaluation in instances where the estimated property value is less than the threshold that would permit an evaluation if there was a loan that only secured that property.

This amendment also defines the minimum standard for an appraisal and an evaluation. Through the regulation review process, it was brought to our attention that these terms are not defined, and it would be helpful to state the minimum requirement. We are adding that an appraisal shall comply with each state's applicable minimum standards. Our office has issued guidance on the minimum evaluation standards, which mirror the new language. However, this guidance does not have the force of law, so we are adding it to the regulation. Our office has not had any instances in which a state bank did not conduct an evaluation that did not address all the items in our guidance since it is in the bank's best interest to conduct a thorough evaluation. Finally, this regulation defines a business loan as this term was undefined.

The main impetus for these changes is to place state banks on a competitive playing field with national banks. The Office of the Comptroller of the Currency ("OCC") regulates the safety and soundness of national banks and issued regulation changes under 83 FR 15019 and 84 FR 53579 to allow these higher thresholds. Through guidance, the OCC also allows national banks to conduct evaluations in instances where the estimated property value is less than the threshold that would permit an evaluation if there was a loan that only secured that property.

Economic Impact

K.A.R. 17-11-18 – The banking industry and the public would experience cost savings because the amended regulation will allow state-chartered banks to offer a less costly mortgage for non-purchase real estate loans. Banks may conduct a lien search to satisfy the documentation requirements for non-purchase-money real estate mortgage loans of \$250,000 or less. Title insurance agencies, title opinion attorneys and mortgage priority

insurance agencies may see a decline in business since lien searches will be permitted for non-purchase money real estate mortgage loans. Any loss to title insurance agencies and title opinion attorneys may be offset by an increase in business for purchase-money real estate mortgage loans of \$250,000 or less if a state bank was unaware of our policy that we consider these options as a minimum documentation requirement. The Office of the State Bank Commissioner visited with both the Kansas Bankers Association and the Kansas Land Title Association, and both agreed that the demand for title insurance will go down, but they disagree to the extent, specifically whether state banks in rural areas will continue to use title insurance.

It should be noted that mortgages sold on the secondary market generally require title insurance; thus, any bank that sells its mortgages will still purchase title insurance. The number of state banks that would continue to purchase title insurance cannot be estimated. Title insurance prevents additional higher costs to the borrower and the bank. As is typical with any insurance, title insurance insures against unforeseen losses relating to the mortgage. Thus, the benefit of saving money for borrowers and banks is offset by increased risk for undiscovered liens and other impairments.

K.A.R. 17-11-21 – The banking industry and the public would experience cost savings with this regulation change. This regulation will allow bank officers and directors or an individual who is independent of the transaction to conduct an evaluation at a higher threshold. Evaluations are conducted by existing bank staff and will be cheaper than an appraisal. The borrowers would not be responsible for paying for an appraisal and would experience lower closing fees. The amount of savings would be difficult to determine. Per federal law, an appraisal is required under certain circumstances for higher priced mortgages. In addition, some banks and borrowers may choose to continue to acquire an appraisal even when it is optional.

David L. Herndon
State Bank Commissioner

Doc. No. 052152

State of Kansas

Department for Children and Families

Permanent Administrative Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-170. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-171. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-172. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-173. (Authorized by K.S.A. 65-508; implement-

ing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-174. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; amended May 1, 1983; revoked June 7, 2024.)

28-4-175. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-176. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-177. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-178. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; revoked June 7, 2024.)

28-4-800. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-504, and 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-801. (Authorized by K.S.A. 2012 Supp. 65-508; implementing K.S.A. 2012 Supp. 65-504 and K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended Sept. 6, 2013; revoked June 7, 2024.)

28-4-803. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-504 and 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-804. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-504, 65-505, and 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-805. (Authorized by K.S.A. 2007 Supp. 65-508; implementing K.S.A. 65-516; effective March 28, 2008; revoked June 7, 2024.)

28-4-806. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-807. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-808. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-809. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-810. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-811. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-812. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-813. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-814. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-815. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-816. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended Sept. 6, 2013; revoked June 7, 2024.)

28-4-817. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-818. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-819. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-820. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended Sept. 6, 2013; revoked June 7, 2024.)

28-4-821. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended Sept. 6, 2013; revoked June 7, 2024.)

28-4-822. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-823. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-824. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

28-4-825. (Authorized by and implementing K.S.A. 65-508; effective March 28, 2008; revoked June 7, 2024.)

Article 47.—FOSTER CARE LICENSING

30-47-3. (Authorized by K.S.A. 2016 Supp. 65-508, 75-3084, and 75-3085; implementing K.S.A. 2016 Supp. 65-504 and 65-508; effective Sept. 8, 2017; revoked June 7, 2024.)

30-47-100. License fees. Each applicant or licensee submitting an application for a license or for the renewal of a license shall include the appropriate nonrefundable license fee, as follows:

(a) For each child-placement agency as defined in K.S.A. 65-503 and amendments thereto, \$75;

(b) for each child care resource and referral agency as defined in K.S.A. 65-503 and amendments thereto, \$75; and

(c) for each of the following child care facilities with a license capacity of 13 or more children, \$35 plus \$1 for each child included in the license capacity, with the total not to exceed \$75, and for each of the following child care facilities with a license capacity of 12 or fewer children, \$15:

(1) Attendant care facility, as defined in K.A.R. 28-4-285;

(2) detention center or secure care center, as defined in K.A.R. 28-4-350;

(3) residential center or group boarding home, as defined in K.A.R. 28-4-268;

(4) secure residential treatment facility, as defined in K.A.R. 28-4-330. (Authorized by K.S.A. 65-505, 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-505; effective June 7, 2024.)

30-47-102. Definitions. For the purpose of K.A.R. 30-47-101 through K.A.R. 30-47-127, the following terms and definitions shall apply:

(continued)

(a) "Administrative director" means the individual employed by a juvenile crisis intervention center who is responsible for the daily operation of the center.

(b) "Applicant" means a person who has applied for a license but who has not yet been granted a temporary permit or a license to operate a juvenile crisis intervention center.

(c) "Authorized medical practitioner" means a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, an APRN, or registered nurse.

(d) "Auxiliary staff member" means a type of staff member working at a juvenile crisis intervention center in food services, clerical services, or maintenance.

(e) "Basement" means each area in a building with a floor level more than 30 inches below ground level on all sides.

(f) "Case management" means the provision of services directly by the staff members or through another contracted provider.

(g) "Case manager" means an individual who is designated by the permittee or licensee to coordinate the provision of services to juveniles by staff members or other individuals or agencies and who meets the requirements for a case manager in K.A.R. 30-47-108.

(h) "Case plan" means the comprehensive written goals and services developed for each juvenile.

(i) "Center" means juvenile crisis intervention center.

(j) "Clinical director" means the individual at a juvenile crisis intervention center who is responsible for the mental health services and who meets the requirements for a clinical director in K.A.R. 30-47-108.

(k) "Department" means Kansas department for children and families.

(l) "Designee" means a person who has the same minimum qualifications as those of another staff member and who has been selected to carry out a duty or role of that staff member.

(m) "Direct care staff member" means an individual whose primary responsibility is to implement the program on a daily basis, including providing direct supervision of, interaction with, and protection of the juveniles and who meets the requirements for a direct care staff member in K.A.R. 30-47-108.

(n) "Direct supervision" means the physical presence of staff members in proximity to allow for interaction and direct eye contact with juveniles.

(o) "Facility" means a type of child care facility, pursuant to K.S.A. 65-503 and amendments thereto, that meets the requirements in K.S.A. 65-535, and amendments thereto.

(p) "Head of a juvenile crisis intervention center" means the administrative director or the person's designee.

(q) "In-service training" means job-related training provided for staff members and volunteers.

(r) "Isolation" means the removal of a juvenile from other juveniles to a separate locked room or quarters.

(s) "Juvenile" means an individual under 18 years of age.

(t) "Juvenile crisis intervention center" means a facility operated by a permittee or licensee that provides short-

term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others.

(u) "License capacity" means the maximum number of juveniles authorized to be in the juvenile crisis intervention center at any one time.

(v) "Licensed physician" means an individual who is licensed to practice either medicine and surgery or osteopathy in Kansas by the Kansas state board of healing arts.

(w) "Licensee" means a legal business entity that has been granted a license to operate a center.

(x) "Likely to cause harm to self or others" has the meaning specified in K.S.A. 65-536, and amendments thereto.

(y) "Living unit" means the self-contained building or portion of a building in which a juvenile crisis intervention center is operated and maintained, including the sleeping rooms, bathrooms, and dayroom for activities.

(z) "Permittee" means a legal business entity that has applied for a license and has been granted a temporary permit by the secretary to operate a center.

(aa) "Placing agent" means an entity having the legal authority to place a juvenile in a juvenile crisis intervention center.

(bb) "Professional staff member" means a staff member who is one of the following:

(1) The clinical director;

(2) a licensed physician;

(3) a licensed psychiatrist qualified to evaluate, assess, and treat addictions or substance abuse and other mental health disorders;

(4) an individual licensed by the Kansas behavioral sciences regulatory board;

(5) a teacher licensed by the Kansas state department of education;

(6) a physician's assistant licensed in Kansas by the Kansas state board of healing arts;

(7) a professional nurse licensed by the Kansas state board of nursing;

(8) an advanced practice registered nurse (APRN) licensed by the Kansas state board of nursing and qualified to evaluate, assess, and treat addictions or substance abuse and other mental health disorders;

(9) a dietician licensed by the Kansas department for aging and disability services; or

(10) a case manager, who shall have a bachelor's degree in behavioral science.

(cc) "Program" means the comprehensive and coordinated set of activities and social services providing for the care, health, and safety of juveniles while in the care of the juvenile crisis intervention center.

(dd) "Qualified mental health professional" has the meaning specified in K.S.A. 65-536, and amendments thereto.

(ee) "Regularly" means occurring on three or more occasions in a 12-month period.

(ff) "Renewal date" means 12 months after the date on which a license is issued.

(gg) "Secretary" means secretary of the Kansas department for children and families.

(hh) "Shared space" means locations on the premises used by more than one child care program at different times.

(ii) "Staff member" means any individual employed at a center, including auxiliary staff members, direct care staff members, the administrative director, and professional staff members.

(jj) "Trauma-informed care" means the services provided to juveniles based on an understanding of the vulnerabilities and the emotional and behavioral responses of trauma survivors.

(kk) "Trauma-specific intervention" means intervention techniques designed specifically to address the consequences of trauma in juveniles and to facilitate recovery, including the interrelation between presenting symptoms of trauma and each juvenile's past history of trauma.

(ll) "Treatment" has the meaning specified in K.S.A. 65-536, and amendments thereto.

(mm) "Tuberculosis test" means either the Mantoux skin test or an interferon gamma release assay (IGRA).

(nn) "Volunteer" means an individual over the age of 14 who provides an unpaid service at the center.

(oo) "Weapons" means any dangerous or deadly instruments, including the following:

- (1) Firearms;
- (2) ammunition;
- (3) air-powered guns, including BB guns, pellet guns, and paint ball guns;
- (4) any knives, except knives designed and used for table service;
- (5) archery equipment; and
- (6) martial arts equipment. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-103. Application process. (a) Each applicant shall submit a complete application on forms provided by the department. The application shall be submitted at least 90 calendar days before the planned opening date of the juvenile crisis intervention center and shall include the following:

- (1) A description of the program and services to be offered, including the following:
 - (A) A statement of the center's purpose and goals;
 - (B) the number, ages, and gender of prospective juveniles;
 - (C) specification of how the center has consulted with and will maintain ongoing communications with local authorities, including city officials, county officials, and law enforcement officials; and
 - (D) policies and procedures to individually assess and stabilize juveniles upon admission;
 - (2) the anticipated opening date;
 - (3) a request for the background checks for staff members and volunteers specified in K.A.R. 30-47-105;
 - (4) the center's policies and procedures required in subsection (d); and
 - (5) the license fee totaling the following:
 - (A) \$75.00; and
 - (B) \$1 multiplied by the maximum number of juveniles to be authorized under the license.
- (b) Each applicant shall be one of the following entities:

- (1) A government or governmental subdivision; or
- (2) a private entity, accredited by a national accrediting body that is approved by the secretary, other than a government or governmental subdivision, with a governing board that is responsible for the operation, policies, finances, and general management of the center. The administrative director shall not be a voting member of the governing board responsible for operation, policies, finances, and general management of the center. If the entity is not accredited at the time of application, accreditation shall be obtained within six months of receipt of a temporary permit.

(c) Each applicant, each permittee, and each licensee, if a corporation, shall be in good standing with the Kansas secretary of state. Each applicant shall also provide a current Kansas tax clearance statement from the Kansas department of revenue.

(d) Each applicant shall develop policies and procedures for operation of the center to meet the requirements in K.A.R. 30-47-101 through K.A.R. 30-47-127 and in K.S.A. 65-536, and amendments thereto.

(e) Each applicant shall submit to the department floor plans for each building that will be used as a juvenile crisis intervention center. Each floor plan shall show how the center is separated from any other child care facility. Each applicant shall obtain and submit to the department prior written approval from the Kansas state fire marshal regarding the safety of entrances and exits. Each applicant shall include a schedule for the use of all shared spaces demonstrating compliance with K.A.R. 30-47-107(b)(4).

(f) Each applicant shall notify the school district where the center is to be located within 90 calendar days of the planned opening date. The timely notification to the local school district may be waived by the secretary upon receipt of a written agreement by the local school district. The notification to the school district shall include the following:

- (1) The planned opening date and the number, age range, gender, and anticipated special education needs of the juveniles to be served;
- (2) a statement that the juveniles will receive educational services on-site at the center, partially through coordination with the juvenile's home school district; and
- (3) documentation that the notification was received by the school district within 90 calendar days of the planned opening date.

(g) Each applicant shall maintain documentation of completion of training required in K.A.R. 30-47-109 by each staff member and each volunteer before the opening date of the center.

(h) Each applicant, each permittee, and each licensee shall maintain documentation of compliance with all local and state building codes, fire safety requirements, and zoning codes.

(i) Each applicant, each permittee, and each licensee shall maintain liability and casualty insurance.

(j) The granting of a temporary permit or a license to any applicant may be refused by the secretary if the applicant is not in compliance with the requirements of all applicable statutes and regulations governing facilities.

(continued)

(Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-104. Terms of temporary permit or license.

(a) Temporary permit or license required. No person shall operate a center unless the person has been issued a temporary permit or a license by the secretary.

(b) Requirements. Each permittee and each licensee shall ensure that the following requirements are met:

(1) Each temporary permit or license shall be valid only for the permittee or licensee and for the address specified on the temporary permit or the license. When an initial or amended license becomes effective, all temporary permits or licenses previously granted to the permittee or licensee at the same address shall become void.

(2) The maximum number, the age range, and the gender of juveniles authorized by the temporary permit or the license shall not be exceeded.

(3) The current temporary permit or the current license shall be posted in an area accessible to the public.

(c) New application required. A new application and the fee specified in K.A.R. 30-47-103 shall be submitted for each change of ownership or location at least 90 calendar days before the planned change.

(d) Changes. Each applicant, each permittee, and each licensee shall obtain the secretary's written approval before making any change in any of the following:

(1) The use or proposed use of the buildings;
(2) the physical structure of any building, including the following:

(A) An addition or alteration as specified in K.A.R. 30-47-107;

(B) the use of locked entrances; and

(C) any delayed-exit mechanisms;

(3) the program, provided through either direct services or agreements with specified individuals or community resources, which shall include the following: ongoing communications protocols established with local law enforcement authorities; admission, discharge, referral or records transfer processes coordinated with treatment providers and community mental health centers; and emergency plan protocols established with local health care providers; or

(4) orientation topics or required in-service training.

(e) Renewals.

(1) Each licensee shall complete and submit an application for renewal on forms provided by the department, the fee specified in K.S.A. 65-505 and amendments thereto, and the request for background checks specified in K.A.R. 30-47-105, 90 calendar days before the renewal date.

(2) Failure to submit the renewal application and fee within 30 days after the renewal due date shall result in an assessment of a late renewal fee that is equal to the renewal fee, pursuant to K.S.A. 65-505 and amendments thereto, and may result in closure of the facility.

(f) Exceptions. Any applicant, permittee, or licensee may request an exception to a specific regulation. Each request shall be submitted to the secretary on a form provided by the department. The exception may be approved at the discretion of the secretary if the intent of the regulation is met in an alternative manner.

(1) A request for an exception may be granted if the secretary determines that the exception is not detrimental to the health, safety, and welfare of one or more juveniles or the family of a juvenile and the exception does not violate statutory requirements.

(2) Written notice from the secretary stating the nature of each exception and its duration shall be kept on file at the center and shall be readily accessible to the department.

(g) Amendments to license. Any licensee may submit a written request for an amended license.

(1) Each licensee who intends to change the terms of the license, including the maximum number, the age range, or the gender of juveniles to be served, shall submit a request for an amendment on a form provided by the department and a nonrefundable amendment fee of \$35. An amendment fee shall not be required if the request to change the terms of the license is made at the time of license renewal.

(2) Each request for a change in the maximum number, the age range, or the gender of juveniles to be served shall include written documentation of the notification to the school district where the center is located, as specified in K.A.R. 30-47-103.

(3) The licensee shall make no change to the terms of the license, including the maximum number of juveniles, the age range of juveniles to be served, the gender of juveniles, and the type of license, unless an amendment has been granted by the secretary in writing.

(h) Closure. Each center shall have policies and procedures related to the closure of the center. The policies and procedures shall include record retention for the center. Any applicant or permittee may withdraw the application for a license. Any licensee may submit, at any time, a request to close a facility operated by the licensee. If an application is withdrawn or a facility is closed, the current or temporary permit or license granted to the permittee or licensee for that facility shall become void. (Authorized by K.S.A. 65-505, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-105. Background checks. (a) With each initial application or renewal application, each applicant or licensee shall submit a request to conduct a background check by the Kansas bureau of investigation and a background check by the department in order to comply with K.S.A. 65-516, and amendments thereto. Each request shall be submitted on a form provided by the department and shall list the required information for each individual 14 years of age and older who will be residing, working, or volunteering in the center.

(b) Each applicant, each permittee, and each licensee shall submit a request to the department to conduct a background check by the Kansas bureau of investigation before each individual begins working, residing, or volunteering in the center.

(c) Each applicant, each permittee and each licensee shall submit a request for a fingerprint-based criminal records check of national crime information databases, conducted before an individual aged 14 or older begins working, residing or volunteering in the center.

(d) Background checks shall not be required for any juvenile admitted to a juvenile crisis intervention center.

(e) A copy of each request for a background check shall be kept on file at the center. (Authorized by K.S.A. 65-516, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-106. Operations. (a) Each permittee and each licensee shall be responsible for the operation of the juvenile crisis intervention center, including the following:

(1) Developing an organizational chart designating the hierarchy of authority and ensuring that all staff members know the hierarchy of authority;

(2) developing and implementing administrative policies and procedures for the operation of the juvenile crisis intervention center, which shall include sufficient staff members to supervise and provide services to juveniles;

(3) employing an administrative director; and

(4) employing a clinical director.

(b) Each permittee and each licensee shall implement policies and procedures for the operation of the juvenile crisis intervention center that shall include descriptions of all roles and responsibilities for each staff member and each volunteer.

(c) Each permittee and each licensee shall ensure the confidentiality of each juvenile's information.

(d) Each permittee and each licensee shall ensure that the program, all services, and living units of the juvenile crisis intervention center are separate from the living units used by any other child care facility and the children using those living units.

(e) Each permittee and each licensee shall ensure that each staff member and each volunteer is informed of and follows all written policies and procedures necessary to carry out that staff member's or volunteer's job duties.

(f) Each permittee and each licensee shall ensure that a copy of the regulations governing juvenile crisis intervention centers is kept on the premises at all times. A copy of the regulations shall be made available to all staff members.

(g) Each licensee shall review all contracts, agreements, policies, and procedures annually. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-107. Environmental requirements. (a) General building requirements.

(1) Each applicant, each permittee, and each licensee shall ensure that the center is connected to public water and sewage systems, where available. If public water and sewage systems are not available, each applicant shall obtain approval for any private water and sewage systems by the health authorities having jurisdiction over private water and sewage systems where the center is located.

(2) Each applicant, each permittee, and each licensee shall retain a licensed architect to develop the plans for any newly constructed building or for any major addition or major alteration to an existing building.

(A) For a new building, preliminary plans and outline specifications, including plot plans, shall be submitted to the department for review before beginning the final working drawings and specifications. Each applicant, each permittee, and each licensee shall submit the final working drawings, construction specifications, and plot

plans to the department for review and written approval before the letting of contracts.

(B) For an addition or alteration to an existing building, each applicant, each permittee, and each licensee shall submit a written statement defining the proposed use of the construction and detailing the plans and specifications to the department for review and written approval before beginning construction.

(C) If construction is not begun within one year of submitting a proposal for a new building or an addition or alteration to an existing building, each licensee shall re-submit the plans and proposal to the department before proposed construction begins.

(b) Location and grounds. Each permittee and each licensee shall ensure that the following requirements are met for the location and grounds of the center:

(1) Community resources, including health services, police protection, and fire protection from an organized fire department, shall be available.

(2) There shall be at least 100 square feet of outside activity space available for each juvenile allowed to utilize each outdoor area at any one time.

(3) The outside activity area shall be free of physical hazards.

(4) Juveniles residing in the center shall not share space at the same time with another child care facility for any indoor or outdoor activities.

(c) Swimming pools. Each permittee and each licensee shall ensure that the following requirements are met if a swimming pool is located on the premises:

(1) The pool shall be constructed, maintained, and used in a manner that safeguards the lives and health of the juveniles.

(2) Each aboveground swimming pool shall be at least four feet high or shall be closed by a barrier on all four sides that is at least four feet high with self-locking gate that is kept closed. Steps shall be removed and stored away from the pool when the pool is not in use.

(3) Each aboveground pool with a deck or berm that provides a ground-level entry on any side shall be treated as an in-ground pool and shall meet the following:

(A) Swimming pools shall have a barrier on all sides at least four feet high.

(B) Swimming pools shall have their methods of access through the barrier equipped with a safety device, including a bolt lock.

(4) The pool shall be cleaned. The chlorine level and pH shall be tested before each use. The results of these tests shall be recorded and available. Each pool that is unable to be emptied after each use shall be equipped with a working pump and filtering system.

(5) An individual with current certification in CPR who can swim shall be in attendance while any juvenile is using a swimming pool.

(6) Each swimming pool shall be equipped with a life-saving device that is sufficient length to reach the center of the pool from each edge of the pool.

(7) Legible safety rules shall be posted for the use of a swimming pool in a conspicuous location.

(d) Structural requirements and use of space. Each permittee and each licensee shall ensure that the center's

(continued)

design, structure, interior and exterior environment, and furnishings promote a safe, comfortable, and therapeutic environment for the juveniles.

(1) Each center shall be accessible to and usable by individuals with disabilities.

(2) Each center's structural design shall facilitate personal contact and interaction between staff members and juveniles.

(3) Each sleeping room shall meet the following requirements:

(A) Each room shall be assigned to and occupied by only one juvenile. No juvenile's room shall be in a basement.

(B) The minimum square footage of floor space shall be 80 square feet.

(C) The minimum ceiling height shall be seven feet eight inches over at least 90 percent of the room area.

(D) An even temperature of between 68 degrees Fahrenheit and 78 degrees Fahrenheit shall be maintained, with an air exchange of at least four times each hour.

(E) Each sleeping room shall have a source of natural light.

(4) Access to a drinking water source and toilet facilities shall be available 24 hours a day.

(5) A separate bed with a level, flat mattress in good condition shall be provided for each juvenile. All beds shall be above the floor level. Each mattress has water-proof covering or shall be water-repellent and washed down and sprayed with disinfectant before reissue. The mattress materials and treatments shall meet the applicable requirements of the state fire marshal's regulations.

(6) Clean bedding, adequate for the season, shall be provided for each juvenile. Bed linen shall be changed at least once a week and whenever soiled.

(7) Adequate space for study and recreation shall be provided.

(8) Each living unit shall contain the following:

(A) Furnishings that provide sufficient seating for the maximum number of juveniles expected to use the area at any one time; and

(B) writing surfaces that provide sufficient space for the maximum number of juveniles expected to use the area at any one time and furnishings that are consistent with the needs of the juveniles.

(9) Each center shall have adequate central storage for household supplies, bedding, linen, and recreational equipment.

(10) If a center has one or more dayrooms, each dayroom shall provide space for a variety of juvenile activities. Dayrooms shall be situated immediately adjacent to the juveniles' sleeping rooms but separated from the sleeping rooms by a floor-to-ceiling wall. Each dayroom shall provide at least 35 square feet for each juvenile expected to use the dayroom area at any one time.

(11) Each room used for sports and other physical activities shall provide floor space equivalent to at least 100 square feet for each juvenile utilizing the room for those purposes at any one time.

(12) Sufficient space shall be provided for visitation between juveniles and visitors. The center shall have space for the screening and search of juveniles and visitors, if screening and search are included in the center's poli-

cies and procedures. Private space shall be available for searches as needed. Storage space shall be provided for the secure storage of visitors' coats, handbags, and other personal items not allowed into the visitation area.

(13) A working telephone shall be accessible to staff members in all areas of the building. Emergency numbers, including those for the fire department, the police, a hospital, a licensed physician, the poison control center, and an ambulance, shall be posted by each telephone.

(14) A service sink and a locked storage area for cleaning supplies shall be provided in a room or closet that is well ventilated and separate from kitchen and living areas.

(15) The following requirements shall be met for bathrooms and drinking water at the center:

(A) For each eight or fewer juveniles, at least one toilet, one lavatory, and either a bathtub or a shower shall be provided. All toilets shall be above floor level.

(B) Each bathroom shall be ventilated to the outdoors by means of either a window or a mechanical ventilating system.

(C) Toilet and bathing accommodations and drinking water shall be in a location accessible to sleeping rooms and living and recreation rooms.

(D) Drinking water and at least one bathroom shall be accessible to the reception and admission areas.

(E) Cold water and hot water not exceeding 120 degrees Fahrenheit shall be supplied to lavatories, bathtubs, and showers.

(F) Liquid soap, toilet paper, and paper towels shall be available in all bathrooms.

(e) Building maintenance. Each permittee and each licensee shall ensure that the following requirements are met for building maintenance of the center:

(1) Each building shall be clean at all times and free from vermin infestation.

(2) The walls shall be smooth, easily cleanable, and sound. Lead-free paint shall be used on all painted surfaces.

(3) The floors and walking surfaces shall be kept free of hazardous substances at all times.

(4) The floors shall not be slippery or cracked.

(5) Each rug or carpet used as a floor covering shall be slip-resistant and free from tripping hazards. A floor covering, paint, or sealant shall be required over concrete floors for all buildings used by the juveniles.

(6) All bare floors shall be swept and mopped daily.

(7) A schedule for cleaning each building shall be established and maintained.

(8) Washing aids, including brushes, dish mops, and other hand aids used in dishwashing activities, shall be clean and used for no other purpose.

(9) Mops and other cleaning tools shall be cleaned and dried after each use and shall be hung on racks in a well-ventilated place.

(10) Pesticides and any other poisons shall be used in accordance with the product instructions. These substances shall be stored in a locked area.

(11) Toilets, lavatories, sinks, and other such accommodations in the living areas shall be cleaned each day. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-108. Personnel qualifications. (a) Each individual working or volunteering in a juvenile crisis intervention center shall be qualified by the temperament, emotional maturity, judgment, and understanding of children necessary to maintain the health, comfort, safety, and welfare of the juveniles in placement.

(b) Each staff member performing the duties of more than one position shall meet the minimum qualifications for each position held.

(c) Before employment, the following requirements shall be met:

(1) Each staff member and each volunteer who has contact with any resident shall provide a statement on a form provided by the department from an authorized medical practitioner stating that no physical or mental impairment prevents the individual from providing care for children or would otherwise represent a direct threat to the health, safety, or welfare of others.

(2) Each staff member and each volunteer involved in food preparation or service who will not have contact with any resident shall provide a statement on a form provided by the department from an authorized medical practitioner stating that no physical or mental impairment prevents the individual from preparing or serving food or would otherwise represent a direct threat to the health, safety, or welfare of others.

(3) Each staff member who requires accommodation of a physical or mental impairment to enable the staff member to perform that individual's duties without representing a direct threat to the health, safety, or welfare of others shall provide a statement on a form furnished by the department from an authorized medical practitioner stating that the accommodation specified is sufficient to enable the staff member to perform that individual's duties without representing a direct threat to the health, safety, or welfare of others.

(4) Each staff member and each volunteer shall provide a record of a tuberculosis test or X-ray obtained not more than two years before employment. If there is a positive tuberculosis test or a history of a previous positive tuberculosis test, a chest X-ray shall be required unless there is documentation of a normal chest X-ray within the last 12 months. Proof of recommended treatment, according to the Kansas department of health and environment's tuberculosis prevention and control program's direction, shall be required. Documentation of each tuberculosis test, X-ray, and treatment results shall be kept confidentially and separate from personnel records.

(A) Compliance with the Kansas department of health and environment's tuberculosis prevention and control program shall be required following each exposure to active tuberculosis disease. The results of tuberculosis tests, X-rays, and treatment shall be kept confidentially and separate from personnel records.

(B) Each volunteer shall present documentation showing no active tuberculosis before serving in the center.

(5) If the permittee, the licensee, or the secretary has a reasonable belief, based on objective evidence, that a staff member has a medical condition that will pose a direct threat to the health, safety, or welfare of others, a medical examination shall be requested to determine whether the staff member is fit to perform that individual's job.

The permittee or the licensee shall pay all costs associated with the medical examination. The staff member shall not continue to perform that individual's duties unless and until the staff member provides a statement from an authorized medical practitioner on a form provided by the department stating one of the following:

(A) No physical or mental impairment prevents the individual from providing care for children or would otherwise represent a direct threat to the health, safety, or welfare of others.

(B) A specified accommodation of a physical or mental impairment is sufficient to enable the staff member to perform that individual's duties without representing a direct threat to the health, safety, or welfare of others.

(6) Each permittee and each licensee shall keep all statements by an authorized medical practitioner concerning any staff member in relation to that individual's ability or inability to perform that individual's duties and shall maintain these statements confidentially and separate from personnel records.

(d) Each administrative director shall possess the following:

(1) Knowledge of the principles, practices, methods, and techniques of administration and management;

(2) ability to train, supervise, plan, direct, and evaluate the work of others, as documented by experience, training, or a combination of both;

(3) ability to establish and maintain effective working relationships with others; and

(4) knowledge of principles and techniques of behavioral and mental health treatment and care of juveniles and of the growth, development, needs, and unique problems of juveniles.

(e) Each administrative director shall have at least a bachelor's degree. Each administrative director shall have at least three years of supervisory experience within a child care facility providing treatment to children.

(f) Each clinical director shall be licensed by the Kansas behavioral sciences regulatory board, the Kansas board of nursing, or the Kansas board of healing arts to diagnose and treat mental and behavioral disorders.

(g) Professional consultant services shall be available and shall include licensed physicians, dentists, nurses, clergy, social workers, psychologists, psychiatrists, teachers, dietitians, or others as approved by the secretary.

(h) Each staff member shall maintain current licensure, certification, or registration for that individual's profession.

(i) Each juvenile crisis intervention center shall have a clinical director who is responsible for oversight and implementation of the program.

(j) Each direct care staff member shall meet the following requirements:

(1) Be 21 years of age or older; and

(2) have a high school diploma or equivalent and have completed one of the following:

(A) two years of experience supervising children or juveniles in a child care facility; or

(B) 45 clock-hours of documented training in child care, child development, psychology, or a related field

(continued)

before assuming independent supervision duties over the juveniles.

(k)(1) Auxiliary staff members shall be available as needed for the operation of the juvenile crisis intervention center and the provision of services to juveniles.

(2) No auxiliary staff member shall be included in meeting the minimum ratio of direct care staff members to juveniles. Only direct care staff members shall be responsible for direct supervision of the juveniles.

(l) Each auxiliary staff member working in food service shall demonstrate compliance with all the following requirements through ongoing job performance:

- (1) Knowledge of the nutritional needs of juveniles;
- (2) understanding of quantity food preparation and service;
- (3) sanitary food handling and storage methods;
- (4) understanding of individual, cultural, and religious food preferences. (Authorized by K.S.A. 65-101, 65-128, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-109. Professional development; training. (a) Each staff member shall complete at least 10 clock-hours of orientation training within seven calendar days after the initial date of employment. The orientation training shall include the following topics:

- (1) The center's policies and procedures, including emergency procedures, behavior management, and discipline;
- (2) individual job duties and responsibilities;
- (3) confidentiality;
- (4) security procedures;
- (5) recognition of harm as a result of physical, mental, or emotional abuse or neglect or sexual abuse and the reporting requirements of K.S.A. 2019 Supp. 38-2223, and amendments thereto;
- (6) the symptoms of infectious disease, infection control, and universal precautions;
- (7) statutes and regulations governing juvenile crisis intervention centers;
- (8) the schedule of daily activities;
- (9) principles of trauma-informed care;
- (10) indicators of self-harming behaviors and suicidal tendencies; and
- (11) care and supervision of juveniles.

(b) Each direct care staff member shall complete an additional 40 clock-hours of orientation training before being counted in the ratio of direct care staff members to juveniles. The additional training shall include the following topics:

- (1) Crisis management;
- (2) human trafficking and exploitation;
- (3) indicators of self-harming behaviors or suicidal tendencies and knowledge of appropriate intervention measures;
- (4) indicators of gang involvement;
- (5) intervention techniques for problem or conflict resolution, diffusion of anger, and de-escalation methods;
- (6) principles of trauma-informed care and trauma-specific intervention;
- (7) report writing and documentation methods;
- (8) the designated juvenile crisis intervention center safety intervention program.

(c) Each staff member shall complete at least 20 clock-hours of in-service training each year. In-service training topics shall be based on individual job duties and responsibilities, meet individual learning needs, and be designed to maintain the knowledge and skills needed to comply with center policies and procedures and the regulations governing juvenile crisis intervention centers.

(d) At least one staff member who is counted in the ratio of direct care staff members to juveniles and who has current certification in first aid and current certification in cardiopulmonary resuscitation shall be at the center at all times.

(e) If nonprescription or prescription medication is administered to juveniles, each permittee and each licensee shall designate professional staff members or direct care staff members to administer the medication. Before administering any medication, each designated staff member shall receive training in medication administration.

(f) Each person's in-service training shall be documented in that individual's personnel file.

(g) Each volunteer shall complete orientation training before volunteering at the facility. The orientation training shall include the following topics:

- (1) Facility policies and procedures, including emergency procedures, behavior management, and discipline; and
- (2) confidentiality. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-110. Scheduling and direct supervision. (a) Each permittee and each licensee shall develop and implement a written schedule for professional staff members and shall include requirements for scheduling staff members as follows:

- (1) A psychiatrist or advanced practice registered nurse shall be available 24 hours per day, seven days per week.
- (2) Nursing staff shall be available on-site from 7 a.m. to 11 p.m.
- (3) A qualified mental health professional shall be available for consultation 24 hours per day, seven days per week and on-site from 8 a.m. to 8 p.m.

(b) Each permittee and each licensee shall develop and implement a written daily staff member schedule. The schedule shall meet the required staffing ratios of direct care staff members to juveniles at all times.

(1) The schedule shall provide for a sufficient number of staff members on the living unit to provide direct supervision at all times and to provide for each juvenile's physical, social, emotional, and educational needs.

(2) The schedule shall provide for a minimum staffing ratio of one direct care staff member for every six juveniles.

(3) At least one direct care staff member of the same sex as the juveniles shall be present, awake, and available to the juveniles at all times. If both male and female juveniles are present in the center, at least one male and one female direct care staff member shall be present, awake, and available.

(c) At no time shall there be fewer than two direct care staff members present on the living unit when one or more juveniles are in care.

(d) Alternate direct care staff members shall be provided for the relief of the scheduled direct care staff mem-

bers on a one-to-one basis and in compliance with the staffing ratios of direct care staff members to juveniles.

(e) Only direct care staff members shall be counted in the required staffing ratio.

(f) Policies and practice regarding direct supervision shall provide for adequate staff and shall include the following requirements:

(1) No juvenile shall be left without direct supervision.

(2) Electronic supervision shall not replace the ratio requirements.

(3) Staff members shall know the location of each juvenile at all times. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-111. Emergency plan; safety; security. (a) Emergency plan. Each permittee and each licensee shall implement an emergency plan to provide for the safety of juveniles, staff members, volunteers, and visitors in emergencies.

(1) The emergency plan shall include the following information:

(A) Input from local emergency response entities, including fire departments, law enforcement, and local health care providers;

(B) the types of emergencies likely to occur in the center or near the center, including fire, weather-related events, missing or runaway juveniles, chemical releases, utility failure, intruders, and an unscheduled closing;

(C) the types of emergencies that could require evacuating the center and the types that could require the juveniles, staff members, volunteers, and visitors to shelter in place;

(D) participation in community practice drills for emergencies;

(E) procedures to be followed by staff members in each type of emergency;

(F) designation of a staff member to be responsible for each of the following:

(i) Communicating with emergency response resources, including the fire department, law enforcement, and local health care providers;

(ii) ensuring that all juveniles, staff members, volunteers, and visitors are accounted for;

(iii) taking the emergency contact numbers and a cell phone; and

(iv) contacting the parent, legal guardian, or placing agent of each juvenile;

(G) the location and means of reaching a shelter-in-place area in the center, including safe movement of any juvenile, staff member, volunteer, or visitor with special health care or mobility needs; and

(H) the location and means of reaching an emergency site if evacuating the center, including the following:

(i) Safely transporting the juveniles, including juveniles with special health care or mobility needs;

(ii) transporting emergency supplies, including water, food, clothing, blankets, and medications; and

(iii) obtaining emergency medical care.

(2) The emergency plan shall be kept on file in the center.

(3) Each staff member shall be informed of and shall follow the emergency plan.

(4) The emergency plan shall be reviewed annually.

(5) The location and means of reaching the shelter-in-place area or an emergency site if evacuating shall be posted in a conspicuous place in the center.

(b) Fire drills. Each permittee and each licensee shall ensure that a fire drill is conducted six times per year and is scheduled to allow participation by each juvenile. The date and time of each drill shall be recorded and kept on file at the center for one calendar year.

(c) Tornado drills. Each permittee and each licensee shall ensure that a tornado drill is conducted six times per year and is scheduled to allow participation by each juvenile. The date and time of each drill shall be recorded and kept on file at the center for one calendar year.

(d) Direct supervision and reporting. Each permittee and each licensee shall implement policies and procedures that include the use of a combination of direct supervision, inspection, and accountability to promote safe and orderly operations. The policies and procedures shall be developed with input from local law enforcement and shall include all of the following requirements:

(1) Written shift assignments shall state the duties and responsibilities for each staff member.

(2) A shift report prepared and maintained by supervisory staff members shall document routine and emergency situations.

(3) Security devices, including locking mechanisms on doors and any delayed-exit mechanisms on doors, shall have current written approval from the state fire marshal and shall be regularly inspected and maintained, with any corrective action completed as necessary and recorded.

(4) The use of mace, pepper spray, and other chemical agents shall be prohibited.

(5) No juvenile shall have access to any weapons.

(6) Provisions shall be made for the control and use of keys, tools, medical supplies, and culinary equipment.

(7) No juvenile or group of juveniles shall exercise control or authority over another juvenile, have access to the records of another juvenile, or have access to or the use of keys that control security.

(8) Provisions shall be made for handling runaways and unauthorized absences of juveniles.

(9) Provisions shall be made for safety and security precautions pertaining to any vehicles used to transport juveniles.

(10) Procedures shall ensure the prompt reporting of any illegal act committed in the facility.

(11) Provisions shall be made for the control of prohibited items and goods, including the screening and searches of juveniles and visitors and searches of rooms, spaces, and belongings.

(12) Procedures shall ensure the documentation of all incidents. The procedures shall include the following:

(A) A written report of each incident shall be submitted to the administrative director no later than the end of the shift during which the incident occurred. A copy of each report shall be kept in the record of each juvenile involved in the incident.

(B) A report of each incident shall be made as required in K.A.R. 30-47-122.

(continued)

(e) Storage and use of hazardous substances and unsafe items. Each permittee and each licensee shall ensure that the following requirements are met for the storage and use of hazardous substances and unsafe items:

(1) No juvenile shall have unsupervised access to poisons, hazardous substances, or flammable materials. These items shall be kept in locked storage when not in use.

(2) Provisions shall be made for the safe and sanitary storage and distribution of personal care and hygiene items. The following items shall be stored in an area that is either locked or under the control of staff members:

- (A) Aerosols;
- (B) alcohol-based products;
- (C) any products in glass containers; and
- (D) razors, blades, and any other sharp items.

(3) Policies and procedures shall be developed and implemented for the safe storage and disposal of prescription and nonprescription medications.

(A) All prescription and nonprescription medications shall be stored in a locked cabinet located in a designated area accessible to and supervised by staff members only.

(B) All refrigerated medications shall be stored under all food items in a locked refrigerator, in a refrigerator in a locked room, or in a locked medicine box in a refrigerator.

(C) Medications taken internally shall be kept separate from other medications.

(D) All unused medications shall be accounted for and disposed of in a safe manner, including being returned to the pharmacy, transferred with the juvenile, or safely discarded.

(4) Each center shall have first-aid supplies, which shall be stored in a locked cabinet located in a designated area accessible to and supervised by staff members only. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-112. Admission policies. (a) A juvenile shall be admitted if all of the following conditions are met:

(1) The clinical director determines that the juvenile is in need of treatment and likely to cause harm to self or others.

(2) A qualified mental health professional has given written authorization for the juvenile to be admitted to a juvenile crisis intervention center.

(3) No other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

(b) All written admission policies and procedures of the center shall conform with its stated goals and purposes.

(c) Admission procedures and practice shall include provisions for the following if the juvenile receives Medicaid:

(1) Upon admission, the administrative director or designee shall notify the managed care organization, if applicable.

(2) The managed care organization shall review services as recommended by the clinical director.

(d) A juvenile shall not stay in a juvenile crisis intervention center for more than 30 days.

(e) Admission procedures shall include the following:

(1) Collecting identifying information;

(2) completing a health history checklist, which shall be completed on a form approved by the secretary and shall include a description of any bruises, abrasions, symptoms of illness, and current medications;

(3) assessing the juvenile's suicide risk potential, assault potential, escape risk, and mental health needs;

(4) conducting an intake interview;

(5) distributing personal hygiene items;

(6) providing for a shower and hair care;

(7) issuing clean, laundered clothing, if necessary;

(8) assigning the juvenile to a sleeping room; and

(9) providing an orientation to the juvenile crisis intervention center in a manner that is understandable to the juvenile.

(f) Completion of the orientation and receipt of all written orientation materials shall be documented by a signed statement from the juvenile.

(g) The admitting staff member shall inventory and document the juvenile's clothing and personal possessions and their disposition, specify any access the juvenile may have to these items, and provide for safe storage at the center. Each inventory shall include a written list of all money and personal property of the juvenile, shall be signed by the juvenile and the admitting staff member, and shall be kept with the juvenile's record. If the juvenile refuses to sign the inventory, the refusal shall be documented in the juvenile's record.

(h) No juvenile who shows evidence during the screening process of being seriously physically ill, injured, or under the influence of alcohol or drugs shall be admitted until the juvenile is examined and approved for admission by a licensed physician. If a juvenile is approved for admission to the center but is not admitted immediately due to hospitalization for illness, injury, or being under the influence of alcohol or drugs, the center shall accept the juvenile upon discharge from the hospital.

(i) A permittee, licensee, or employee of a juvenile crisis intervention center shall not accept permanent legal guardianship of a juvenile placed at the center. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-113. Rights of juveniles. The rights of juveniles while in the permittee's or licensee's care or control shall not be diminished or denied for disciplinary reasons. Each administrative director shall establish and implement written policies and procedures concerning the rights of the juveniles. These policies and procedures shall provide that juveniles are ensured their rights, unless it is necessary to maintain order and security in the center or these rights are contrary to a juvenile's approved case plan. These policies and procedures shall ensure the following:

(a) Freedom from personal abuse, corporal or unusual punishment, excessive use of force, humiliation, harassment, mental abuse, and punitive interference with the daily functions of living, including eating and sleeping;

(b) freedom from discrimination based on race, color, ancestry, religion, national origin, sex, or disability, including full and equal enjoyment of programs, services,

facilities, privileges, advantages, or accommodations of the facility by persons with disabilities;

(c) equal access to services for both male and female juveniles in coed facilities;

(d) receipt and explanation of written rules and grievance procedures of the center, in a language that the juvenile can understand;

(e) opportunity for physical exercise on a daily basis, including outdoor exercise if weather permits;

(f) participation in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain order and security;

(g) reasonable religious diets;

(h) the right to wear personal clothing consistent with center guidelines. If the center provides clothing, it shall be of proper size and shall be consistent with center guidelines;

(i) access to the courts and confidential contact with attorneys, judges, parents, social workers, and other professionals, including telephone conversations, visits, and correspondence;

(j) medical treatment and emergency dental care, a medically proper diet, and the right to know what and why medications are being prescribed;

(k) the right to send and receive uncensored mail in accordance with the center's policies;

(l) the right to receive visitors and communication in accordance with the center's visitation policies;

(m) the right to determine the length and style of hair, unless a licensed physician determines that a haircut is medically necessary; and

(n) the right to keep facial hair, if desired, unless a licensed physician determines that removal is medically necessary for health and safety. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-114. Release policies. (a) Within seven days before the release of a juvenile from the center, the administrative director shall give written notice of the date and time of release to the juvenile; the community mental health center serving the area where the juvenile is being released; the juvenile's parent, custodian, or legal guardian; and if the juvenile is a medicaid recipient, the managed care organization. Releases and aftercare plans shall be coordinated with the appropriate community mental health center, managed care organization, substance abuse treatment providers, and other health or mental health care providers after consultation and agreement regarding transitioning the juvenile from the center, transferring treatment plans, and obtaining any needed aftercare services.

(b) Temporary releases for court attendance, medical appointments, placement visits, or other necessary purposes shall be permitted when authorized by the parent or legal guardian or the court.

(c) The administrative director or designee shall provide release forms to be signed by the person to whom the juvenile is released and by the staff member releasing the juvenile.

(d) Procedures and practices for the discharge of juveniles shall include provisions for the following:

(1) Verification of identity of the juvenile and the person to whom the juvenile is released;

(2) completion of any pending actions, including any grievances or claims for damages or lost possessions;

(3) transportation arrangements;

(4) instructions for forwarding mail; and

(5) return of money and personal property to the juvenile. A receipt for all money and personal property shall be signed by the juvenile. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-115. Case management. (a) Each permittee and each licensee shall ensure that case management is provided for each juvenile. Each permittee and each licensee shall ensure that a case manager is assigned to provide or coordinate the case management for each juvenile.

(b) Each permittee and each licensee shall ensure that a case plan is developed within three days of each juvenile's admission to the center and implemented with the input, as appropriate, of the juvenile, the placing agent, the juvenile's parent or legal guardian, and staff members. Each case plan shall list goals for the juvenile while at the center and upon release and identify the services needed by the juvenile to meet the goals. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-116. Program. (a) General requirements.

(1) Each permittee and each licensee shall keep documentation of each juvenile's preadmission evaluation in the juvenile's file. Each evaluation shall include an assessment of the juvenile's mental health and current needs.

(2) An interdisciplinary treatment team shall develop a case plan for each juvenile admitted to the juvenile crisis intervention center within three days of admission. The team shall review the case plan every seven days and shall update the case plan as necessary. Each review shall be documented and signed by the clinical director or the clinical director's designee.

(3) The treatment team shall be headed by the clinical director or the clinical director's designee.

(4) The case plan shall be completed in collaboration with the managed care organization if the juvenile is a medicaid recipient.

(5) Each applicant, each permittee, and each licensee shall maintain a written schedule and daily routine for all juveniles, which shall include the following:

(A) Meals;

(B) rest and sleep;

(C) personal hygiene;

(D) physical exercise;

(E) recreation;

(F) mental health services;

(G) education; and

(H) social services.

(6) Classroom instruction or online education, or both, shall be provided and monitored by teachers holding appropriate certification from the Kansas board of education.

(7) Each permittee and each licensee shall coordinate education services with the local school district. During the local school year, each juvenile shall receive instruc-

(continued)

tion according to the provisions of the juvenile's case plan.

(8) For each juvenile currently enrolled in a Kansas public school, each permittee and each licensee shall maintain contact with the juvenile's home school district to ensure the continuity of each juvenile's education.

(9) The teachers shall provide a regular schedule of instruction and related educational services appropriate to the needs of each juvenile.

(b) Recreation.

(1) Each juvenile crisis intervention center shall provide indoor and outdoor recreational areas and equipment where security and direct supervision can be easily maintained. Unless restricted for health reasons, all juveniles shall be allowed to engage in supervised indoor and outdoor recreation on a daily basis.

(2) Art and craft supplies, books, current magazines, games, and other indoor recreational materials shall be provided for leisure-time activities.

(c) Work.

(1) Work assignments shall not be used as a substitute for recreation.

(2) Juveniles shall be prohibited from performing the following duties:

(A) Any personal services for staff members;

(B) cleaning or maintaining areas away from the center;

(C) replacing staff members; and

(D) any work requiring the use of sharp instruments, tools, or poisonous chemicals.

(3) All work assignments performed by juveniles shall be on-site.

(d) Visitation and communication.

(1) Each permittee and each licensee shall provide telephone and contact visitation rights for parents, legal guardians, legal representatives, and other visitors approved by staff members designated by the administrative director. Private telephone conversation and visitation shall be allowed, except when a need to protect the juvenile is clinically indicated, as documented in the juvenile's case plan.

(2) Each permittee and each licensee shall have written policies and procedures regarding telephone use, personal cell phone access and use, and visitation available to all juveniles, parents, legal guardians, and legal representatives.

(3) A juvenile shall not be denied the right to contact an attorney or court counselor. No court counselor or attorney shall be refused visitation with a juvenile to whom the counselor or attorney is assigned.

(4) Staff members shall not censor mail or written communication, except to check for contraband, unless censorship is clinically indicated. Suspect mail shall be opened by staff members in the presence of the addressee. If mail is to be read, the juvenile shall be informed in advance and shall be present when the mail is opened. The reason for each occasion of censorship shall be documented and kept in the juvenile's record.

(5) Various means of communication shall be available to each juvenile to allow for at least one contact per week, including electronic communication, phone calls, and U.S. mail.

(6) First-class letters and packages shall be forwarded

after the transfer or release of each juvenile. (Authorized by K.S.A. 65-128, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-117. Health care. (a) Policies and procedures for juvenile health care. Each permittee and each licensee, in consultation with a licensed physician, shall implement written policies and procedures that include provisions for the following:

(1) Completion of a health checklist and review for each juvenile upon admission, including the following:

(A) Current physical health status, including oral health;

(B) all allergies, including medication, food, plant, and animal;

(C) all current pain, including cause, onset, duration, and location;

(D) preexisting medical conditions;

(E) current mood and affect;

(F) history and indicators of self-harming behaviors or suicidal tendencies;

(G) all infectious or contagious diseases;

(H) current immunizations specified in K.A.R. 28-1-20 or an exemption for medical or religious reasons pursuant to K.S.A. 65-508, and amendments thereto;

(I) all drug or alcohol use;

(J) all current medications;

(K) all physical disabilities;

(L) all sexually transmitted diseases; and

(M) if a female juvenile, menstrual history and any history of pregnancy;

(2) follow-up health care, including a health assessment and referrals for any concerns identified in the health checklist and review;

(3) if medically indicated, all required chronic care, convalescent care, and preventive care, including immunizations;

(4) care for minor illness, including the use and administration of prescription and nonprescription drugs;

(5) care for juveniles under the influence of alcohol or other drugs;

(6) infection-control measures and universal precautions to prevent the spread of blood-borne infectious diseases, including medically indicated isolation; and

(7) maternity care as required by K.A.R. 28-4-279.

(b) Physical health of juveniles. Each permittee and each licensee shall ensure that emergency medical and dental care is obtained for each juvenile by providing timely access to basic, emergency, and specialized medical, mental health, and dental care and treatment services provided by health care providers.

(1) Each permittee and each licensee shall ensure that a health checklist is completed for each juvenile at the time of admission by the staff member who admits the juvenile. The health checklist shall serve as a guide to determine whether a juvenile is in need of medical or dental care and to determine whether the juvenile is using any prescribed medications.

(2) Each permittee and each licensee shall ensure that a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or an advanced practice registered nurse is

contacted at the time of admission for any juvenile who is taking a prescribed medication to assess the need for continuation of the medication.

(3) Each change of prescription or directions for administering a prescription medication shall be ordered by the authorized medical practitioner with documentation placed in the juvenile's record. Prescription medications shall be administered only to the designated juvenile as ordered by the authorized medical practitioner.

(4) Nonprescription and prescription medication shall be administered only by a designated staff member who has received training on medication administration approved by the secretary. Each administration of medication shall be documented in the juvenile's record with the following information:

(A) The name of the staff member who administered the medication;

(B) the date and time the medication was given;

(C) each change in the juvenile's behavior, response to the medication, or adverse reaction;

(D) each alteration in the administration of the medication from the instructions on the medication label and documentation of the alteration; and

(E) each missed dose of medication and documentation of the reason the dose was missed.

(5) Within 72 hours of each juvenile's admission, an authorized medical practitioner shall review the health checklist and conduct a health assessment.

(6) Each permittee and each licensee shall ensure that a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or an advanced practice registered nurse is contacted for each juvenile who has acute symptoms of illness or who has a chronic illness.

(7) Each licensee shall ensure that each resident receives a screening for symptoms of tuberculosis. A Mantoux test, a tuberculin blood assay test, or a chest X-ray shall be required if any of the following occurs:

(A) The resident has a health history or shows symptoms compatible with tuberculosis.

(B) The location of the JCIC is in an area identified by the local health department or the secretary as a high-risk area for tuberculosis exposure.

(C) Significant exposure to an active case of tuberculosis occurs, or symptoms compatible with tuberculosis develop.

(D) If there is a positive reaction to the diagnostic procedures, proof of proper treatment or prophylaxis shall be required. Documentation of the test, X-ray, or treatment results shall be kept on file in the juvenile's health record, and the county health department shall be informed of the results.

(8) Each permittee and each licensee shall ensure that the use of tobacco by any juvenile while in care is prohibited unless nicotine replacement is medically prescribed.

(c) Emergency medical treatment. Each permittee and each licensee shall ensure that the following requirements are met for the emergency medical treatment of each juvenile:

(1) The juvenile's medical record and health assessment forms shall be taken to the emergency room with the juvenile.

(2) A staff member shall accompany the juvenile to emergency care and shall remain with the juvenile while the emergency care is being provided or until the juvenile is admitted. This arrangement shall not compromise the direct supervision of the other juveniles in the center.

(d) Oral health of juveniles. Each permittee and each licensee shall ensure that the following requirements are met for the oral health of juveniles:

(1) Each juvenile shall receive emergency dental care as needed.

(2) A plan shall be developed and implemented for oral health education.

(e) Personal health and hygiene of juveniles. Each permittee and each licensee shall ensure that the following requirements are met for the personal health and hygiene of the juveniles:

(1) Each juvenile shall have access to drinking water, a lavatory, and a toilet.

(2) Each juvenile shall be given the opportunity to bathe upon admission and daily.

(3) Each juvenile shall be provided with toothpaste and an individual toothbrush.

(4) Each juvenile shall be given the opportunity to brush that juvenile's teeth after each meal.

(5) Opportunities shall be available to each juvenile for daily shaving.

(6) Each juvenile's washable clothing shall be changed and laundered at least twice a week. Clean underwear and socks shall be available to each juvenile on a daily basis.

(7) Each female juvenile shall be provided personal hygiene supplies for use during that juvenile's menstrual cycle.

(8) Clean, individual washcloths and bath towels shall be issued to each juvenile at least twice each week.

(9) Each juvenile shall be allowed to have at least eight hours of sleep each night.

(f) Personal health of staff members and volunteers. Each staff member and each volunteer shall meet the following requirements:

(1) Be free from all infectious or contagious disease requiring isolation or quarantine as specified in K.A.R. 28-1-6 and K.S.A. 65-101 and K.S.A. 65-128, and amendments thereto;

(2) be able to perform that individual's essential job functions and not pose a direct threat to the health, safety, or welfare of the juveniles, that individual, or other employees that cannot be eliminated or reduced by reasonable accommodation;

(3) not possess, use, or be under the influence of illegal drugs;

(4) not use or be impaired by alcohol at the center; and

(5) not be impaired by any substance at the center to the extent that it causes the individual to pose a direct threat to the health, safety, or welfare of others.

(g) Each permittee and each licensee shall ensure that tobacco products are not used inside the center. Tobacco products shall not be used by staff members or volunteers in the presence of juveniles. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

(continued)

30-47-118. Behavior management. (a) Each applicant, each permittee, and each licensee shall establish and implement written policies providing for a behavior management system that assists juveniles to develop inner control and manage their own behavior in a socially acceptable manner. The policy shall include expectations that are age-appropriate and allow for special abilities and limitations and positive and negative consequences related to each expectation.

(b) Each applicant shall establish written rules of juvenile conduct that define expected behaviors and related consequences.

(c) A rule book containing expected behaviors, ranges of consequences, and disciplinary procedures shall be given to each juvenile and staff member. An acknowledgment of receipt of the rule book shall be signed by each juvenile and kept in each juvenile's record.

(d) If a literacy or language problem prevents a juvenile from understanding the rule book, a staff member or translator shall assist the juvenile in understanding the rules.

(e) Each staff member shall be familiar with the rules of juvenile conduct, the rationale for the rules, and the intervention options available.

(f) Each permittee and each licensee shall ensure that each juvenile is protected against all forms of neglect, exploitation, and degrading forms of discipline.

(1) No staff member or volunteer shall use any of the following means or methods of punishment of a juvenile:

(A) Punishment that is humiliating, frightening, or physically harmful to the juvenile;

(B) corporal punishment, including hitting with the hand or any object, yanking arms or pulling hair, excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the juvenile's health or safety;

(C) restricting movement by tying or binding;

(D) confining a juvenile in a closet, box, or locked area;

(E) forcing or withholding food, rest, or toilet use;

(F) mental and emotional cruelty, including verbal abuse, derogatory remarks about a juvenile or the juvenile's family, statements intended to shame, threaten, humiliate, or frighten the juvenile, and threats to expel a juvenile from the center; or

(G) placing any substance that stings, burns, or has a bitter or unpleasant taste in the juvenile's mouth or on the tongue or any other part of the juvenile's body as discipline.

(2) No staff member or volunteer shall make sexual remarks or advances toward, or engage in physical intimacies or sexual activities with, any juvenile.

(3) No staff member or volunteer shall exercise undue influence or duress over any juvenile, including promoting sales of services or goods, in a manner that would exploit the juvenile for the purpose of financial gain, personal gratification, or advantage of the juvenile, staff member, volunteer, or a third party.

(g) Each staff member and each volunteer shall be prohibited from using medications, herbal or folk remedies, and drugs to control or manage any juvenile's behavior, except as prescribed by a licensed physician, a physician's assistant operating under a written protocol as

authorized by a responsible physician, or an advanced practice registered nurse.

(h) No juvenile shall be forced to participate in any publicity or promotional activities. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-119. Restraint. (a) Each applicant, each permittee, and each licensee shall establish and implement written policies and procedures that govern the use of restraint. Restraint methods and safety intervention programs shall be preapproved by the secretary. These policies and procedures shall include the following:

(1) Limitations on the use of physical restraint when the behavior of the juvenile is a danger to self or others or directly affects an individual's health, safety and welfare.

(2) permission to use physical restraint only if all other less restrictive methods of controlling the juvenile's dangerous behavior were attempted and failed;

(3) a statement that chemical agents are administered only upon order of a licensed physician;

(4) a statement that psychotropic medications are not to be used for disciplinary reasons; and

(5) a statement that psychotropic medications are to be administered only when medically necessary upon order of the juvenile's licensed physician.

(b) The restraints selected shall be the least restrictive measure necessary to prevent injury to the juvenile or others.

(c) Restraint shall never be used for punishment or for the convenience of staff members.

(d) Each administrative director of a center that uses restraint shall develop and ensure implementation of a comprehensive policy on the use of each restraint. The policy shall identify the following:

(1) The name of the safety intervention program used by the center;

(2) documentation that each staff member authorized to use a restraint has been trained in the safety intervention program used by the center;

(3) the forms of restraint in use at the center, demonstrating that each specified form of restraint is required to appropriately serve juveniles;

(4) specific criteria for the use of each form of restraint;

(5) the staff members authorized to approve the use of each form of restraint;

(6) the staff members authorized and qualified to administer or apply each form of restraint;

(7) the procedures for application or administration of each form of restraint;

(8) the procedures for monitoring any juvenile placed in each form of restraint;

(9) any limitations on the use of each form of restraint, including time limitations;

(10) the procedures for immediate, continual review of restraint placements for each form of restraint, except passive physical restraint; and

(11) procedures for comprehensive recordkeeping concerning all incidents involving the use of restraint, including incidents of passive physical restraint if it is used in conjunction with or leads to the use of any other form of restraint. (Authorized by K.S.A. 65-536, 75-3084, and

75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-120. Isolation. (a) Isolation shall not be permitted within a juvenile crisis intervention center. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-121. Records. (a) Recordkeeping system. Each applicant, each permittee, and each licensee shall ensure that there is an organized recordkeeping system for the center, which shall include the following:

(1) Provisions shall be made for the security, confidentiality, preservation, and transfer of all juvenile records.

(2) All records shall be available at the center for review by the department.

(b) Juvenile records.

(1) Each permittee and each licensee shall maintain an individual record for each juvenile, which shall include the following information:

(A) Documentation of the preadmission screening;

(B) the admissions form;

(C) verification of custody status of the juvenile;

(D) a record of the juvenile's personal possessions as specified in K.A.R. 30-47-112;

(E) a health record that meets the requirements in K.A.R. 30-47-117;

(F) a copy of each written report of any incidents involving the juvenile and specified in K.A.R. 30-47-119 and K.A.R. 30-47-122;

(G) documentation of the juvenile's receipt of the center's rule book; and

(H) the juvenile's case plan.

(2) Provisions shall be made for the secure transfer of each juvenile's complete record upon release of the juvenile. All information that cannot be transferred at the time of the release of the juvenile shall be securely transferred within 72 hours of the release of the juvenile.

(3) Information from a juvenile's record shall not be released without written permission from the court, the Kansas department for children and families, or the juvenile's parent or legal guardian.

(c) Staff member records. Each permittee and each licensee shall maintain an individual record for each staff member, which shall include the following information:

(1) The application for employment, including the staff member's qualifications, references, and dates of previous employment;

(2) a copy of each applicable current professional license, certificate, or registration;

(3) the staff member's current job responsibilities;

(4) a health record that meets the requirements in K.A.R. 30-47-117, including a record of the results of each health examination and each tuberculosis test;

(5) a copy of a valid driver's license of a type appropriate for the vehicle being used, for each staff member who transports any juvenile;

(6) documentation of all orientation and in-service training required in K.A.R. 30-47-109;

(7) documentation of training in medication administration if medication administration is included in the staff member's job duties;

(8) a copy of each grievance or incident report concerning the staff member, including documentation of the resolution of each report; and

(9) documentation that the staff member has read, understands, and agrees to all of the following:

(A) The requirements for the mandatory reporting of suspected child abuse, neglect, and exploitation;

(B) all regulations governing juvenile crisis intervention centers;

(C) the facility's policies and procedures that are applicable to the job responsibilities of the staff member; and

(D) the confidentiality of juvenile information.

(d) Volunteer records. Each permittee and each licensee shall maintain an individual record for each volunteer at the facility, which shall include the following:

(1) The application for volunteering at the center;

(2) the volunteer's responsibilities at the center;

(3) a health record that demonstrates compliance with K.A.R. 30-47-117(f), including a record of the results of each health examination and each tuberculosis test, for each volunteer in contact with juveniles;

(4) documentation of all orientation and in-service training required for volunteers in K.A.R. 30-47-109;

(5) a copy of each grievance or incident report concerning the volunteer, including documentation of the resolution of each report; and

(6) documentation that the volunteer has read, understands, and agrees to all of the following:

(A) The requirements for the mandatory reporting of suspected child abuse, neglect, and exploitation;

(B) all regulations governing juvenile crisis intervention centers;

(C) the facility's policies and procedures that are applicable to the responsibilities of the volunteer; and

(D) the confidentiality of juvenile information.

(e) Center records. Each applicant, each permittee, and each licensee shall ensure that the center records are completed and maintained. These records shall include the following information:

(1) Documentation of the requests submitted to the department for background checks in order to meet the requirements of K.A.R. 30-47-105;

(2) documentation of notification to and consultation with the local and home school districts as specified in K.A.R. 30-47-103;

(3) documentation of each approval granted by the secretary for each change, exception, or amendment;

(4) the center's policies and procedures;

(5) all documentation specified in K.A.R. 30-47-111 for emergency plans, fire and tornado drills, and written policies and procedures on the security of the juveniles;

(6) all documentation specified in K.A.R. 30-47-111 for the inspection and the maintenance of security devices, including locking mechanisms and any delayed-exit mechanisms on doors;

(7) documentation of approval of any private water or sewage systems as specified in K.A.R. 30-47-107;

(8) documentation of compliance with all local and state building codes, fire safety requirements, and zoning codes;

(continued)

(9) all documentation specified in K.A.R. 30-47-126 for transportation;

(10) documentation of vaccinations for any animal kept on the premises, as required by K.A.R. 30-47-127;

(11) a copy of each service contract and agreement; and

(12) information available to the department regarding the following:

(A) The number of admissions and releases and the length of stay for each juvenile admitted to the juvenile crisis intervention center;

(B) services provided to juveniles admitted;

(C) needs of juveniles admitted determined by evidence-based assessment. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-122. Notification and reporting requirements.

(a)(1) Each permittee and each licensee shall ensure that notification of each of the following is submitted within 12 hours after discovery of the incident or event:

(A) Each incident of suspected child abuse or neglect of a juvenile shall be reported to the department and to law enforcement consistent with the provisions of K.S.A. 2019 Supp. 38-2223, and amendments thereto.

(B) Each incident resulting in the death of a juvenile shall be reported in the following order, if possible:

(i) Law enforcement;

(ii) the department;

(iii) the juvenile's parent or legal guardian; and

(iv) the juvenile's placing agent.

(C) Each incident resulting in the death of a staff member or volunteer while on duty at the center shall be reported to the department and to any other entities according to the center's policies.

(D) Each incident resulting in a serious injury to any juvenile, including burns, lacerations, bone fractures, substantial hematomas, and injuries to internal organs, shall be reported in the following order, if possible:

(i) The department;

(ii) the parent or legal guardian of any juvenile involved in the incident; and

(iii) the placing agent of any juvenile involved in the incident.

(E) Each suicide attempt by a juvenile shall be reported to the following:

(i) Law enforcement consistent with the provisions of K.S.A. 2019 Supp. 38-2223, and amendments thereto;

(ii) the department;

(iii) the juvenile's parent or legal guardian; and

(iv) the juvenile's placing agent.

(F) Each natural disaster shall be reported to the department.

(G) Each instance of work stoppage shall be reported to the department.

(H) Each incident that involves a riot or the taking of hostages shall be reported to the department and to law enforcement.

(I) Each incident resulting in structural damage at the center, whether caused by fire or another means, shall be reported to the department and, if applicable, to law enforcement.

(J) Each incident that involves any suspected illegal act committed by a juvenile while in the center or by a staff

member or a volunteer while on duty at the center shall be reported to law enforcement and the department according to the center's policies.

(2) If any juvenile, staff member, or volunteer contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2, the permittee or licensee shall ensure that a report is submitted to the local county health department within 24 hours, excluding weekends and holidays.

(b) Each permittee and each licensee shall complete a written report within five calendar days after the discovery of any incident or event identified in subsection (a). A copy of each written report shall be kept on file at the center. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-123. Laundry; bedding. (a) If laundry is done at the center, each permittee and each licensee shall ensure that the laundry sinks, the appliances, and the countertops or tables used for laundry are located in an area separate from food preparation areas and are installed and used in a manner that safeguards the health and safety of the juveniles. Adequate space shall be allocated for the laundry room and the storage of laundry supplies, including locked storage for all poisonous chemicals used in the laundry area.

(b) Each permittee and each licensee shall ensure that adequate space is allocated for the storage of clean and dirty linen and clothing. Soiled linen shall be stored separately from clean linen.

(c) Each permittee and each licensee shall ensure that blankets are laundered whenever soiled. Blankets shall be laundered or sanitized before reissue. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-124. Food services. Each permittee and each licensee shall ensure that food preparation, service, and safety meet the requirements of this regulation. For purposes of this regulation, "food" shall include beverages.

(a) Each individual engaged in food preparation and food service shall use sanitary methods of food handling, food service, and storage. Only authorized individuals shall be in the food preparation area.

(b)(1) Each individual who has any symptoms of an illness, including fever, vomiting, and diarrhea, shall be excluded from the food preparation area and shall remain excluded from the food preparation area until the individual has been asymptomatic for at least 24 hours or provides the administrative director with written documentation from a health care provider stating that the symptoms are from a noninfectious condition.

(2) Each individual who contracts any infectious or contagious disease specified in K.A.R. 28-1-6 shall be excluded from the food preparation area and shall remain excluded from the food preparation area until the isolation period required for that disease is over or until the individual provides the administrative director with written documentation from a health care provider that the individual is no longer a threat to the health and safety of others when preparing or handling food.

(3) Each individual with an open cut or abrasion on the hand or forearm or with a skin sore shall cover the

sore, cut, or abrasion with a waterproof barrier before handling or serving food.

(c)(1) The hair of each individual shall be restrained when the individual is handling food.

(2) Each individual handling or serving food shall comply with both of the following requirements for handwashing:

(A) Each individual shall wash that individual's hands and exposed portions of the individual's arms before working with food, after using the toilet, and as often as necessary to keep the individual's hands clean and to minimize the risk of contamination.

(B) Each individual shall use an individual towel, disposable paper towels, or an air dryer to dry that individual's hands.

(3) Each individual preparing or handling food shall minimize bare hand and bare arm contact with exposed food that is not in a ready-to-eat form. Except when washing fruits and vegetables, no individual handling or serving food may contact exposed, ready-to-eat food with the individual's bare hands.

Each individual shall use single-use gloves, food-grade tissue paper, dispensing equipment, or utensils, including spatulas and tongs, when handling or serving exposed, ready-to-eat food.

(d)(1) If food is prepared on the center premises, the food preparation area shall be separate from the eating area, activity area, laundry area, and bathrooms and shall not be used as a passageway during the hours of food preparation and cleanup.

(2) All surfaces used for food preparation and tables used for eating shall be made of smooth, nonporous material.

(3) Before and after each use, all food preparation surfaces shall be cleaned with soapy water and sanitized by use of a solution of one ounce of bleach to one gallon of water or a sanitizing solution used in accordance with the manufacturer's instructions.

(4) Before and after each use, the tables used for eating shall be cleaned by washing with soapy water.

(5) All floors shall be swept daily after each meal and whenever spills occur.

(6) Garbage shall be disposed of in a garbage disposal or in a covered container. If a container is used, the garbage shall be removed as needed to prevent overflow and control odor, and at the end of each day.

(7) Each food preparation area shall have handwashing fixtures equipped with soap and hot and cold running water and with individual towels, paper towels, or air dryers. Each sink used for handwashing shall be equipped to provide water at a temperature of at least 100 degrees Fahrenheit. The water temperature shall not exceed 120 degrees Fahrenheit. If the food preparation sink is used for handwashing, the sink shall be sanitized before using it for food preparation by use of a solution of 1/4 cup of bleach to one gallon of water.

(8) Clean linen used for food preparation or service shall be stored separately from soiled linen.

(e)(1) All food shall be stored and served in a way that protects the food from crosscontamination.

(2)(A) All food not requiring refrigeration shall be stored at least six inches above the floor in a clean, dry,

well-ventilated storeroom or cabinet in an area with no overhead drain or sewer lines and no vermin infestation.

(B) Dry bulk food that has been opened shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled with the contents and the date opened.

(3) Food shall not be stored with poisonous or toxic materials. If cleaning agents cannot be stored in a room separate from food storage areas, the cleaning agents shall be clearly labeled and kept in locked cabinets not used for the storage of food.

(4)(A) All perishables and potentially hazardous foods requiring refrigeration shall be continuously maintained at 41 degrees Fahrenheit or lower in the refrigerator or 0 degrees Fahrenheit in the freezer.

(B) Each refrigerator and each freezer shall be equipped with a visible, accurate thermometer.

(C) Each refrigerator and each freezer shall be kept clean inside and out.

(D) All food stored in the refrigerator shall be covered, wrapped, or otherwise protected from contamination. Unserved, leftover perishable foods shall be dated, refrigerated immediately after service, and eaten or disposed of within three days.

(E) Raw meat shall be stored in the refrigerator in a manner that prevents cross contamination of other food.

(F) Ready-to-eat, commercially processed foods shall be eaten or disposed of within five days after opening the package.

(f)(1) Hot foods that are to be refrigerated shall be transferred to shallow containers in layers less than three inches deep and shall not be covered until cool.

(2) All cooked foods shall be cooled in a manner to allow the food to cool within two hours from 135 degrees Fahrenheit to 70 degrees Fahrenheit or within six hours from 135 degrees Fahrenheit to 41 degrees Fahrenheit.

(g) All of the following requirements shall be met when meals or snacks are prepared on the center premises:

(1) All dairy products shall be pasteurized. Powdered milk shall be used for cooking only.

(2) Meat shall be obtained from government-inspected sources.

(3) Raw fruits and vegetables shall be washed thoroughly before being eaten or used for cooking.

(4) Frozen foods shall be defrosted in the refrigerator, under cold running water, in a microwave oven using the defrost setting, or during the cooking process. Frozen foods shall not be defrosted by leaving them at room temperature or in standing water.

(5) Cold foods shall be maintained and served at temperatures of 41 degrees Fahrenheit or less.

(6) Hot foods shall be maintained and served at temperatures of at least 140 degrees Fahrenheit.

(7) The following foods shall not be served or kept:

(A) Home-canned food;

(B) food from dented, rusted, bulging, or leaking cans; and

(C) food from cans without labels.

(h) The following requirements shall be met for each meal or snack that is not prepared on the center premises:

(1) The snack or meal shall be obtained from a child

(continued)

care facility licensed by the department or by the secretary of the Kansas department of health and environment or from a food service establishment or a catering service licensed by the secretary of the Kansas department of agriculture.

(2) If food is transported to the center, only food that has been transported promptly in clean, covered containers shall be served to the juveniles.

(i)(1) All table service, serving utensils, and food cooking or serving equipment shall be stored in a clean, dry location at least six inches above the floor. None of these items shall be stored under an exposed sewer line or a dripping water line or in a bathroom.

(2) Clean table service shall be provided to each juvenile, including dishes, cups or glasses, and forks, spoons, and knives, as appropriate for the food being served.

(3) Clean cups, glasses, and dishes designed for repeat use shall be made of smooth, durable, and nonabsorbent material and shall be free from cracks and chips.

(4) Disposable, single-use table service shall be of food grade and at least medium weight and shall be disposed of after each use.

(5) If nondisposable table service and cooking utensils are used, the table service and cooking utensils shall be sanitized using either a manual washing method or a mechanical dishwasher.

(6)(A) If using a manual washing method, the following requirements shall be met:

(i) A three-compartment sink with hot and cold running water to each compartment and a drainboard shall be used for washing, rinsing, sanitizing, and air-drying.

(ii) An appropriate chemical test kit, a thermometer, or another device shall be used for testing the sanitizing solution and the water temperature.

(B) If using a mechanical dishwasher, the dishwasher shall be installed and operated in accordance with the manufacturer's instructions and shall be maintained in good repair. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-125. Nutrition. (a) The meals and snacks served at each center shall meet the nutritional needs of the juveniles. The meals and snacks shall include a variety of healthful foods, including fresh fruits, fresh vegetables, whole grains, lean meats, and low-fat dairy products. A sufficient quantity of food shall be prepared for each meal to allow each juvenile second portions of bread and milk and either vegetables or fruit.

(b) Special diets shall be provided for juveniles for either of the following reasons:

(1) Medical indications; or

(2) accommodation of religious practice.

(c) Each meal shall be planned and the menu shall be posted at least one week in advance. A copy of the menu of each meal served for the preceding month shall be kept on file and available for inspection. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-126. Transportation. Each permittee and each licensee shall ensure that all of the following requirements are met when providing transportation for juveniles:

(a) Each permittee and each licensee shall implement policies and procedures for transportation of juveniles, including the following:

(1) Procedures to be followed in case of an accident, injury, or other incident as specified in K.A.R. 30-47-111;

(2) a list of all staff members authorized to transport juveniles; and

(3) for each staff member authorized to transport juveniles, documentation of a valid driver's license that meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

(b) Each permittee and each licensee shall ensure that a safety check is performed on each transporting vehicle before being placed in service and annually. A record of each safety check and all repairs and improvements made shall be kept on file at the center. When any juvenile is transported in a center-owned or center-leased vehicle or a privately owned vehicle, the vehicle shall be in safe working condition to ensure the health, safety, and welfare of all occupants.

(c) Each vehicle used to transport any juvenile shall be covered by accident and liability insurance as required by the state of Kansas.

(d) Each transporting vehicle owned or leased by the center shall have a first-aid kit.

(e) Each vehicle used to transport any juvenile shall be equipped with an individual seat belt for the driver and an individual seat belt for each passenger. The driver and each passenger shall be secured by a seat belt when the vehicle is in motion.

(f)(1) All passenger doors shall be locked while the vehicle is in motion. The driver shall be responsible for ensuring that the vehicle is not in motion if the behavior of the occupants prevents the safe operation of the vehicle. All parts of each juvenile's body shall remain inside the vehicle at all times.

(2) Juveniles shall neither enter nor exit the vehicle from or into a lane of traffic. When the vehicle is vacated, the driver shall make certain that no juvenile is left in the vehicle.

(3) Smoking in the vehicle shall be prohibited.

(g) Each juvenile shall be transported directly to the location designated by the permittee or the licensee. No unauthorized stops shall be made along the way, except in an emergency. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-127. Animals. Each permittee and each licensee shall ensure that the following requirements are met for any animals on the center premises:

(a) If any animals are kept on the center premises, the pet area shall be maintained in a sanitary manner, with no evidence of flea, tick, or worm infestation.

(b) No animal shall be in the food preparation area.

(c) Each domesticated dog and each domesticated cat shall have a current rabies vaccination given by a veterinarian. A record of all vaccinations shall be kept on file in the center.

(d) Each animal that is in contact with any juvenile shall meet the following conditions:

(1) Be in good health, with no evidence of disease; and

(2) be friendly and pose no threat to the health, safety,

and welfare of juveniles. (Authorized by K.S.A. 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

30-47-312. Online information dissemination system. This regulation shall apply to the department's online information dissemination system for attendant care facilities, family foster homes, group boarding homes, residential centers, child-placement agencies, detention centers, secure care centers, and staff secure facilities, defined as child care facilities, in K.S.A. 65-503 and K.S.A. 65-535 and amendments thereto and by regulation.

(a) Definitions. Each of the following terms shall have the meaning specified in this subsection:

(1) "Applicant" means a person who has applied for a license but who has not yet been granted a license to operate a child care facility. This term shall include an applicant who has been granted a temporary permit to operate a child care facility.

(2) "Attendant care facility" as defined in K.A.R. 28-4-285.

(3) "Child-placement agency" as defined in K.A.R. 30-47-900.

(4) "Department" means the Kansas department for children and families.

(5) "Detention center" as defined in K.A.R. 28-4-350.

(6) "Family foster home" as defined in K.A.R. 30-47-800.

(7) "Group boarding home" as defined in K.A.R. 28-4-268.

(8) "Licensee" means a person who has been granted a license to operate a child care facility.

(9) "Online information dissemination system" means the electronic database of the department that is accessible to the public.

(10) "Residential center" as defined K.A.R. 28-4-268.

(11) "Secure care center" as defined in K.A.R. 28-4-350.

(12) "Staff secure facility" as defined in K.A.R. 28-4-1250.

(b) Identifying information. Each applicant, each applicant with a temporary permit, and each licensee that wants the department to display the address and the telephone number of the individual's child care facility on the online information dissemination system shall notify the department on a form provided by the department. (Authorized by K.S.A. 65-534, 75-3084 and 75-3085; implementing K.S.A. 65-534; effective June 7, 2024.)

30-47-800. Definitions. For the purposes of this section, the following definitions shall apply:

(a) "Applicant" means a person or persons who have applied for a license but who have not yet been granted a temporary permit or a license to operate a family foster home.

(b) "Age-, or developmentally appropriate," when used to describe activities or items, means that the activities or items are generally accepted as suitable for children of the same chronological age or level of maturity, based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for the age or age group.

(c) "Basement" means the lowest level, floor, or story of a family foster home that is below ground level on all sides.

(d) "Case plan" means the comprehensive written plan of care developed for each child in foster care by the child's child-placing agent.

(e) "Child in foster care" means any of the following:

(1) Any individual under 16 years of age who has been determined by a court to be a child in need of care and is placed in the custody of the secretary and placed for care in a family foster home or other licensed facility;

(2) any individual under 16 years of age who has been privately placed for care in a licensed family foster home or other licensed facility; or

(3) any individual 16 years of age or older, but not yet 21 years of age, who has been determined by a court to be a child in need of care and is placed in the custody of the secretary and placed for care in a family foster home or other licensed facility or placed in the custody of an individual and privately placed.

(f) "Child-placing agent" means a person or entity that possesses the legal authority to place a child into a family foster home.

(g) "Child-placement agency" means a business or service conducted, maintained, or operated by a person engaged in finding homes for children by placing or arranging for the placement of the children for adoption or foster care.

(h) "De-escalation methods" means the types of intervention used to help reduce a child's level of anxiety or anger. This term shall include physical restraint.

(i) "Department" means Kansas department for children and families.

(j) "Discipline" means positive methods of child behavior management, including instruction, redirection, and de-escalation methods.

(k) "Exception" means an alternative manner of compliance with a specific family foster home regulation or any portion of a specific family foster home regulation that is granted by the secretary to an applicant or a licensee.

(l) "Family foster home" means a child care facility that is a private residence in which an individual person or persons or a married couple resides and provides care for 24 hours a day for one or more children in foster care and for which a license is required by K.A.R. 30-47-801.

(m) "First aid supplies" means a combination of cleansing agents, assorted bandages, disposable gloves, sterile pads, adhesive tape, and elastic bandage.

(n) "Foster family" means all of the individuals living in a family foster home other than the child in foster care. An individual who is living in the family foster home for more than two weeks is considered a foster family member.

(o) "Functional literacy" means the ability to read and write at the level necessary to participate effectively in society.

(p) "High-risk sport or recreational activity" means any sport or recreational activity, including watercraft activities, motorized activities, and the use of a trampoline, that poses a risk of injury to the participant. Safe participation in the high risk sport or recreational activity shall require specialized instruction and may require protective safety gear.

(continued)

(q) "Licensee" means a person or persons who have been granted a license to operate a family foster home.

(r) "Living space" means the rooms in a family foster home that are used for family activities, including the living room, dining room, family room, game or television room, and sleeping rooms. This term shall not include bathrooms, laundry rooms, and garages.

(s) "Permanency plan" means the comprehensive written plan documenting the goal for each child in foster care.

(t) "Permittee" means a person who has applied for a license and has been granted a temporary permit to operate by the secretary.

(u) "Person-centered plan" means the comprehensive written plan of care developed for each individual receiving home- and community-based services.

(v) "Physical restraint" means the bodily holding of a child in foster care by a caregiver as a means to help the child regain self-control when the child is behaving in a manner that presents a danger to self or others.

(w) "Premises" means the licensed residence including each building and any adjoining grounds.

(x) "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, which a caregiver shall use when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

(y) "Relative" means an individual who is related to the child in foster care by blood, marriage, or adoption.

(z) "Relative waiver" means the exemption of compliance with a specific family foster home regulation or any portion of a specific family foster home regulation for the relative of a child without an alternative provision to meet the regulation that is granted by the secretary to an applicant or a licensee.

(aa) "Renewal date" means 12 months after a license has been issued.

(bb) "Secretary" means secretary of the Kansas department for children and families.

(cc) "Smoking" means use of an electronic or lighted cigarette, vaporizer, cigar, pipe, or burning tobacco in any device.

(dd) "Social media" means websites and applications that allow users to create and share social networking content.

(ee) "Sponsoring child-placement agency" means the public or private child-placement agency responsible for sponsoring the family foster home, including providing assessment, training, support, inspection, and monitoring for the licensee's compliance with the regulations governing family foster homes.

(ff) "Substitute caregiver" means an individual 14 years of age or older who provides care and supervision in the family foster home, in the absence of the licensee, for a child in foster care.

(gg) "Water hazard" means a body of water at least 24 inches deep that is not a swimming pool, wading pool, or hot tub. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-504 and 65-508; effective June 7, 2024.)

30-47-801. License required. (a) An individual shall obtain a license to operate a family foster home if providing 24-hour care to one or more children under 16 years of age who are unrelated to the individual, in the absence of the child's parent or guardian.

(b) No individual shall be required to obtain a license to operate a family foster home if the conditions listed in K.S.A. 38-2403 and amendments thereto are met. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 38-2403, 65-504 and 65-508; effective June 7, 2024.)

30-47-802. License requirements. Each individual shall meet the following requirements to obtain a license and to maintain a license:

(a) Submit a complete application for a license on forms provided by the department, including requests for the background checks specified in K.A.R. 30-47-805;

(b) be at least 21 years of age;

(c) have functional literacy and be able to communicate with the department, child-placing agent, sponsoring child-placement agency, child in foster care, health care providers, and other service providers;

(d) have adequate financial resources to provide for the needs and financial obligations of the household, independent of foster care reimbursement payments; provide basic income and expense information to the secretary for review at the time of initial application and annual license renewal; and provide documentation of financial information for review as deemed necessary;

(e) participate in an initial family assessment, a family assessment for each renewal, and any additional family assessments conducted by the sponsoring child-placement agency. Each family assessment shall include at least one individual interview with each household member and at least one visit in the prospective family foster home. The sponsoring child-placement agency shall have discretion for either an interview with or the observation of family members. The interview shall be age- and developmentally appropriate.

(f) meet the training requirements in K.A.R. 30-47-806;

(g) obtain and maintain ongoing sponsorship by a public or private child-placement agency, including a recommendation by the sponsoring child-placement agency that the home be used for placement of children in foster care; and

(h) follow the policies of the sponsoring child-placement agency for the care of each child in foster care. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-504 and 65-508; effective June 7, 2024.)

30-47-803. Licensing procedure. The granting of a license to any applicant may be refused by the secretary if the applicant is not in compliance with the requirements of the following:

(a) K.S.A. 65-501 through 65-516, and amendments thereto;

(b) K.S.A. 65-523 through 65-529, and amendments thereto;

(c) K.S.A. 65-531, and amendments thereto; and

(d) K.A.R. 30-47-800 through K.A.R. 30-47-825 governing family foster homes. (Authorized by K.S.A. 65-508,

75-3084, and 75-3085; implementing K.S.A. 65-504 and 65-508; effective June 7, 2024.)

30-47-804. Terms of license; validity of temporary permit or license; renewal license; amendments; exceptions; withdrawal of application or request to close. (a) Terms of license.

(1) A temporary permit or a license may be granted to an applicant for a maximum of four children in foster care, with a maximum total of six children in the home, including the applicant's or licensee's own children under 16 years of age. There shall be no more than two children in the home under 18 months of age.

(2) Each child in foster care shall be at least five years younger than the youngest applicant or licensee.

(3) The maximum number of children and the age range authorized by the temporary permit or license shall not be exceeded and shall be limited by the following:

(A) The number of sleeping rooms that meet the requirements of these regulations;

(B) the assessment and recommendation of the sponsoring child placement agency; and

(C) the ability of the applicant or licensee to maintain compliance with the statutes and regulations governing family foster homes.

(4) A license to maintain a family foster home shall not be granted or held in conjunction with any license or certificate authorizing another form of child care in a family foster home.

(5) An applicant or a licensee shall not provide care in the family foster home to any adult unrelated to the applicant or licensee.

(b) Validity of temporary permit or license.

(1) Each temporary permit or license shall be valid only for the individual or individuals and the address specified on the temporary permit or license.

(2) Each temporary permit or license shall be posted in plain view in the family foster home.

(3) When an initial or amended license becomes effective, all temporary permits or licenses previously granted to the applicant or licensee at the same address shall become void.

(c) Renewal of license. Before each renewal date, the licensee shall complete and submit an application for renewal on forms provided by the department, including requests for the background checks specified in K.A.R. 30-47-805.

(d) Amendments. Each licensee who intends to change the terms of the license, including the maximum number or the age of children served, shall submit a request for an amendment on a form supplied by the department.

(e) Exceptions.

(1) Any applicant, permittee, or licensee may request an exception to a specific regulation. Each request shall be submitted to the secretary on a form provided by the department. An exception may be granted if the secretary determines that the exception is in the best interest of a child in foster care and the exception does not violate statutory requirements. Written notice from the secretary stating the nature of the exception and its duration shall be kept on file in the family foster home and shall be readily accessible to the department, the child-placing

agent, the sponsoring child-placement agency, and the Kansas department of corrections.

(f) Relative waiver.

(1) Any relative applicant, relative permittee, or relative licensee may request a relative waiver to a specific non-safety regulation. Each request shall be submitted to the secretary on a form provided by the department. A relative waiver may be granted if the secretary determines that the waiver is in the best interest of a child in foster care and the waiver does not violate statutory requirements.

(2) Written notice from the secretary stating the nature of the waiver and its duration shall be kept on file in the relative family foster home and shall be readily accessible to the department, the child-placing agent, the sponsoring child-placement agency, and the Kansas department of corrections.

(g) Withdrawal of application or request to close. Any applicant may withdraw the application for a license. Any licensee may submit, at any time, a request to close the family foster home operated by the licensee. If an application is withdrawn or a family foster home is closed, the current temporary permit or license granted to the applicant or licensee for that family foster home shall become void. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-504 and 65-508; effective June 7, 2024.)

30-47-805. Background checks. (a) With each initial application, the applicant shall submit documentation for each individual at least 18 years of age or older to request a fingerprint-based background check from the national crime information center (NCIC) database and for each individual at least 10 years of age to request a background check by the Kansas bureau of investigation and a background check by the Kansas department for children and families in order to comply with K.S.A. 65-516, and amendments thereto. Each request shall be submitted to the department on a form provided by the department. The request shall list the required information for the following:

(1) Each individual at least 10 years of age who resides in the family foster home, excluding children placed in foster care; and

(2) each substitute caregiver at least 14 years of age who provides care for a child in foster care in the family foster home.

(b) Each licensee shall submit documentation for each individual at least 18 years of age or older to request a fingerprint-based background check from the national crime information center (NCIC) database, a request to the department to conduct a background check by the Kansas bureau of investigation (KBI) and for each individual 10 years of age and older to request a background check by the Kansas bureau of investigation and of the abuse and neglect registry maintained by the Kansas department for children and families before any of the following occurs:

(1) A new individual at least 10 years of age begins residing in the family foster home.

(2) A new substitute caregiver at least 14 years of age begins caring for the child in foster care in the family foster home.

(continued)

(c) Each individual submitting an initial application for a family foster home license shall obtain a child abuse and neglect registry background check from each previous state of residence throughout the five-year period before the date of application for each individual at least 18 years of age residing in the home.

(d) Background checks shall be obtained following the procedures of the department.

(e) All fees associated with NCIC checks shall be handled in accordance with department policy. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 2022 Supp. 65-516; effective June 7, 2024.)

30-47-806. Training. (a) Prelicensure training. Before a license is issued, each applicant shall successfully complete the following:

(1) An instructor-led family foster home preparatory program approved by the department;

(2) an instructor-led first aid training course that includes a post-test;

(3) an instructor-led cardiopulmonary resuscitation (CPR) course that includes a postskills test, applicable for the ages of children to be placed. The licensee shall maintain current CPR certification. The licensee of each family foster home licensed before October 1, 2019 shall complete a CPR course that meets the requirements of this paragraph as part of the annual training;

(4) training in universal precautions; and

(5) training in medication administration.

(b) In-service training. Each licensee shall obtain eight clock-hours of training each licensing year. At least two of the required eight clock-hours shall include instruction between an instructor and participant. The training topics shall provide the opportunity to develop competency in two or more of the following areas:

(1) Advocacy;

(2) attachment issues and disorders;

(3) child development;

(4) crisis management, including intervention techniques for problem or conflict resolution, diffusion of anger, and de-escalation methods;

(5) communicating and connections with birth families;

(6) discipline and behavior management techniques;

(7) human sexuality, including gender identification;

(8) human trafficking and exploitation;

(9) indicators of gang involvement;

(10) indicators of self-harming behaviors or suicidal tendencies and knowledge of appropriate intervention methods;

(11) medical and mental health disorders, treatment modalities, and pharmacology;

(12) principles of trauma-informed care and trauma-specific interventions;

(13) reasonable and prudent parent standard;

(14) regulations governing family foster homes;

(15) report writing and documentation methods; and

(16) resources and services available to youth transitioning to independent living.

(c) Additional training requirements.

(1) Each licensee shall participate in any additional or alternative training required by the sponsoring child-placement agency.

(2) Each licensee using physical restraint shall have a current certificate documenting completion of physical restraint and de-escalation training approved by the secretary.

(d) Failure to meet training requirements.

(1) Each licensee who fails to meet training requirements for any licensing year shall complete a corrective action plan developed with the sponsoring child-placement agency to comply with prior licensing year requirements. The training hours obtained under the corrective action plan shall apply only to the prior licensing year. Failure to successfully complete the corrective action plan within 30 days after the initiation of the corrective action plan may result in an enforcement action.

(2) Each corrective action plan shall include the licensee's plan for maintaining compliance with this regulation.

(3) A licensee shall not accept any new child for placement until the sponsoring child-placement agency documents that the licensee has successfully completed the corrective action plan and the training obtained by the licensee meets the requirements of subsection (b). (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-807. Reporting requirements for infectious or contagious disease; positive tuberculin test; critical incidents; abuse and neglect. (a) Reporting infectious or contagious disease. Each licensee shall be responsible for reporting if any resident of the family foster home, including a child in foster care, contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2, as follows:

(1) Each licensee shall report the disease to the local county health department by the next working day. Each licensee shall follow the protocol recommended by the county health department and shall cooperate with any investigation, disease control, or surveillance procedures initiated by the county health department or the Kansas department of health and environment.

(2) Each licensee shall notify the sponsoring child-placement agency of the incident for each child in foster care.

(b) Hospitalization or emergency room care. If a child in foster care requires hospitalization or emergency room care, the licensee shall immediately notify the child-placing agent and the sponsoring child-placement agency.

(c) Positive tuberculin test. If any individual residing, working, or volunteering in the family foster home who is required to have tuberculin testing has a positive tuberculin test, the licensee shall report the results to the department's tuberculosis (TB) control program by the next working day.

(d) Reporting critical incidents.

(1) Each licensee shall report any of the following critical incidents immediately to the department, the child-placing agent, and the sponsoring child-placement agency:

(A) Any damage to the dwelling or property that affects the structure of the dwelling or the safety of the child in foster care;

(B) the injury of a child in foster care that requires medical treatment by a licensed medical provider; or

(C) the death of a child or any other resident of the family foster home.

(2) Each licensee shall report any of the following critical incidents immediately to the child's child-placing agent and the sponsoring child-placement agency:

(A) A vehicle accident involving any child in foster care;

(B) a missing or runaway child in foster care;

(C) the arrest of a child in foster care;

(D) any incident involving the presence of law enforcement; or

(E) all complaint investigations by the department.

(3) Each licensee shall submit a written report for each critical incident specified in paragraphs (d)(1) and (2) to the child-placing agent and the sponsoring child-placement agency by the next working day. This report shall contain the following information:

(A) The child's name and birth date;

(B) the date and time of the incident;

(C) a factual summary of the incident, including the name of each individual involved;

(D) a factual summary of the immediate action taken, including the name of each individual involved;

(E) the signature of the licensee; and

(F) the date of the report.

(4) A copy of each critical incident report shall be available upon request of the department.

(e) Reporting abuse and neglect.

(1) For the purposes of this subsection, "neglect," "physical, mental or emotional abuse," and "sexual abuse" shall have the meanings specified in K.S.A. 38-2202, and amendments thereto.

(2) Each licensee shall report any suspected neglect, physical, mental or emotional abuse, and sexual abuse of a child in foster care within 24 hours of discovery, by telephone or in writing, to the secretary of the Kansas department for children and families and, when immediate harm is suspected, to the local law enforcement agency.

(3) Each licensee shall notify the sponsoring child-placement agency of suspected neglect, physical, mental or emotional abuse, and sexual abuse of a child in foster care within 24 hours of discovery, by telephone or in writing. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-808. Recordkeeping requirements; confidentiality. Each licensee shall ensure that all records pertaining to the licensure and operation of the family foster home, including the records specified within this regulation, are kept at the family foster home and are accessible to the department and the sponsoring child-placement agency.

(a) Family foster home records. Each licensee shall keep the following documents in the family foster home:

(1) An approved outdoor safety plan, if applicable;

(2) a copy of the regulations governing family foster homes; and

(3) documentation of accident and liability insurance for each vehicle used to transport children in foster care.

(b) Licensee records. Each licensee shall keep the following documents in a file:

(1) Documentation of the training specified in K.A.R. 30-47-806;

(2) a health assessment, vaccination records, and documentation of a negative tuberculosis test or chest X-ray as required in K.A.R. 30-47-819; and

(3) a copy of a valid driver's license, if applicable. A copy of the license shall also be provided to the sponsoring child-placement agency.

(c) Foster family members' records. The licensee shall maintain the following information for each foster family member, excluding children placed in foster care:

(1) A health assessment that meets the requirements specified in K.A.R. 30-47-819 and documentation of any negative tuberculosis test or chest X-ray;

(2) a current immunization record; and

(3) a copy of a valid driver's license, if transporting any child in foster care. A copy of the license shall also be provided to the sponsoring child-placement agency.

(d) Confidentiality of records of each child in foster care. Each licensee shall keep each child's recorded information confidential. The records shall be kept on file at the family foster home in a manner that ensures confidentiality. Nothing in this regulation shall prevent access to the child's records by the child's child-placing agent, the sponsoring child-placement agency, the department, law enforcement, or the court. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-507 and 65-508; effective June 7, 2024.)

30-47-809. Basic record information; other required record information; departure requirements. (a) Basic record information. Any licensee may accept a child in foster care for placement if the following information is received before or at the time of placement:

(1) The approval of the sponsoring child-placement agency;

(2) signed medical and surgical consent forms or, in the case of an after-hours emergency placement, a provision for obtaining medical and surgical consent forms;

(3) a completed placement agreement or a completed emergency placement form;

(4) a description of the circumstances leading to the current placement and, if known, the reason that the child in foster care came into custody;

(5) a description of the child's recent circumstances, including any medical problems, mental health concerns, and safety concerns, including any assaultive behavior and victimization concerns;

(6) information about the child's medication and dietary needs and the name of each of the child's current health care providers, if known;

(7) any allergies from which the child suffers, if known;

(8) the name, address, and telephone number of the contact individual for the last educational program the child attended;

(9) a copy of the court order or other document placing the child in foster care;

(10) a designation of the race or cultural heritage of the child, including tribal affiliation, if any;

(11) the name, address, and telephone number of the child's parents or legal guardian;

(12) the spiritual or religious affiliation of the child and the child's family;

(13) the child's placement history summary, including

(continued)

the name, address, and telephone number of any advocates;

(14) a description of positive attributes and characteristics of the child and, if available, any related information from the child, the child's family including siblings, and any concerned individuals in the child's life;

(15) the name, address, telephone number, and, if applicable, the electronic-mail address of the child-placing agent who is responsible for supervising the child's placement;

(16) a copy of the current case, permanency plan, or person-centered support plan; and

(17) if applicable, documentation of each use of physical restraint on a physical restraint report form as specified in K.A.R. 30-47-815.

(b) Documentation of placement information requested. If required documentation is not available at the time of placement, the child-placement agency shall document that the family has requested the missing documents.

(c) Departure requirements. When any child in foster care moves from the family foster home, the licensee shall send the following with the child:

(1) All possessions brought with the child in foster care to the family foster home that are usable or that have special significance to the child;

(2) all savings from gifts, allowances, and earnings;

(3) all usable clothing, school supplies, recreational equipment, gifts, and any other items purchased specifically for and given to the child during placement in the family foster home, including items provided by the foster parents; and

(4) the child's documents, which could include birth family history, placement history, pictures, school information, and a record of personal achievements. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-810. Case plan. (a) Each licensee shall be an active participant on the case planning team with each child's child-placing agent, the sponsoring child-placement agency, and other appropriate parties to develop and implement the child's case plan or permanency plan.

(b) The licensee's participation shall include the following:

(1) Identifying and sharing information, as appropriate, with individuals who are directly involved in the child's case plan, including any treatment outcomes that the child achieves while in the family foster home and the attainment of age- or developmentally-appropriate life skills that the child needs to become functional in the community;

(2) reporting the child's behaviors and any other important information to the child's child-placing agent, the sponsoring child-placement agency, and others as indicated in the child's case plan;

(3) recommending changes in the child's case plan or person-centered plan to the child's child-placing agent, if needed, including any approval needed for special activities or privileges, participating in the case-planning conferences for the child, and ensuring that any modifications to the person-centered plan are implemented in compliance with freedom of choice in service and supports; and

(4) giving the child-placing agent any additional significant information about the child in foster care as it becomes known.

(c) A licensee shall not disclose medical or social information relating to any child in foster care without authorization from the child's child-placing agent, unless the disclosure is directly related to obtaining necessary services for the child or is necessary to ensure safe involvement in age- or developmentally appropriate activities.

(d) In order to meet the needs of each child placed in the home, each licensee shall implement the provisions assigned to the licensee in the case plan.

(e) Each licensee shall facilitate the child's timely enrollment and school attendance in a public school district, a private school, or any other place of instruction in accordance with the child's individual education plan and the child's case plan or person-centered plan.

(f) Each licensee shall seek consultation with and direction from the child's child-placing agent or the sponsoring child-placement agency if issues that cannot be resolved between the licensee and the child in foster care arise. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-811. Caregiver qualifications; supervision.

(a) Caregiver qualifications. Each caregiver shall be qualified by the capacity for setting age- or developmentally-appropriate expectations for behavior, tasks and social activities necessary to maintain the health, comfort, safety, and welfare of children in foster care pursuant to K.S.A. 65-504 and 65-508, and amendments thereto.

(b) General supervision. Each licensee shall ensure that each child in foster care is supervised in accordance with the child's age, maturity, risk factors, and developmental level. Additional supervision shall be provided for any child in foster care of any age under any of the following conditions:

(1) The child has mental health issues that place the child at higher concern for risk-taking behaviors that could result in unintentional injury or death.

(2) The child is or would be a danger to self or others.

(3) The child functions below the child's chronological age level.

(4) The child is unable to provide for the child's basic physical needs due to physical, mental, emotional, medical, or developmental conditions.

(c) Substitute care and supervision. Each licensee shall ensure that substitute care and supervision are provided in the following situations:

(1) When a child in foster care is placed in substitute care during the absence of the foster parents, prior approval of the substitute care shall be given by the sponsoring child-placement agency. Prior approval shall not be required for short periods of substitute care, including a portion of one day.

(2) If the licensee is absent for more than 10 hours or for any period between the hours of midnight and six a.m., the substitute caregiver shall be at least 21 years of age and at least three years older than the oldest child in foster care.

(d) Self-care. Any child in foster care at least 12 years of age may be permitted to stay at home without adult supervision in accordance with a written self-care plan

between the hours of six a.m. and midnight if all of the following requirements are met:

(1) The potential for self-care shall be identified and written approval shall be included in the child's case plan.

(2) Each licensee shall use reasonable and prudent parent standards when establishing a written self-care plan for the care and supervision of each child in foster care in the family foster home in the licensee's absence. The written self-care plan shall take into consideration the number of children in the home, the behavior, emotional stability, and maturity level of the children in the family foster home, and any neighborhood safety issues. The self-care plan shall include the frequency and duration of self-care authorized for each child. The self-care plan shall be approved by the sponsoring child-placement agency and the child's child-placing agent.

(3) Each child in self-care shall have immediate access to an operable communication device that ensures the ability to contact 911 and emergency contacts. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-813. Reasonable and prudent parent standard. (a) Social development. Each licensee shall provide for the growth and development of each child in foster care by providing the following:

(1) Each child in foster care shall be treated with dignity and respect and shall have the same age-appropriate rights and services as those of other individuals in the home.

(2) Each licensee shall ensure that each child in foster care is allowed age- or developmentally appropriate control of personal resources, participation in employment, community activities and services.

(3) Each child shall be provided age-appropriate privacy.

(b) Culture and religion. Each licensee shall meet the cultural and religious needs of each child in foster care placed in the family foster home.

(c) Recreational development. Each licensee shall provide an adequate supply of play equipment, materials, and books that meet the following requirements:

(1) Are suitable to the developmental needs and interests of each child in foster care; and

(2) are safe, clean, and in good repair.

(d) Basic life skills. Each licensee shall provide assistance to each child in learning basic life skills that allow the opportunity to improve self-concept and strengthen identity in preparation for life after foster care.

(e) Family activities. Taking into consideration the age, needs, and case plan of each child in foster care, each licensee shall include each child in foster care in the daily life of the foster family, including eating meals with the foster family and participating in recreational activities.

(f) Daily routine. Each licensee shall provide a daily routine that includes the following, in accordance with the age and needs of each child in foster care:

(1) Active and quiet play, both indoors and, weather permitting, outdoors;

(2) rest and sleep; and

(3) nutritious meals and snacks.

(g) Essential and special items.

(1) Each licensee shall ensure that each child in foster care is provided with essential items to meet the child's needs, including the following:

(A) Shelter;

(B) nonprescription medical needs;

(C) clothing and shoes;

(D) toiletries and personal hygiene products; and

(E) birthday and holiday gifts.

(2) Each licensee shall notify the sponsoring child-placement agency and the child's child-placing agent whenever a licensee identifies a need for additional resources to provide a special item for a child in foster care.

(h) Allowance. Each licensee shall provide an allowance to each child in foster care equal to that of any other children of similar age in the family foster home who receive an allowance.

(i) Work opportunity. Each child in foster care shall have the opportunity to earn spending money at tasks or jobs according to the child's age, ability, and case plan. The money shall be the child's money, and the child shall not be forced to provide for needs that otherwise would be provided by the licensee.

(j) High-risk sport or recreational activity. Any licensee may permit a child in foster care to engage in any high-risk sport or recreational activities if all of the following conditions are met:

(1) Written permission for the specific activity is obtained from the parent, legal guardian, or legal custodian of the child in foster care and from the child's child-placing agent.

(2) The licensee assesses the individual child-specific risk factors before giving permission. These factors shall include the age and maturity level of the child, behavior disorders, suicidal tendencies, developmental delays, thrill-seeking behavior, and difficulty with anger control.

(3) Protective safety gear is used, if required for the sport or activity and in compliance with any manufacturer's specifications and general safety guidelines.

(4) Direct supervision by an individual is provided to ensure safe participation. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-815. Behavior management practices; prohibited punishment; physical restraint; notification requirements. (a) Behavior management practices.

(1) Each licensee shall ensure that positive methods are used for behavior management that are appropriate to the age- or developmental level of the child in foster care and encourage cooperation, self-direction, and independence.

(2) Each licensee shall use methods of behavior management that are designed to help each child in foster care develop inner controls and manage the child's own behavior in a socially acceptable manner.

(3) If time-out is used to manage behavior, the child in foster care shall remain in time-out in accordance with the child's age- or developmental level and only long enough to regain self-control.

(4) For each child in foster care who is not able to develop self-control or self-management, behavior management techniques shall be approved, in writing, by the case planning team.

(continued)

(b) Prohibited punishment.

(1) No individual shall use any of the following means or methods of punishment of a child in foster care:

(A) Punishment that is humiliating, frightening, or physically harmful to the child;

(B) corporal punishment, including hitting with the hand or any object, yanking arms or pulling hair, excessive exercise, exposure to extreme temperatures, or any other measure that produces physical pain or threatens the child's health or safety;

(C) restricting movement by tying or binding;

(D) confining a child in a closet, box, or locked area;

(E) forcing or withholding food, rest, or toilet use;

(F) refusing a child access to the family foster home;

(G) mental and emotional cruelty, including verbal abuse, derogatory remarks about a child in foster care or the child's family, statements intended to shame, threaten, humiliate, or frighten the child, or threats to expel a child from the family foster home; and

(H) placing soap, or any other substance that stings, burns, or has a bitter taste in the child's mouth, or on the tongue, or any other part of the child's body.

(2) Each licensee shall be prohibited from giving medications, herbal or folk remedies, and drugs to control or manage behavior, except as prescribed by the licensed physician or licensed nurse practitioner of the child in foster care.

(3) No child in foster care shall be forced to participate in publicity or promotional activities.

(4) Each licensee shall be prohibited from publicly identifying any child in foster care to the embarrassment of the child.

(5) No child in foster care shall be forced to acknowledge dependency on the family foster home or to express gratitude to the licensee.

(6) Each licensee shall be prohibited from using physical restraint to manage behavior unless all of the requirements of subsection (c) are met.

(c) Physical restraint.

(1) Each licensee shall ensure that before using physical restraint, other de-escalation methods are used. If other de-escalation methods fail and the behavior of the child in foster care is a danger to self or others or directly affects an individual's health, safety, and welfare, a physical restraint may be used in accordance with the approved restraint program.

(2) No bonds, ties, or straps shall be used to restrict movement. The child in foster care shall be held only until one of the following conditions is met:

(A) The child regains behavioral control.

(B) The child is no longer a threat to self or others.

(C) The restraint has lasted 20 minutes with no improvement in the child's behavior.

(3) Each licensee using physical restraint in any situation other than an emergency shall have a current certificate on file documenting the training in de-escalation methods and physical restraint procedures and techniques specified in K.A.R. 30-47-806.

(4) The licensee shall have on file a case plan, permanency plan, or person-centered plan authorizing the use of physical restraint for each child in foster care whose behavior cannot be managed by other less intrusive

methods and whose behavior requires the use of ongoing physical restraint on a recurring basis for the child's protection or the protection of others.

(d) Notification requirements. Each caregiver shall inform the child's child-placing agent and the sponsoring child-placement agency each time physical restraint is used.

(1) The licensee shall document each use of physical restraint on a form that contains the following:

(A) The child's name and birth date;

(B) the date and the start and end times of the physical restraint;

(C) a description of the other de-escalation methods attempted before the use of physical restraint;

(D) a description of the child's behaviors and condition and the incidents that led to the use of physical restraint;

(E) a description of the child's behavior during and following the physical restraint;

(F) a description of any follow-up actions taken;

(G) the name of the individual who used physical restraint on the child; and

(H) the name of the licensee completing the report and the date completed.

(2) Each licensee shall file the report with the child's child-placing agent and the sponsoring child-placement agency no later than the next working day following the use of physical restraint. The use of physical restraint as an emergency intervention shall be reported to the sponsoring child-placement agency at the conclusion of the intervention when the child is no longer a danger to self or others. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-816. Transportation. Each licensee shall ensure that all of the following requirements are met:

(a) If a vehicle used for transportation of a child in foster care is owned or leased by a foster family member or is driven by a child in foster care, the following requirements shall be met:

(1) Trailers pulled by another vehicle, camper shells, and truck beds shall not be used for the transportation of children in foster care.

(2) The transporting vehicle shall be maintained in a safe operating condition.

(3) The transporting vehicle shall be covered by accident and liability insurance as required by the state of Kansas.

(b) The driver of any vehicle used to transport a child in foster care shall have a valid driver's license and meet the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto. Each licensee shall apply the reasonable and prudent parent standards when determining who may transport a child in foster care.

(c) The use of seat belts and child safety seats shall include the following:

(1) Each individual shall be secured by the use of a seat belt or a child safety seat when the vehicle is in motion.

(2) No more than one individual shall be secured in any seat belt or child safety seat.

(3) Each seat belt shall be properly anchored to the vehicle.

(4) When a child safety seat, including a booster seat, is required, the seat shall meet the following requirements:

- (A) Have current federal approval;
- (B) be installed according to the manufacturer's instructions and vehicle owner's manual;
- (C) be appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions and meet the requirements of K.S.A. 8-1344 and amendments thereto;
- (D) be maintained in a safe operating condition at all times;
- (E) have a label with the date of manufacture and the model number, for use in case of a product recall; and
- (F) have no missing parts or cracks in the frame and have not been in a crash.

(d) The health and safety of the children riding in the vehicle shall be protected as follows:

(1) Order shall be maintained at all times. The driver shall be responsible for ensuring that the vehicle is not in motion if the behavior of the occupants prevents safe operation of the vehicle.

(2) Children less than 10 years of age shall not be left in a vehicle unattended by an adult. When the vehicle is vacated, the driver shall make certain that no child is left in the vehicle.

(3) Smoking in the vehicle shall be prohibited when a child in foster care is in placement in a family foster home, whether or not the child in foster care is physically present in the vehicle.

(e) Before a child in foster care is allowed to drive, all of the following requirements shall be met:

(1) The licensee, child-placing agent, or sponsoring child-placement agency shall obtain permission from the parent or legal guardian.

(2) The privilege of driving shall be included in the child's case plan.

(3) The child shall possess a valid driver's license and shall meet the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

(f) Any child in foster care who is a parent and who meets the requirements of subsections (a) through (e) may transport any child of that parent. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-817. Nutrition; food handling and storage.

(a) Each licensee shall ensure that for each child in foster care, both of the following requirements are met:

(1) Each child less than 12 months of age shall be held when bottle-fed until the child can hold the child's own bottle.

(2) No child shall be allowed to sleep with a bottle in the child's mouth.

(b) If serving milk products, only pasteurized milk products shall be served.

(c) Food allergies and special dietary needs of each child in foster care shall be accommodated.

(d) Sanitary methods of food handling and storage shall be followed. Each individual engaged in food preparation and food service shall use sanitary methods of food handling, food service, and storage. (Authorized

by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-818. Storage and administration of medication. (a) Storage of medication. Each licensee shall ensure that all prescription and nonprescription medication is stored in the original container at the recommended temperature in accordance with the instructions on the label and, except as specified in paragraph (e)(4), in a locked designated area inaccessible to children.

(b) Nonprescription medication.

(1) When nonprescription medication is administered to any child in foster care, each caregiver shall administer the medication from the original container and according to instructions on the label.

(2) Substances including herbal supplements, folk remedies, natural medicines, essential oils and vitamin supplements other than a daily multivitamin shall be administered to any child in foster care with documented approval by a licensed medical practitioner.

(c) Prescription medication. When prescription medication is administered to a child in foster care, each licensee shall ensure compliance with the following requirements:

(1) Prescription medication shall be administered only to the designated child and in accordance with instructions on the label.

(2) Each prescription medication shall be kept in the original container labeled by a pharmacist with the following information:

(A) The first and last name of the child;

(B) the date the prescription was filled;

(C) the name of the licensed physician who wrote or approved the prescription;

(D) the expiration date of the medication; and

(E) specific, legible instructions for administration and storage of the medication.

(3) The instructions on each label shall be considered the prescription directions from the licensed physician.

(4) If a daily or weekly medication container is used for a child in foster care, all of the following requirements shall be met:

(A) The medication container shall be labeled with the child's name.

(B) The medication container shall be used only for medications that are not affected by exposure to air or light and that can touch other medications without affecting the efficacy of any of the medications.

(C) The medications shall be placed in the medication container by the licensee.

(D) Each dose shall be placed in the medication container according to the correct time of day.

(E) The medication container shall be kept in locked storage.

(F) The remainder of each of the child's medications shall be stored in the respective original container until the prescription is completed or discontinued.

(G) If any child in foster care is required to receive medication during a visit or during any absence from the foster home, all medication sent for the child shall be in containers that meet the requirements of paragraph (c)(2) and shall be given to the individual taking responsibility for the child.

(continued)

(H) When a child in foster care moves from the family foster home, all current medications shall be in the individual original containers and shall be given to the individual taking responsibility for the child.

(I) At no time shall any medication be in the possession of a child in foster care, except as specified in paragraph (e)(4).

(d) Requirements for administering prescription and nonprescription medication.

(1) Before administering medication, each licensee shall receive training in medication administration as specified in K.A.R. 30-47-806. Each licensee shall ensure that each individual administering medication knows the purpose, side effects, and possible contraindications of each medication.

(2)(A) For prescription medications, each caregiver shall record on each child's medication record the following information:

(i) The name of the individual who administered each medication;

(ii) the date and time the medication was given;

(iii) any change in the child's behavior, any response to the medication, and any adverse reaction;

(iv) any change in the administration of the medication from the instructions on the label or a notation about each missed dose; and

(v) any direction from the physician to change the order as written on the label.

(B) Each medication record shall be signed by the caregiver and shall be made a part of the child's medical record.

(e) Self-administration of medication.

(1) Any licensee may permit each child in foster care with a condition requiring prescription medication on a regular basis to self-administer the medication under adult supervision. Each licensee shall obtain written permission for the child to self-administer medication from the licensed physician, licensed physician assistant, or advanced practice registered nurse treating the child's condition.

(2) Written permission for self-administration of medication shall be kept in the child's file at the family foster home.

(3) Self-administration of each medication shall follow the requirements specified in paragraph (c)(2).

(4) Each child in foster care who is authorized to self-administer medication shall have access to the child's medication for self-administration purposes. Each child shall have immediate access to medication prescribed for a condition for which timely treatment is a life-preserving requirement. Each child with asthma, allergies, or any other life-threatening condition shall have immediate access to that child's own medication for emergency purposes. Each licensee shall ensure the safe storage of self-administered medication to prevent unauthorized access by others.

(5) The date and time that each medication was self-administered shall be recorded on the child's medication record. Each noted adverse reaction shall be documented. Each licensee shall review the record for accuracy and shall check the medication remaining in the container against the expected remaining doses. (Authorized by

K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-819. Health care. (a) Infectious or contagious disease. Each individual residing in the family foster home shall be free from any infectious or contagious disease specified in K.A.R. 28-1-6.

(b) Health of licensees and substitute caregivers.

(1) Each licensee or substitute caregiver shall be in a state of physical, mental, and emotional health, as necessary to protect the health, safety, and welfare of the children in foster care.

(2) No licensee or substitute caregiver shall be in a state of impaired ability due to the use of alcohol or other chemicals, including prescription and nonprescription drugs.

(3) Each individual regularly caring for a child in foster care in the family foster home shall have a health assessment conducted by a physician with a current license to practice in Kansas or by a nurse with a current license to practice in Kansas who is approved to perform health assessments. Each health assessment shall be conducted no earlier than one year before the date of the initial application for a license, employment, or volunteering and no later than 30 days after the date of the initial application, employment, or volunteering. The results of each assessment shall be recorded on a form provided by the department.

(4) Each licensee or substitute caregiver providing care for infants shall be current on the pertussis vaccination, and each caregiver caring for infants and children with special medical needs shall have a current annual influenza vaccination consistent with the recommendations of the centers for disease control and prevention. An exemption from this requirement shall be permitted only with one of the following:

(A) A written certification from a physician with a current license to practice in Kansas stating that the physical condition of the individual is such that the immunization would endanger the individual's life or health; or

(B) a written statement from the individual that the individual is an adherent of a religious denomination whose teachings are opposed to immunizations.

(5) If a licensee experiences a significant change in the licensee's physical, mental, or emotional health, including indications of substance abuse, an assessment of the licensee's current health status may be requested by the department or by the sponsoring child-placement agency.

(A) The assessment or evaluation shall be performed at the expense of the licensee and by a practitioner who is licensed or certified in Kansas to diagnose and treat the specific condition that is the basis for the assessment or evaluation.

(B) Each licensee shall ensure that at least one potential practitioner has been approved by the department or the sponsoring child-placement agency in order to have the assessment or evaluation accepted by the department or child-placement agency.

(C) Each licensee shall provide the department or sponsoring child-placing agency with an executed release of medical information to enable the department or the child-placement agency to obtain information directly from the practitioner.

(c) Health of the foster family members.

(1) Each individual living in the family foster home, other than the child in foster care, shall have a health assessment conducted by a physician with a current license to practice in Kansas or by a nurse with a current license to practice in Kansas who is approved to perform health assessments. Each assessment shall be conducted within one year before the date of application or the date of the individual residing in the home and no later than 30 days after the date of the licensee's initial application or the date of the individual becoming a resident of the home. The results of the health assessment shall be recorded on forms provided by the department.

(2) Each child born to or adopted by the licensee living in the family foster home shall have current immunizations. An exemption from this requirement shall be permitted only with one of the following:

(A) A written certification from a physician with a current license to practice in Kansas stating that the physical condition of the child is such that the immunization would endanger the child's life or health; or

(B) A written statement from the child's parent or legal guardian that the child is an adherent of a religious denomination whose teachings are opposed to immunizations.

(d) Medical and dental health of each child in foster care.

(1) Each licensee shall ensure that emergency and ongoing medical and dental care is obtained for each child in foster care by providing timely access to basic, emergency, and specialized medical, mental health, and dental care and treatment services provided by qualified practitioners.

(2) Each licensee shall ensure that, at the time of the initial placement, each child in foster care has had a health assessment conducted within the past year by a physician with a current license to practice in Kansas or by a nurse with a current license to practice in Kansas who is approved to conduct assessments.

(3) A health assessment shall be obtained annually for each child in foster care.

(4) Each health assessment required in paragraphs (d) (2) and (3) shall be on file at the family foster home within 30 days after the child's placement in the home.

(5) The immunizations for each child in foster care less than 16 years of age shall be current or in process at the time the license is issued. An exemption from this requirement shall be permitted only with one of the following:

(A) A written certification from a physician with a license to practice in Kansas stating that the physical condition of the child is such that the immunization would endanger the child's life or health; or

(B) A written statement from the child's parent or legal guardian that the child is an adherent of a religious denomination whose teachings are opposed to immunizations.

(6) An annual dental examination shall be obtained for each child in foster care who is 12 months of age or older. Follow-up care shall be provided. The child's dental record shall be recorded on forms provided by the department and shall be kept current.

(7) The medical information record for each child in foster care shall be kept current and shall document each illness, the action taken by the licensee, and the date of the child's medical, psychological, or dental care. When the child leaves the family foster home, the licensee shall ensure that the record, including the health assessments, dental records, medication administration record, immunization record, medical and surgical consent forms, and emergency medical treatment authorization, is given to the child's child-placing agent.

(e) Tuberculin testing.

(1) Each individual 16 years of age and older living, working, or regularly volunteering in the family foster home and each child in foster care 16 years of age and older shall be required to have a record of a negative tuberculin test or X-ray obtained not more than two years before the employment or initial application for a license or shall obtain the required record no later than 30 days after the date of employment, initial application, or becoming a resident of or volunteer in the home.

(2) Additional tuberculin testing shall be required if significant exposure to an active case of tuberculosis occurs or if symptoms compatible with tuberculosis develop. Proper treatment or prophylaxis shall be instituted, and the results of the follow-up shall be recorded on the individual's health record. Each occurrence described within this paragraph shall be reported to the department.

(3) The results of each tuberculin test shall be recorded on, or attached to, the health assessment form and kept on file at the family foster home. Each licensee shall report any positive tuberculin skin test to the department's tuberculosis (TB) control program by the next working day.

(4) A child in foster care less than 16 years of age shall not be required to have tuberculin tests unless the child has been recently exposed to tuberculosis or exhibits symptoms compatible with tuberculosis.

(f) Smoking use limitations.

(1) To prevent exposure of a child in foster care to secondhand smoke, each licensee shall ensure that both of the following conditions are met:

(A) Smoking is prohibited inside the family foster home when a child in foster care is in placement, whether the child is physically present on the premises or not.

(B) Smoking by any member of the foster family or guest of the foster family is prohibited outside the family foster home in the presence of a child in foster care.

(2) Each licensee shall prohibit smoking and the use of any other tobacco product by a child in foster care less than 21 years of age. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-507 and 65-508; effective June 7, 2024.)

30-47-820. General environmental requirements.

Each licensee shall ensure that all of the requirements in this regulation are met.

(a) Local requirements. Each family foster home shall meet the legal requirements of the community as to zoning, fire protection, water supply, sewage disposal, and trash and recycling disposal.

(b) Use of private water supply. If a private water system is used, the system shall meet the requirements in

(continued)

K.A.R. 28-4-50. The water supply shall be safe for human consumption. Testing of the water supply shall be completed at the time of initial licensing and annually thereafter to document the nitrate and bacteria levels. Additional testing may be required if there is a change in environmental conditions that could affect the integrity of the water supply. Commercially bottled drinking water shall be used for children in foster care until a laboratory test confirms that the water is safe for human consumption.

(c) Structural and furnishing requirements. Each family foster home shall be constructed, arranged, and maintained to provide for the health, safety, and welfare of all occupants and shall meet the following requirements:

(1) The home shall contain sufficient furnishings and equipment to accommodate all residents of the home and each child in foster care. The home shall include an operating kitchen with a sink, refrigerator, stove, and oven and at least one operable bathroom with one sink, one flush toilet, and one tub or shower.

(2) Each interior and exterior stairway with three or more stairs and a landing shall have a handrail.

(3) Each interior and exterior stairway and landing shall be guarded on each side if there is a drop-off of more than 30 inches from the stairs or landing to the floor or ground.

(4) If any interior or exterior stairway is guarded by balusters and the family foster home is or is intended to be licensed for children in foster care less than six years of age, the space between balusters shall not exceed four inches.

(5) When a child in foster care less than two years of age is present, each stairway with two or more stairs and a landing shall be gated to prevent unsupervised access by the child. Gates used at the top of stairways shall be securely attached. Accordion gates shall be prohibited throughout the premises.

(6) If the family foster home is or intends to become licensed for children in foster care less than six years of age, each electrical outlet shall be covered or tamper-resistant.

(7) Water temperature shall be maintained to ensure the health and safety of children in foster care.

(8) Each bathroom shall have a door that affords privacy to the occupant and can be opened from each side without the use of a key in case of an emergency.

(9) A working telephone shall be on the premises and available for use at all times.

(10) Emergency telephone numbers shall be posted in plain view for the police, fire department, ambulance, hospital, and poison control center.

(11) A working smoke detector shall be centrally installed on each level of the home and in each room used for sleeping by a child in foster care and by the licensee.

(12) One working carbon monoxide detector shall be installed according to the manufacturer's instructions on each level of the home and adjacent to sleeping areas.

(13) One operable fire extinguisher shall be readily available.

(14) First aid supplies shall be readily accessible.

(d) Cleanliness. The interior of the family foster home shall be free from accumulation of visible dirt, any evi-

dence of vermin infestation, and any objects or materials that could impact the health, safety, or welfare of all occupants of the home.

(e) Lighting and ventilation.

(1) All rooms used for living space shall be lighted, vented, heated, and plumbed pursuant to K.S.A. 65-508 and amendments thereto.

(2) Each window and door used for ventilation shall be screened to minimize the entry of insects.

(f) Firearms and other weapons.

(1) Each licensee shall ensure that all firearms, including air-powered guns, BB guns, pellet guns, and paint ball guns, are stored unloaded in a locked container, closet, or cabinet and are inaccessible to children. If the locked container, closet, or cabinet is constructed in whole or in part of glass or acrylic material, each firearm shall be additionally secured with a hammer lock, barrel lock, or trigger lock.

(2) Ammunition shall be kept in a separate locked storage container or locked compartment designed for that purpose, and inaccessible to children.

(3) All archery equipment, hunting and fishing knives, and other weapons shall be kept in a locked storage compartment and inaccessible to children.

(g) Storage of household chemicals, personal care products, tools, and sharp instruments. The following requirements shall apply when a child in foster care is in the family foster home:

(1) All household cleaning supplies, chemicals, and hazardous materials that have warning labels advising the consumer to keep out of the reach of children shall be kept in locked storage or stored out of reach of children less than six years of age.

(2) Sharp instruments shall be stored to prevent access by children less than six years of age.

(3) Tobacco, tobacco products, nicotine-based fluids, electronic or lighted cigarettes, vaporizers, alcohol, lighters, and matches shall be stored out of reach of children.

(h) Heating appliances.

(1) Each heating appliance using combustible fuel, including a wood-burning stove or a fireplace, shall be vented to the outside.

(2) Each fireplace and each freestanding heating appliance using combustible fuel, including a wood-burning stove, shall stand on a noncombustible material according to the manufacturer's specifications, Kansas state statutes and regulations, and local ordinances.

(3) If a child in foster care less than three years of age is in the family foster home, a protective barrier shall be provided for each fireplace and each freestanding heating appliance as necessary to protect from burns.

(i) Play space. Each family foster home shall have a space for indoor play and access to an outdoor play space.

(j) Mobile home requirements. In addition to the other requirements specified in this regulation, if the family foster home is a mobile home, both of the following requirements shall be met:

(1) The mobile home shall have two exits that are located at least 20 feet apart, with one exit within 35 feet of each bedroom door.

(2) Each mobile home shall be skirted with latticed or solid skirting and securely anchored by cable to the ground.

(k) Special inspections. A special inspection of the family foster home by a fire, health, sanitation, or safety official may be required by the secretary or the sponsoring child-placement agency to assist in making a decision about the safety of the family foster home for a child in foster care. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-821. Sleeping arrangements. (a) Each licensee shall ensure that sufficient space for sleeping is provided to accommodate all residents of the family foster home and each child in foster care. Sleeping space shall not include any of the following places:

- (1) An unfinished attic;
- (2) an unfinished basement;
- (3) a laundry room;
- (4) any living space that is normally used for other than sleeping arrangements; or
- (5) any room that provides routine passage to a common use room, to another bedroom, or to the outdoors.

(b) Each licensee shall ensure that each bedroom used for sleeping by a child in foster care meets the following requirements:

- (1) Each bedroom shall have at least 70 square feet.
- (2) Each bedroom shall have at least 45 square feet for each individual sharing the room.
- (3) The exit path from each bed to each outside exit shall have a minimum ceiling height of six feet eight inches.
- (4) Each bedroom shall have a solid door to ensure privacy.
- (5) Each bedroom shall have at least two means of escape. Each means of escape shall be easily opened from the inside.

(A) At least one means of escape shall be an unobstructed pathway leading to an exit door to the outside.

(B) The second means of escape shall give direct access to the outside and shall be an unobstructed door or window that is able to be opened from the inside without the use of tools.

(C) For each window used as a means of escape, all of the following requirements shall be met:

- (i) The window shall have a width of at least 20 inches and a height of at least 24 inches.
- (ii) The window shall be within 44 inches of the floor or shall have permanent steps or another immovable fixture that brings the window to within 44 inches of the top of the steps or fixture.
- (iii) If the window is screened, the screen shall be easily removed from the inside.
- (iv) The licensee shall ensure that each occupant of the bedroom can easily exit through the window.

(c) Privacy for the occupants of all bedrooms shall be ensured.

(d) Each child in foster care shall have a separate bed or crib that meets the following requirements:

- (1) Is intact, fully functional, and in good repair to prevent injury or entrapment of the child;
- (2) is of sufficient size to accommodate the size and weight of the child;

(3) has a mattress that is clean and has a waterproof covering, if needed; and

(4) has bedding adequate to the season and appropriate to the age of the child.

(e) If a bunk bed is used by any child in foster care, the following requirements shall be met:

(1) The upper bunk shall be protected on all sides with rails. Headboards and footboards may substitute for rails on the ends of the bed.

(2) Each child in foster care using the upper bunk shall be at least six years of age.

(f) Each child in foster care less than 12 months of age shall sleep in a crib. For the purposes of a nap, the child may sleep in a playpen. Each crib and each playpen shall meet the following requirements:

(1) If a crib or playpen is slatted, the slats shall be spaced no more than 2 3/8 inches apart.

(2) Each crib shall have a firm mattress fitted in accordance with manufacturer's recommendations.

(3) The crib corner post extensions shall not exceed 1 1/16 inch.

(4) No pillow, quilt, comforter, blanket, bumpers, or other soft product that could cause suffocation shall be used in the crib or the playpen when a child who is less than 12 months of age is sleeping in the crib or playpen.

(g) Any child in foster care who is less than 12 months of age shall be put to sleep on the child's back unless ordered otherwise by the child's physician.

(h) Any child in foster care 12 months and older may sleep in a crib until that child is 18 months of age.

(i) Any child in foster care 18 months but not yet 30 months of age may sleep in a crib as recommended by the child's medical provider.

(j) At night, each caregiver shall sleep within hearing distance or use a nonrecording monitoring device for each child in foster care under the age of six years and each child in foster care that has special developmental or medical needs requiring close supervision as documented by the child's medical or mental health provider.

(k) When any child in foster care shares a room, the following requirements shall be met:

(1) Each child in foster care six years of age and older shall share the room only with children of the same sex.

(2) Each licensee shall use reasonable and prudent parent standards when determining room sharing arrangements. The licensee shall take into consideration each child's age, maturity level, behavior disorders, developmental delays, anger management, and thrill-seeking behaviors.

(3) A child who is known to have committed an unlawful sexual act or who is a sexual abuse victim shall not share a room until both of the following conditions are met:

(A) The potential roommate arrangements are assessed by the child-placing agent, the home's sponsoring child-placement agency, and the licensee.

(B) Based on the assessment, a determination is made by the child-placement agency that it is unlikely that further sexual abuse will result from the child sharing a room.

(l) A child in foster care who is a parent may share a

(continued)

room with the parent's own child or children. The room shall meet the requirements in paragraph (b)(2).

(m) Any child in foster care may sleep in the bedroom of the licensee under any of the following circumstances:

- (1) The child in foster care is less than 18 months of age.
- (2) The child in foster care is ill.
- (3) The child in foster care has special developmental or medical needs requiring close supervision as documented by a physician.

(n) If a child in foster care sleeps in the licensee's bedroom, the bedroom shall have at least 130 square feet.

(o) Each licensee shall ensure that separate and accessible drawer space for personal belongings and closet space for clothing are available for each child in foster care. (Authorized by K.S.A. 65-508, 75-3084 and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-822. Safety procedures; emergency plan; drills. (a) Each licensee shall make the following preparations for emergencies:

- (1) Each licensee shall ensure that the family foster home's address is visible from the street.
- (2) Each licensee shall develop an emergency plan for the family foster home to provide for the safety of all residents of the family foster home in emergencies.
- (3) Each emergency plan shall be posted in plain view in the family foster home.

(b) When an emergency occurs, if a caregiver accompanies a child in foster care to care or safety, that caregiver shall remain with the child. Each licensee shall ensure that an arrangement is made and followed to ensure the supervision of the other children in the family foster home if a child in foster care requires emergency care.

(c) Each licensee shall ensure that a fire drill and tornado drill are conducted monthly and that the drills are scheduled to allow participation by each resident of the family foster home. The date, time, number of people participating in the drill and the evacuation time of each drill shall be recorded and kept on file in the family foster home. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-823. Outside premises. Each licensee shall ensure that all of the following requirements are met:

(a) General safety. The outside premises of the home shall be free from any objects, materials, and conditions that constitute a danger to the health or safety of each child in foster care.

(b) Outdoor play area.

(1) The play area shall be located, arranged, and maintained to allow for supervision by the caregiver and to reduce the risk of injury.

(2) The play area shall be well-drained and free of known health, safety, and environmental hazards.

(3) Play equipment shall be located in an area free from hazards, be age-appropriate, and be in good repair. Equipment that is broken, hazardous, or unsafe shall not be used. Swings and climbing equipment shall be anchored.

(c) Protection from safety hazards. Each licensee shall ensure that each child in foster care is protected from all of the following safety hazards if adjacent to or within 50 yards of the house:

- (1) A busy street;
- (2) railroad tracks; and
- (3) a water hazard, including a ditch, a pond, a lake, and any standing water. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-824. Swimming pools, wading pools, and hot tubs; off-premises swimming and wading activities. (a) General safety on the premises of the family foster home.

(1) If any swimming pool, wading pool with less than 24 inches of water, or hot tub is on the premises, the pool or hot tub shall be constructed, maintained, and used in such a manner that safeguards the lives and health of the children in foster care.

(2) If children in foster care have access to a swimming pool, wading pool, or hot tub, at least one caregiver shall be physically present and shall directly supervise the children. A minimum ratio of one adult to six children shall be maintained.

(3) Each licensee shall post legible safety rules for the use of a swimming pool or hot tub in plain view. If the pool or hot tub is available for use, the licensee shall read and review the safety rules weekly with each child in foster care.

(b) Swimming pools on the premises.

(1) Each aboveground swimming pool shall be at least four feet high or shall be enclosed by a barrier on all four sides that is at least four feet high with self-locking gate that is kept closed. Steps shall be removed and stored away from the pool when the pool is not in use.

(2) Each aboveground pool with a deck or berm that provides a ground-level entry on any side shall be treated as an in-ground pool and shall meet the following:

(A) Swimming pools shall have a barrier on all sides at least four feet high.

(B) Swimming pools shall have their methods of access through the barrier equipped with a safety device, including a bolt lock.

(3) The pool shall be cleaned. The chlorine level and pH shall be tested before each use. The results of these tests shall be recorded and available. Each pool that is unable to be emptied after each use shall be equipped with a working pump and filtering system.

(4) An individual with current certification in CPR who can swim shall be in attendance while any child in foster care is using a swimming pool.

(5) Each swimming pool shall be equipped with a life-saving device that is sufficient length to reach the center of the pool from each edge of the pool.

(c) Wading pools on the premises.

(1) No child in foster care shall be permitted to play without adult supervision in any area where there is a wading pool containing water.

(2) The water in each wading pool shall be emptied daily.

(d) Hot tubs on the premises.

(1) Each hot tub shall be covered when not in use with an insulated, rigid cover secured by locks or surrounded by a fence that meets the requirements of paragraph (b)(1).

(2) The chlorine level and pH shall be tested and maintained as required by the manufacturer's specifications for use.

(3) Each licensee shall ensure that no child in foster care less than six years of age uses a hot tub. Each licensee shall use the hot tub in accordance with the manufacturer's specifications. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-825. Animals. (a) Each licensee shall ensure that if any animal is kept on the premises, the pet area is kept clean, with no evidence of flea, tick, or worm infestation in the area.

(b) Each licensee shall ensure that each animal that is in contact with any child in foster care meets the following requirements:

(1) Is in good health, with no evidence of disease; and
(2) is friendly and poses no threat to the health, safety, and well-being of children.

(c) A record of each current rabies vaccination shall be kept on file in the family foster home, and a copy shall be supplied to the sponsoring child-placement agency. (Authorized by K.S.A. 65-508, 75-3084, 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-900. Definitions. For the purposes of this section, the following definitions shall apply:

(a) "Administrative program director" means the individual designated by the licensee to oversee all provisions of services of the child-placement agency for children and families.

(b) "Adopted adult" means an individual 18 years of age or older who was legally adopted by a family during the individual's childhood or after the individual was 18 years of age or older.

(c) "Adopted child" means a child who is not yet 18 years of age and was legally adopted by a family.

(d) "Adoptive family" means an individual or individuals who identify themselves as a family, live in a private home, and have been approved by a child-placement agency to receive one or more children for the purpose of legal adoption.

(e) "Adoption agency" means a child-placement agency, as defined in K.S.A. 65-503 and amendments thereto.

(f) "Adoption search" means the activities of an adopted child or adopted adult, an adoptive family, or the birth family of an adopted child or adopted adult to obtain identifying or nonidentifying information about the adoption or to initiate contact between the adopted child or adopted adult and the birth family.

(g) "Advertise" means to communicate by newspaper, radio, television, handbills, placards, or other print, broadcast, telephone directory, or electronic medium.

(h) "Agency-approved family" means a person or persons who identify themselves as a family, live in a private home, and meet the following requirements:

(1) Do not require a child care license as specified in K.S.A. 65-503, and amendments thereto; and

(2) have been assessed by a child-placement agency for placement of a child.

(i) "Applicant" means a person who has applied for a license but has not yet been granted a license to operate a child-placement agency. This term shall include an applicant who has been granted a temporary permit to operate a child-placement agency.

(j) "Case plan" means the comprehensive written plan of care developed for a child in placement.

(k) "Child in foster care" or "foster child" means either of the following:

(1) Any individual under 16 years of age who is placed for care in a family foster home; or

(2) any individual who is at least 16 years of age but not yet 21 years of age and who is in the custody of the state of Kansas or is privately placed in a family foster home.

(l) "Child-placement agency" means a business or service conducted, maintained, or operated by a person engaged in finding homes for children by placing or arranging for the placement of the children for adoption or foster care, as defined in K.S.A. 65-503 and amendments thereto.

(m) "Child-placing agent" means a person or agency that possesses the legal authority to place a child in an out-of-home placement or in an adoptive home. This term shall include the child's parent, legal guardian, child-placement agency, and the court.

(n) "Child welfare supervisor" means a staff member who is designated by the licensee to provide supervision of those individuals who provide services or coordinate the services provided by other resources to children and families.

(o) "Child welfare worker" means a staff member who is designated by the licensee to provide services or coordinate the services provided by other resources to children and families.

(p) "Department" means Kansas department for children and families.

(q) "Exception" means an alternative manner of compliance with a specific child-placement agency regulation that is granted by the secretary to an applicant or a licensee.

(r) "Family foster home" means a type of child care facility as defined in K.A.R. 30-47-800.

(s) "Foster care for children" means the provision of substitute care for children who are alleged or adjudicated to be in need of care, as defined in K.S.A. 38-2202 and amendments thereto, as the result of neglect or abuse by or the inability or refusal of a child's parent, guardian, or custodian to care for the children. The substitute care during placement shall include the provision of food, shelter, security and safety, guidance, and comfort on a 24-hour basis to one or more children placed who are 21 years or younger to safeguard their safety, growth, and development.

(t) "Foster family" means all individuals living in a family foster home other than any children in foster care.

(u) "Independent living services" means the counseling and services provided by the child-placement agency to a child in an out-of-home placement with a focus on preparing the child for eventual self-sufficiency.

(v) "Intercountry adoption" means the adoption of a child with legal residence in one country by a family with legal residence in a different country.

(w) "Legal-risk adoption" means placement of a child who is not yet legally free for adoption in a family foster home with a plan for adoption of the child by that family.

(x) "Legalization or finalization" means the legal pro-

(continued)

cess by which a final order or decree of adoption is filed with the applicable court for the adoption of a child.

(y) "License" means a document issued by the secretary granting authority to an association, organization, or corporation to operate and maintain a child-placement agency.

(z) "Licensee" means a person who has been granted a license to operate a private child-placement agency.

(aa) "Nonrelated kin" means an adult who is not related to a child or to a child's family by blood, marriage, or legal adoption, but is identified by the child or the child's family as an adult with whom the child or the child's parent already has close emotional ties and is a resource for an out-of-home placement for the child.

(bb) "Out-of-home placement" means the living arrangement for a child in a location away from the child's parent or guardian.

(cc) "Person" has the meaning specified in K.S.A. 65-503, and amendments thereto.

(dd) "Physical restraint" means the bodily holding of a child as a means to help the child regain self-control when the child is behaving in a manner that presents a danger to self or others.

(ee) "Placement agreement" means the document signed by the child's child-placing agent to authorize an out-of-home placement or an adoptive placement.

(ff) "Premises" means the location, including each building and any adjoining grounds, of the child-placement agency.

(gg) "Regularly" means on a reoccurring basis of three or more occasions in a 12-month period.

(hh) "Relative" means a person related by blood, marriage, or adoption.

(ii) "Residential care" means a licensed facility providing 24-hour out-of-home care for children unrelated to the caregivers.

(jj) "Renewal date" means 12 months after a license has been issued.

(kk) "Secretary" means secretary of the department for children and families.

(ll) "Secretary's designee" means a staff member who has been designated by the secretary to perform specific regulatory tasks on behalf of the department.

(mm) "Social service staff" means a staff member who is designated by the licensee to provide services or coordinate the services provided by other resources to children and families under the direct supervision of a child welfare worker or child welfare supervisor.

(nn) "Sponsoring child-placement agency" means the public or private child-placement agency responsible for providing sponsorship services to a family providing out-of-home placement services or to an adoptive family before legalization or finalization of the adoption of a child.

(oo) "Volunteer" means an individual 18 years of age or older who provides an unpaid service. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-503 and 65-508; effective June 7, 2024.)

30-47-901. License requirements. Each applicant shall meet the following requirements to obtain a license and to maintain a license:

(a) If an individual, be at least 21 years of age at the

time of application. If a corporation, the applicant shall be in good standing with the Kansas secretary of state;

(b) submit a complete application for a license on forms provided by the department, including requests for the background checks specified in K.A.R. 30-47-905;

(c) provide basic income and expense information to the department for review at the time of initial application and annual license renewal to ensure that the applicant can meet the program needs and provide documentation of financial information for review as deemed necessary. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-504 and 65-508; effective June 7, 2024.)

30-47-902. Application procedures. (a) Each applicant seeking a license shall submit a complete application on forms provided by the department. The application shall be submitted at least 90 calendar days before the planned opening date of the child-placement agency and shall include the following:

(1) Location of the office, including city, state, street address, mailing address, and telephone number;

(2) a detailed description of the program and the services to be provided;

(3) a statement that the child-placement agency will not be used to provide overnight care for any child;

(4) the philosophical perspective or religious affiliation of the child-placement agency;

(5) a description of the geographic area to be served;

(6) a request for the background checks specified in K.A.R. 30-47-905;

(7) a site plan of the building and grounds, including a detailed floor plan of the premises to be licensed;

(8) the nonrefundable license fee specified in K.A.R. 30-47-100;

(9) written verification from the applicable local authorities that the premises are in compliance with all local codes and ordinances, including building and zoning requirements;

(10) written verification from the state fire marshal that the premises are in compliance with all applicable fire codes and regulations; and

(11) the written policies and procedures required in K.A.R. 30-47-906.

(b) A licensed child-placement agency may operate satellite offices without separate licenses for those offices. If the licensed child-placement agency opens a satellite office after initial licensure, the licensed agency shall submit an application to add a satellite office at least 30 calendar days before the opening of the new office. Each application for a satellite office shall include the following:

(1) Location of the office, including city, state, street address, mailing address, and telephone number;

(2) the geographic area to be served;

(3) a site plan of the building and grounds, including a detailed floor plan of the premises to be licensed;

(4) written verification from the applicable local authorities that the premises are in compliance with all local codes and ordinances, including building and zoning requirements; and

(5) written verification from the state fire marshal that the premises are in compliance with all applicable fire codes and regulations.

(c) The granting of a license to any applicant may be refused by the secretary if the applicant is not in compliance with the requirements of the following:

- (1) K.S.A. 59-2123 and amendments thereto;
- (2) K.S.A. 65-501 through 65-516, and amendments thereto;
- (3) K.S.A. 65-523 through 65-529, and amendments thereto;
- (4) K.S.A. 65-531, and amendments thereto; and
- (5) K.A.R. 30-47-900 through K.A.R. 30-47-922 governing child-placement agencies. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-903. Validity of temporary permit or license; advertising; withdrawal of application or request to close. (a) Validity of temporary permit or license.

(1) Each temporary permit or license shall be valid only for the person or persons and the address specified on the temporary permit or license.

(2) Each current temporary permit or current license shall be posted in plain view at the child-placement agency.

(3) When an initial or an amended license becomes effective, all temporary permits or licenses previously granted to the applicant or licensee at the same address shall become void.

(b) Advertising. The advertising for each child-placement agency shall meet the requirements listed in K.S.A. 59-2123(a)(1) and amendments thereto.

(c) Withdrawal of application or request to close. Any applicant may withdraw the application for a license. Any licensee may, at any time, request to close a child-placement agency. If a child-placement agency is closed, each temporary permit or license granted to the child-placement agency shall become void. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 2022 Supp. 59-2123 and 65-508; effective June 7, 2024.)

30-47-904. Temporary permit or license. (a) Temporary permit or a license required. A person shall obtain a license to operate a child-placement agency before engaging in finding homes for children by placing or arranging for the placement of the children for foster care or adoption. Each applicant or licensee shall submit an application, the required verifications and documentations, and the license fee and shall obtain a temporary permit or a license from the secretary, under any of the following circumstances:

- (1) Before opening a new child-placement agency;
- (2) before a child-placement agency that has been closed is reopened;
- (3) upon a change in the location of the child-placement agency; or
- (4) upon a change of ownership of the child-placement agency.

(b) Amendments.

(1) Any licensee may submit a written request for an amendment. Each licensee who intends to change the terms of the license, including the addition or closure of a satellite office, shall submit a written request for an amendment on a form provided by the department and

a nonrefundable amendment fee pursuant to K.S.A. 65-505, and amendments thereto. An amendment fee shall not be required if the request to change the terms of the license is made at the time of the renewal.

(2) The licensee shall make no change to the terms of the license and shall conduct no business at an office not listed on the license unless an amendment is granted, in writing, by the secretary. If an amendment is granted, the licensee shall post the amended license in plain view at the child-placement agency and the previous license shall no longer be in effect.

(c) Exceptions.

(1) Any applicant or licensee may request an exception to a specific nonsafety regulation. Each request shall be submitted to the secretary on a form supplied by the department. Any request for an exception may be granted if the secretary determines that the exception is in the best interest of the children or families served by the child-placement agency and the exception does not violate statutory requirements.

(2) Written notice from the secretary stating the nature of the exception and its duration shall be kept on file at the child-placement agency and shall be readily accessible to the department, the child-placing agent of any child receiving services from the child-placement agency, and the Kansas department of corrections.

(d) Required approvals. Each applicant or licensee shall obtain the secretary's written approval before making any changes in either of the following:

- (1) The type of services offered by the child-placement agency; and
- (2) the physical structure of the child-placement agency due to new construction or substantial remodeling that affects the use of the licensed space or the use of any part of the premises.

(e) Renewals. No earlier than 90 days before but no later than the renewal date, each licensee wanting to renew the license shall submit the following:

- (1) The nonrefundable license fee specified in K.A.R. 30-47-100;
- (2) an application to renew the license on the form provided by the department; and
- (3) a request to conduct the background checks specified in K.A.R. 30-47-905.

(f) Late renewal fee. Failure to submit the renewal application and fee within 30 days after the renewal due date shall result in an assessment of a late renewal fee equal to the renewal fee, pursuant to K.S.A. 65-505 and amendments thereto. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-505 and 65-508; effective June 7, 2024.)

30-47-905. Background checks. (a) With each initial application, documentation shall be submitted for each individual at least 18 years of age or older who will work or regularly volunteer to request a fingerprint-based background check from the national crime information center (NCIC) operated by the federal bureau of investigation (FBI) and other criminal justice users, a request to conduct a background check by the Kansas bureau of investigation (KBI), a check of the national sex offender registry, and a background check of the Kansas child

(continued)

abuse and neglect registry by the department in order to comply with K.S.A. 65-516, and amendments thereto. Each request shall be submitted to the department on a form provided by the department.

(b) For each individual 18 years of age or older who will work or regularly volunteer, the applicant or licensee shall submit a child abuse and neglect background check from each previous state of residence throughout the five-year period before the date of application; and

(c) Background checks shall be obtained following the procedures of the department.

(d) All fees associated with NCIC checks shall be submitted in accordance with department policy.

(e) Each licensee shall develop and implement policies and procedures for completing background checks for each out-of-home foster family placement. The policy shall include the requirements listed in K.A.R. 30-47-805.

(f) Each licensee shall develop and implement policies and procedures for completing background checks for each adoptive family. The policy shall include the required information for the following:

(1) For each individual 18 years of age or older residing in the home, a fingerprint-based background check from the NCIC, a request to the department to conduct a background check by the KBI and a child abuse and neglect registry background check by the department; and

(2) For each individual 18 years of age or older residing in the home, a child abuse and neglect background check from each previous state of residence throughout the five-year period before the date of application. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508 and K.S.A. 2022 Supp. 65-516; effective June 7, 2024.)

30-47-906. Administration. (a) Each licensee shall be responsible for the operation of the child-placement agency and shall meet the following requirements:

(1) Establish and maintain a written organizational plan, including an organizational chart, appoint an executive director to oversee the operation of the child-placement agency, and appoint qualified staff;

(2) provide staff, facilities, equipment, supplies, and services to children and families;

(3) adopt written administrative policies and procedures for the delivery of services and for the operation of the child-placement agency, including services to each foster family and adoptive family, client eligibility criteria, fee schedules for each program offered by the child-placement agency, and reimbursement rates for placement families;

(4) ensure that written personnel policies are developed and implemented that specify the necessary qualifications for each position and govern staff member selection, roles and responsibilities, and job duties;

(5) develop and implement written policies and procedures on the confidentiality of information, including confidentiality of child-placement agency records. Nothing in these policies and procedures shall prevent access to information about a child or a family by the child's child-placing agent, the sponsoring child-placement agency, law enforcement, the court, the Kansas department of children and families, or the Kansas department of corrections as allowed by applicable law;

(6) develop and implement written policies and procedures to prevent a conflict of interest or undue influence for any staff member of a child-placement agency, any known relative of a staff member of a child-placement agency, and any governing body member of a child-placement agency, who wants to be or is sponsored by that child-placement agency as a placement resource for a child in need of an out-of-home placement;

(7) develop and implement policies and procedures for addressing grievances concerning the delivery of services;

(8) adopt written policies and procedures for quality assurance;

(9) adopt written policies and procedures for record-keeping and retention of records;

(10) adopt written policies and procedures for transportation services; and

(11) develop and implement policies and procedures on acceptable behavior management and discipline of children by staff members and volunteers of the child-placement agency and families sponsored by the child-placement agency. These policies and procedures shall include the following:

(A) The use of positive methods for behavior management that are appropriate to the age and developmental levels of children and encourage cooperation, self-direction, and independence;

(B) methods of behavior management that are designed to help each child develop inner controls and manage each child's own behavior in a socially acceptable manner;

(C) prohibition of any punishment that is humiliating, frightening, or physically harmful to the child; and

(D) prohibition of corporal punishment.

(b) Each administrative program director shall oversee the daily operations and maintenance of the child-placement agency and implement the policies and procedures in compliance with licensing requirements.

(c) Each licensee shall have contracts or agreements with other agencies or service resources providers as needed for the provision of any services needed by children or families that are not provided by the licensee.

(d) Each licensee shall ensure that all child-placement agency contracts, agreements, policies, and procedures are reviewed annually and updated as needed.

(e) Each licensee shall ensure that the child-placement agency has a governing body, which shall exercise authority over and have responsibility for the operation, policies, and practices of the child-placement agency.

(f) The administrative program director of the child-placement agency shall prepare an annual report of the agency's activities. The report shall include fiscal and statistical sections indicating the levels of income and expenditures, the size and types of staff and the number of clients serviced by each service program.

(g) The administrative program director of the child-placement agency shall ensure financial solvency to carry out its program for the licensing period. Child-placement agencies which have not operated shall have capital necessary for at least a six-month period of operation. The agency shall prepare an annual budget and accounting of funds and shall be audited every three years by a certified public accountant.

(h) Each licensee shall ensure that no child is forced to participate in publicity or promotional activities.

(i) Each licensee shall ensure that all staff members and volunteers are informed of and have access to all written policies and procedures and the regulations governing the licensing of child-placement agencies in order to carry out their job duties.

(j) Each licensee shall ensure that all families who are sponsored by the child-placement agency are informed of and comply with all applicable policies and procedures of the child-placement agency. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-907. Staff qualifications; staff levels; staff training; volunteers. (a) Each licensee shall employ qualified staff.

(1) Each individual working or volunteering in a child-placement agency shall be physically, mentally and emotionally capable of performing assigned duties necessary to maintain the health, comfort, safety and well-being of the children and families receiving services from the child-placement agency.

(2) Each licensee and each staff member shall demonstrate the following:

(A) An understanding of the child-placement agency's philosophies, purpose, services, and goals; and

(B) the necessary skills and abilities to carry out the individual's job duties in accordance with Kansas statutes and regulations governing child-placement agencies, foster care, and adoption.

(b) Each licensee shall employ an administrative program director who meets the following minimum qualifications:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree from an accredited school and three years' experience in the management or supervision of child placing or residential care personnel and programs;

(2) a bachelor's degree in social work or a human service area of study from an accredited school and five years' experience in the management or supervision of child placing or residential care personnel and programs; or

(3) a bachelor's degree from an accredited school and two years' experience in child placing or residential care services if the administrator is responsible only for administrative functions such as personnel and fiscal matters and is not responsible for direct supervision of the programs and services of the agency.

(c) Each child welfare supervisor shall meet the following minimum qualifications:

(1) Hold a current license from the Kansas behavioral sciences regulatory board in one of the following professional categories:

(A) Psychologist;

(B) social worker;

(C) professional counselor; or

(D) marriage and family therapist; and

(2) have the following education and experience:

(A) A bachelor's degree from an accredited college or university and two years of experience in child-placing services; or

(B) a master's degree from an accredited college or university and one year of experience in child-placing services.

(d) Each licensee shall employ child welfare workers to perform intake, provide direct services to children and families, select and authorize out-of-home and adoptive placements, and perform child assessments and family assessments related to foster and adoptive services. Each child welfare worker shall meet the following minimum qualifications:

(1) Hold a current license from the Kansas behavioral sciences regulatory board in one of the following professional categories:

(A) Psychologist;

(B) social worker;

(C) professional counselor; or

(D) marriage and family therapist; and

(2) have a bachelor's degree from an accredited college or university.

(e) Any licensee may employ social service staff to conduct licensing health and safety inspections of family foster homes under the direction of a child welfare supervisor or a child welfare worker. The social service staff may assist child welfare workers in specific tasks involved in the licensing of family foster homes and the provision of supportive services to the family. The social service staff may assist in specific tasks involved in the delivery of services to children and families. Each social service staff shall meet the following minimum qualifications:

(1) Have a high school diploma or general education degree; and

(2) have two years of experience in working with families or children and have additional training, education, or professional development in the area of child development, education, or health.

(f) Each staff member performing the duties of more than one position shall meet the minimum qualifications for each position held.

(g) Each licensee shall ensure that the following staffing levels are met and that requirements are stated in child-placing agency policy:

(1) The maximum number of staff members to be supervised by each social service supervisor to allow for effective staff training, support, and oversight and to ensure the delivery of program services to children and families.

(2) The maximum caseload number that each child welfare worker shall carry to allow for all the necessary contacts and effective services with the children, families, foster families, adoptive families, and collateral contacts.

(h) Each licensee shall develop and provide orientation and training for all new staff members according to individual job duties and responsibilities to implement the policies and procedures of the child-placement agency.

(i) Each licensee shall provide an annual in-service training program to maintain staff members knowledge and skills necessary to ensure compliance with the child-placement agency's policies and procedures.

(j) If the child-placement agency utilizes volunteers, the licensee shall develop a written plan for their orientation, training, supervision, and use. Volunteers shall not

(continued)

be substituted for qualified or licensed staff. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-903. Case records. (a) Agency records. The child-placement agency shall maintain case records in a manner that is uniform, detailed, well written, and organized. Records shall be current and be made available for inspection by the department licensing division. The child-placement agency shall provide statistical data to the division when requested for public information, research, or planning purposes. The child-placement agency shall include in their case records the following:

(1) A copy of the current Kansas administrative regulations governing private child-placement agencies and family foster homes, which shall be kept on the premises and shall be available to all staff members;

(2) policies and procedures of the child-placement agencies, which shall be kept on the premises and shall be available to all staff members;

(3) the organizational chart for the child-placement agency;

(4) all quality assurance findings of the child-placement agency's internal program, which shall be available at the child-placement agency for review by the department;

(5) the child-placement agency's annual budget and accounting of funds audit as required by K.A.R. 30-47-906(g);

(6) the annual report of the child-placement agency's services and activities;

(7) all grievance reports and resolutions;

(8) documentation of current casualty and liability insurance;

(9) maintenance records for all facility-owned vehicles;

(10) personnel records that contain the following, for each employee:

(A) Date of hire;

(B) application or resume;

(C) job description;

(D) driver's license;

(E) background check form as required by K.A.R. 30-47-905;

(F) behavioral sciences regulatory board license, if applicable;

(G) college diploma or transcript;

(H) references;

(I) annual performance evaluation;

(J) TB test results, as required; and

(K) signed statements for confidentiality and discipline policies.

(11) volunteer records that contain the following, for each volunteer:

(A) Date the individual started volunteering;

(B) application or resume;

(C) volunteer description;

(D) driver's license if transporting children;

(E) background check form as required by K.A.R. 30-47-905;

(F) references;

(G) dates of service;

(H) signed statements for confidentiality and discipline policies; and

(I) TB test results as required.

(b) Foster home records. Each child-placement agency that sponsors family foster homes shall keep separate records for each foster home, which shall be created at the time of application and shall contain the following:

(1) The application;

(2) references;

(3) background check form for each resident of the home as required by K.A.R. 30-47-805;

(4) the following medical records for each resident of the family foster home:

(A) Health assessment;

(B) immunizations or religious exemption for immunizations for all residents as applicable; and

(C) TB test results for each resident over age 16.

(5) family assessments as required by K.A.R. 30-47-916;

(6) documentation of the child-placement agency contact with the family as required by K.A.R. 30-47-914;

(7) annual relicensing application and required documents; and

(8) placement history of the foster home, including the names of children placed, dates admitted and discharged.

(c) Adoptive home records. Each child-placement agency that provides adoption services shall keep separate records for each prospective and actual adoptive family. The adoptive home record shall contain the following:

(1) The application;

(2) references;

(3) background check form for each resident of the home as required by K.A.R. 30-47-905;

(4) medical records for each resident of the adoptive home, which shall include the following:

(A) Health assessment;

(B) immunizations or religious exemption for immunizations for all residents as applicable; and

(C) TB test results for each resident over age 16.

(5) family assessments as required by K.A.R. 30-47-916;

(6) documentation of the child-placement agency contact with the family as required by K.A.R. 30-47-914;

(7) a copy of the information given to the parents concerning the child;

(8) all legal documents pertaining to the adoption;

(9) summary narrative on the preplacement and post-placement contacts with the family and the adopted child;

(10) a narrative that clearly indicates each reason a family was not accepted or did not have a child placed; and

(11) aftercare plans for follow-up services to the child and to the adoptive family.

(d) Child records. Each agency that has placed a child in a family foster home or adoptive home shall maintain individual child records, which shall include the following:

(1) Child information:

(A) name;

(B) date of birth;

(C) gender;

(D) race; and

(E) place of birth.

(2) parent information:

(A) Name of mother;

- (B) address of mother;
- (C) telephone number of mother;
- (D) marital status of mother;
- (E) name of father;
- (F) address of father;
- (G) telephone number of father;
- (H) marital status of father.
- (3) legal documents;
- (4) medical history, cumulative health record, and psychological and psychiatric reports;
- (5) the circumstances precipitating the decision to place a child, the child-placement agency's involvement with the parents including services offered, delivered, or rejected, and all assessments, evaluations, and court reports;
- (6) educational records and reports;
- (7) copy of all case plans or person-centered support plans;
- (8) summary and narrative regarding the child's contacts with the child-placement agency, biological or adoptive family;
- (9) copy of interstate compact forms, if applicable;
- (10) upon discharge, the following, which shall be placed in the child's case record:
 - (A) Date of discharge;
 - (B) reason for discharge; and
 - (C) person discharged to, including the following:
 - (i) name;
 - (ii) relationship to child;
 - (iii) address; and
 - (iv) telephone number.
- (11) a discharge summary containing services provided during care, achievement of goals, strengths and continued needs; and
- (12) aftercare plans. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-909. Reporting requirements. (a) Statistical reporting. Each licensee shall prepare the following reports:

- (1) An annual report of the child-placement agency's activities, including fiscal and statistical sections indicating the levels of income and expenditures, the staffing level, and the number of children and families served by each service program of the child-placement agency; and
- (2) when requested by the department, statistical data for public information, research, or planning purposes.

(b) Critical incidents.

(1) Each licensee shall report each of the following critical incidents to the department and to the child's child-placing agent within 24 hours of discovery:

(A) Any damage to the child-placement agency building or damage to the property that affects the structure of the building or the safety of children and families receiving services from the child-placement agency;

(B) any damage to a licensed family foster home or home sponsored or approved by the child-placement agency that affects the structure of the home or the safety of a child receiving services from the child-placement agency;

(C) the death of any child receiving services from the child-placement agency;

(D) any injury to a child that is potentially life-threatening or has the potential for a long-term disability; and

(E) the death of any resident of the licensed family foster home or child-placement agency-approved family foster home.

(2) Each licensee shall submit a written critical incident report specified in paragraph (b)(1) to the department and the child's child-placing agent within 24 hours of discovery. This report shall contain the following information:

- (A) Name of licensed family foster home;
- (B) child's name and birth date;
- (C) date and time of the incident;
- (D) factual summary of the incident, including the name of each individual involved;
- (E) factual summary of the immediate action taken, including the name of each individual involved;
- (F) signature of the licensee; and
- (G) date of the report.

(c) Abuse or neglect. Each licensee shall report any suspected neglect, physical, mental, or emotional abuse, or sexual abuse of a child within 24 hours of discovery, by telephone or in writing, to the secretary of the Kansas department of children and families and when the department is not open for business, reports shall be made to the appropriate law enforcement agency.

(d) Infectious and contagious disease. If a licensee or a staff member contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2, the licensee shall report the disease to the county health department by the next business day. The licensee shall follow the protocol recommended by the county health department and shall cooperate fully with any investigation, disease control, or surveillance procedures initiated by the county health department. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-910. Services for children in out-of-home placement. Each licensee that sponsors family foster homes shall ensure that the child-placement agency policies and procedures meet the requirements of this regulation. The policies and procedures shall ensure that the services provided are designed to meet each child's needs for health, safety, well-being, and permanency.

(a) Case management services to the child. Each licensee shall ensure that the following services are provided to each child receiving services from the child-placement agency:

- (1) Provisions for emergency placement of the child;
- (2) provisions for alternative care for the child placed in a family foster home;
- (3) oversight to ensure that the services in the case plan are provided to the child and the child's family;
- (4) monitoring of the services and the placement of the child to ensure the child's health, safety, and well-being;
- (5) ongoing assessment of services based on the changing needs of the child;
- (6) implementation of the contacts and visits with the family specified in the child's case plan;
- (7) implementation of the contact and visits with

(continued)

child-placement agency staff members specified in subsection (d);

(8) provision of any services needed to meet the child's specialized needs identified in the case plan or person-centered service plan, through direct services or through referral to other agencies or resources;

(9) assurance that each child has, as identified in the child's case plan, access to the courts, contact with parents, the child welfare worker, other professionals and advocates, including contacts by telephone, visits, written correspondence, and electronic correspondence;

(10) assurance that the educational needs of each child are met through the following:

(A) Facilitation of the child's timely enrollment and school attendance in a local school district or, when appropriate, the child's district of residence and facilitation of the child's regular attendance at school or at any place of instruction in accordance with the child's individual education plan; and

(B) providing the placement with the school contact information; and

(11) provision for consultation and assistance to any child if any issues arise that cannot be resolved between the child and the parent or caregiver in order to enhance the communication between the child and the foster family and to resolve issues between them.

(b) Intake and placement activities. Each licensee shall ensure that the child-placement agency policies and procedures meet the requirements of this regulation.

(1) Upon accepting a child for services, each licensee shall take the following actions:

(A) Obtain legal authority for placement and medical consents;

(B) designate a child welfare worker to select and authorize the selection of an initial placement for the child;

(C) identify placement resources for the child, including relatives/family members and nonrelated kin individuals; and

(D) designate a child welfare worker to be responsible for the development and implementation of the case plans for the child.

(c) Placement preparation and agreements. Each licensee shall ensure that written placement, preparation, and agreement policies and procedures are developed for each out-of-home placement. Each licensee shall ensure that each placement of a child complies with all federal and state statutes, regulations, and agreements governing placement of children in out-of-home placements.

(d) Initial and ongoing assessment.

(1) Each licensee shall ensure that an assessment is initiated for each child within 24 hours of acceptance for services and completed not later than 30 days from the date of acceptance. The assessment shall be as detailed as possible and, based on availability, shall include the child, the birth family, and other involved child-placement agencies.

(2) Each licensee shall ensure that each assessment is updated with any new information annually or as the needs of the child change.

(3) The initial assessment and each ongoing assessment shall be completed by a child welfare worker.

(4) Each assessment shall include the following information, as applicable:

(A) Identifying information, including the child's name, birth date, gender, and social security number;

(B) the child's tribal affiliation, cultural background, ethnic background, and spiritual or religious background;

(C) all behaviors that would impact the selection of an out-of-home placement or an adoptive placement;

(D) based on the child's level of understanding, the child's participation in the assessment, including the following:

(i) The child's understanding of the reason for an out-of-home placement or adoption;

(ii) likes, dislikes, interests, and concerns;

(iii) involvement in sports and school activities;

(iv) participation in spiritual or religious activities; and

(v) the type of family or placement preferred, including location;

(E) the need for the child to remain in the child's current school system;

(F) the need for the child to remain in the child's home community or to be placed in a contiguous community;

(G) the need for continuity of relationships, school, and service providers, based on the case plan;

(H) the specific reasons for removal from the birth family home, for the new out-of-home placement, or adoptive placement;

(I) the names and contact information for birth parents, other birth family members, or the child's guardian;

(J) the birth family structure, including birth order of the child, identifying information on any siblings, and location of any siblings;

(K) the birth family's social history, including strengths and needs;

(L) the role the birth family members are to have during placement of the child, including visitation and other contacts with the child and consideration of the physical distance between the birth family's residence and the location of the child;

(M) court involvement and the child's legal status;

(N) the child's current and previous out-of-home placements and adoptive placements;

(O) the child's medical and dental information, including immunizations, allergies, special dietary requirements, special needs, current medications, contact information for previous and current medical or dental care providers, and the need for continuity of providers in the new placement;

(P) the child's mental health information, including need for mental health services, contact information for previous and current mental health services used by the child or the birth family, and the need for continuity of mental health services providers in the new placement;

(Q) the child's school information, including the individual education plan, if applicable, the child's grade, schools attended, adjustment and achievements in school; and

(R) if the child is entering Kansas from another state or another country for placement, all available information obtained from the agency or entity that previously provided services to the child.

(e) Selection of placement.

(1) Each licensee shall develop and implement policies and procedures for selecting out-of-home or adoptive placements for children.

(2) Each licensee shall select the most appropriate placement for each child consistent with the identified needs of the child and the ability of the out-of-home placement or adoptive placement to meet the child's needs. The following factors shall be considered when selecting each placement for each child:

(A) The strengths and needs of the child, based on the initial assessment and the ongoing assessments of the child;

(B) the case plan goals of the child;

(C) if placement with a family, the composition and strengths of the family, the assessment of the family, and the current recommendation for placement; and

(D) if placement in a residential care facility, the admission criteria and the services provided.

(3) No child shall be placed in a licensed or child-placement agency-approved family foster home if the placement would cause the terms of the license or the approval to be exceeded. Exceptions to exceed the licensed capacity shall be submitted to the department for approval before placement.

(4) Each child who has committed an unlawful sexual act shall be placed in a family home setting after the child's child-placing agent, the sponsoring child-placement agency, and the prospective placement caregiver conduct an assessment to determine the level of supervision required, the ability of the placement caregiver to provide the supervision needed, and the potential sleeping arrangements.

(f) Contact with the child. Each licensee shall ensure that the written policies and procedures of the child-placement agency include requirements for the frequency and location of contact with the child by the assigned child welfare worker or designee. The policies and procedures shall include the following:

(1) After a child is placed in an out-of-home placement, contact shall occur at least one time each month. Each contact shall be in person at the child's placement.

(2) During each monthly in-person contact with the child, the child welfare worker or designee shall assess the health, safety, and well-being of the child and determine progress toward the case plan goals.

(g) Supports and services. When the placement has been selected, the licensee shall ensure that any needed supports and services are provided to the child to maintain the placement. If the placement is in a family home setting, the licensee shall ensure that the family receives any needed supports and services to maintain the placement.

(h) Medical services. Each licensee shall develop and implement policies and procedures to ensure that emergency and ongoing medical care is obtained for each child in an out-of-home placement.

(1) Each licensee shall ensure that each child has a health assessment scheduled within 14 calendar days of the child's first out-of-home placement, unless there is documentation of an assessment completed within the past year. The assessment shall be conducted by a phy-

sician with a current license to practice in Kansas or by a nurse with a current license to practice in Kansas who is approved to conduct assessments.

(2) Each licensee shall ensure that the immunizations for each child in an out-of-home placement or an adoptive placement are current as medically appropriate and are maintained current for the protection from diseases specified in K.A.R. 28-1-20. The child-placement agency policies and procedures shall include provision for an exemption from the immunization requirement that includes the following:

(A) written certification from a physician with a license to practice in Kansas stating that the physical condition of the child is such that the immunization would endanger the child's life or health; or

(B) a written statement signed by the child's parent or legal guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

(3) Each licensee shall ensure that emergency medical treatment is available for each child in an out-of-home placement or an adoptive family placement.

(A) Each licensee shall ensure that an original or copy of a medical and surgical consent form is maintained in the case record for each child in an out-of-home or an adoptive family placement.

(B) Each licensee shall provide an original or a copy of a medical and surgical consent form to each out-of-home placement provider or adoptive parent for each child placed with the out-of-home placement provider.

(i) Medication. Each licensee shall ensure that there is a plan for the provision of prescription and nonprescription medication for each child entering any out-of-home placement, to ensure continuity and to prevent any interruption in the administration of medication. For each child taking a prescription medication, each licensee shall ensure that a three-day supply of each current medication and a written prescription to fill or refill each medication is provided to the out-of-home placement at the time of placement. Each medication shall be in the individual original container and shall be given to the individual taking responsibility for the child.

(j) Dental services. Each licensee shall develop policies and procedures to ensure that emergency and ongoing dental care is obtained for each child in an out-of-home placement. Each child in an out-of-home placement who is 12 months of age or older shall be scheduled for a dental examination within 60 days of the child's first out-of-home placement or adoptive placement, unless there is documentation of an assessment completed within the previous six months.

(k) Placement information. Each licensee shall ensure that written policies and procedures for sharing child-specific information are provided to the foster family, the sponsoring child-placement agency for the family, or the residential care facility. The policies and procedures shall include the following as applicable:

(1) Signed medical and surgical consent forms or, in the case of an after-hours emergency placement, a provision for obtaining medical and surgical consent forms;

(2) a current agreement to place the child;

(continued)

(3) a description of the circumstances leading to the current placement and, the reason the child came into state or child-placement agency custody;

(4) a description of the child's recent circumstances, including all medical problems, mental health concerns, and safety concerns;

(5) information about the child's medication and dietary needs and the name of each of the child's current health care providers, if known;

(6) any allergies from which the child suffers, if known;

(7) the name, address, and telephone number for the last educational program the child attended;

(8) a copy of the court order or other document authorizing the secretary of the department for children and families or the child-placement agent to place the child;

(9) a designation of the race or cultural heritage of the child, including any tribal affiliation;

(10) the name and current contact information for the child's parent or legal guardian;

(11) the spiritual or religious affiliation of the child and the child's family;

(12) the child's placement history summary, including the name, address, and telephone number of any advocates;

(13) a description of positive attributes and characteristics of the child and, if available, related information from the child, the child's family including siblings, and concerned individuals in the child's life;

(14) the name and contact information for the child-placing agent who is responsible for supervising the child's placement; and

(15) a copy of the current case permanency plan.

(l) Mental health services. Each licensee shall develop and implement policies and procedures based on the initial and ongoing assessments of the child to ensure that any emergency and ongoing mental health services are obtained for each child in an out-of-home placement. The selection of a mental health services provider shall include consideration of the need for continuity with the current provider when there is a change in placement of the child.

(m) Documentation. Each licensee shall document the basis of each placement selection and the factors that were considered when selecting the placement.

(n) After-care services. Each licensee shall offer services to the child and the child's family to maintain the family unit.

(1) These services shall be offered for at least six months.

(2) Services shall be offered as follows:

(A) When the child is returned to the birth family after out-of-home placement;

(B) when the child has achieved alternative permanency, including independent living; and

(C) after the legalization or finalization of the adoption of a child occurs.

(3) The offering of the services and any refusal of services shall be documented in the child's case file. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-912. Case plans. Each licensee that has responsibility for case planning for children in out-of-

home placement or adoptive placements shall develop case planning policy and procedures. The policy and procedures shall include:

(a) Case plan time frames, tasks, and goals. Each case plan developed for each child accepted for services shall be time-limited, child-focused, and designed to meet the child's needs for health, safety, well-being, and permanency through identified goals and tasks.

(b) Participants. Each licensee shall develop and implement policies and procedures for case planning participation and shall include individuals who are significant to the child or who have knowledge of the child.

(c) Signatures. Each case plan and each periodic review shall be dated and signed by the child welfare worker, with the participants identified. The case plan shall include the start and end dates of the case plan. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-913. Services for birth families and expectant parents. Each licensee who provides services to birth families and expectant parents shall meet the requirements of this regulation.

(a) Each licensee shall develop and implement policies and procedures that include the following:

(1) The right of the birth family to select a specific child-placement agency for services, unless the selection is determined by the court or by another oversight agency or entity;

(2) a description of the range of services offered by the child-placement agency for birth families, including the fee schedule for each service;

(3) a prohibition of coercion of the birth parents in their decision-making process for the child;

(4) the birth family's legal rights under current Kansas statutes;

(5) the requirements of the child-placement agency for any birth family counseling, including the topics to be discussed;

(6) the plans for services to be provided to the birth family following the return home of the child from an out-of-home placement or the placement of a child with an adoptive family; and

(7) when adoption is the plan for the child, the following policies and procedures shall be developed:

(A) The process for sharing with the birth parents any information about potential adoptive parents for the child; and

(B) the child-placement agency's policies and procedures on contacts between the birth parents and the adoptive parents of a child.

(b) Each licensee shall have a written agreement with each birth family receiving services from the child-placement agency. The contents of the written agreement shall include a description of the services to be provided by the child-placement agency, all fee arrangements, and the rights and responsibilities of the parent and of the child-placement agency.

(c) Each licensee shall make referrals to other resources for any services needed by the birth family that are not provided by the child-placement agency. If referrals are made to another agency or resource, the child-placement agency shall contact the other agency or re-

source as needed to determine if the identified needs of the birth family are being addressed.

(d) Each licensee who provides services to parents or expectant parents considering relinquishing parental rights shall develop and implement policies and procedures for those services. Each licensee shall meet the following requirements:

(1) Each licensee shall ensure that each parent or expectant parent has the information and opportunity needed to explore the complete range of options available in planning for the future of the child.

(2) Each licensee shall provide each parent or expectant parent with the following information in writing:

(A) Information on whether the parent or expectant parent is required to sign a contract or an agreement with the child-placement agency concerning the proposed relinquishment;

(B) the rights of birth parents and expectant parents and the process of relinquishing parental rights, including the process for identifying the biological father and any and all presumed birth fathers of the child and the right to change a decision at any time before the execution of the relinquishment;

(C) the range of services provided by the child-placement agency for birth parents or expectant parents who decide to parent the child, including the child-placement agency's fee policies;

(D) the requirements for parent or expectant parent counseling about decision-making for the child, including the topics to be covered;

(E) the child-placement agency's policies and procedures concerning relinquishment and adoption, including the role of the birth parent or expectant parent in the selection of an adoptive family for the child;

(F) information about the different types of adoption and any continued involvement of the parent with the child once the adoption has been legalized;

(G) information about the range of available adoptive families for the child;

(H) the policy of the child-placement agency on any payments, goods, or services to be given to the parent or expectant parent, including a method for the itemization of payments, goods, or services consistent with applicable adoption law;

(I) any policy or requirement of the child-placement agency that would preclude the child-placement agency accepting a voluntary relinquishment, which may include the following:

- (i) A medical condition of the child;
- (ii) information needed as required by the indian child welfare act; and
- (iii) the age of the child.

(3) Each licensee shall ensure that a plan for services is developed for each birth parent and each expectant parent receiving services from the child-placement agency. Services shall be based on the physical, emotional, and financial needs and the preferences of the birth parent or expectant parent and the availability of services and resources of the child-placement agency. Services may be provided by the child-placement agency staff or through referral of the birth parent or expectant parent to other community resources and shall include the following:

(A) Discussion of the decision to parent the child or to relinquish parental rights, including the following:

- (i) Coping with feelings of grief and loss;
- (ii) the reactions of family and friends to the decision to parent or to relinquish parental rights;
- (iii) in the case of a decision to relinquish parental rights, concerns related to exchanging information or communicating with the adoptive parent; and
- (iv) lifelong implications of the decision, including the possibility of adoption search;

(B) a referral for legal services;

(C) financial assistance if described in the written agreement between the parent or expectant parent and the child-placement agency;

(D) any medical assistance, including transportation, described in the written agreement; and

(E) a plan for follow-up services with the parent after the relinquishment of parental rights. The child-placement agency shall offer follow-up social services and counseling to each parent for at least six months following the relinquishing of parental rights.

(e) Each licensee shall ensure that policies and procedures of the child-placement agency address the additional requirements for providing services to parents or expectant parents who are minors. The policies and procedures shall include the requirements of this regulation, referral for legal counseling independent from the child-placement agency's legal services providers, and additional counseling for the minor parent and the minor parent's family. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-914. Sponsorship services for placement families and adoptive families. (a) Provision of reports. Each licensee shall ensure that the following information is made available to each prospective foster family and adoptive family upon request:

(1) A copy of the current child-placement agency license for the agency and contact information for the department for any licensing questions;

(2) a copy of the most current annual report prepared by the child-placement agency required by K.A.R. 30-47-909; and

(3) a copy of the grievance and appeal processes of the child-placement agency.

(b) Recruitment and retention. Each licensee shall ensure that there is an ongoing recruitment and retention plan to address the need for new and existing placement families and adoptive families. The plan shall include the following:

(1) Methods of recruitment and retention;

(2) types of advertising and other sources to be used;

(3) the establishment of goals for recruiting and retaining foster placement families or adoptive families to meet the needs of the children receiving services from the child-placement agency; and

(4) the identification of specific staff for recruitment and retention activities.

(c) Application process for prospective foster families and adoptive families. Each licensee shall develop and implement policies and procedures for the application

(continued)

process to become a foster family or an adoptive family sponsored by the child-placement agency.

(1) Each licensee shall ensure that the child-placement agency's policies and procedures are followed for the processing of each application of a prospective foster family or prospective adoptive family.

(2) The application process shall include the following:

(A) Obtaining authorization for the child-placement agency to obtain third party information to begin the assessment process, including authorization to conduct background checks and reference checks;

(B) obtaining a signed declaration of the prospective placement parent's intent to become a family foster home parent or the prospective adoptive parent's intent to become an adoptive parent;

(C) receiving, if applicable, the payment of any application fee required by the child-placement agency; and

(D) responding in writing to each prospective foster family and each prospective adoptive family no later than 30 calendar days after receiving the application, indicating the licensee's intent to proceed with the application process, to obtain additional information, or not to proceed with the process.

(3) Each licensee shall develop a child-placement agency application form for each prospective licensed or agency approved foster family and each prospective adoptive family that shall be completed, signed, and dated by each prospective parent and each prospective adoptive parent before the child-placement agency proceeds with the application process.

(d) Orientation. Each licensee shall ensure that there is an orientation program to provide prospective foster families and prospective adoptive families with the following information:

(1) The child-placement agency purpose, philosophical and religious beliefs, policies, and procedures on the sponsorship of placement families and adoptive families;

(2) information on the child-placement agency's requirements to become a foster family;

(3) the training requirements of the child-placement agency;

(4) the characteristics and needs of children typically receiving services through the child-placement agency or placed for adoption by the child-placement agency;

(5) all supports and resources available to placement families and adoptive families sponsored by the child-placement agency;

(6) information on applicable reimbursement rates and schedules and applicable fees for services;

(7) for families applying for a family foster home license or agency approval as a family foster home, information about the licensing or agency approval process;

(8) a description of the programs for which the licensee has been approved by the department and the services offered by the child-placement agency, which may include foster care, domestic adoption, intercountry adoption, and postlegalization or postfinalization services, and the role of the licensee in providing each of the services;

(9) the process the child-placement agency uses to select an adoptive family for a child;

(10) a statement clarifying that the payment of fees is

for the services provided by the licensee and does not guarantee the placement of a child with the family;

(11) the expected time frames for each service provided;

(12) the process for sharing with an adoptive family any information about an adoptive child and the child's birth family;

(13) the policies and procedures on contact between the adoptive parents and the birth parents of a child; and

(14) any policy or requirements that would preclude placement of a child with a prospective family foster home or adoptive family.

(e) Notification to family. Following the application process, orientation, and completion of a family assessment, each licensee shall notify each prospective foster family or prospective adoptive family of the licensee's decision whether to accept the family for sponsorship. The notification shall be submitted in writing and provided to the family within 30 calendar days of the decision.

(1) If the decision is to accept the family, the notification shall include the effective date of sponsorship.

(2) If the decision is not to accept the family, the notification shall include the effective date and the reason for the decision.

(f) Support and ongoing contact. The designated child welfare worker or a social service staff member operating under the direction of the child welfare worker shall provide supportive services and shall have ongoing contact with each foster family and each adoptive family.

(1) The worker shall provide contact at least one time every three months to maintain communication when there is no child in the family foster home.

(2) The worker shall complete a monthly in-home face to face visit with a foster family when a child is in placement to identify any needed services and supports.

(3) The worker shall provide contact at least one time every three months, to maintain communication with the adoptive family.

(4) The worker shall complete a monthly in-home face to face visit with the adoptive family when a child is placed to identify any needed services and supports until the adoption is finalized.

(g) Training. Each licensee shall provide training opportunities for foster families and adoptive families through direct service or other training resources to enhance the knowledge and skills of placement families and adoptive families. Training for licensed placement families shall include the following:

(1) Prelicensure training.

(A) An instructor-led family foster home preparatory program approved by the department;

(B) An instructor-led first aid training course that includes cardiopulmonary resuscitation (CPR) for the ages of children to be placed;

(C) training in universal precautions; and

(D) medication administration training.

(2) In-service training. Each licensee through direct service or other training resources shall offer at least two clock-hours of training every 90 days each licensing year for a minimum of eight clock-hours each year. At least two of the required eight clock-hours offered shall be in-

structor led or through participation in group training, including workshops, conferences, and academic coursework. The training topics shall provide the opportunity to develop competency in two or more of the following areas:

- (A) Advocacy;
- (B) attachment issues and disorders;
- (C) child development;
- (D) crisis management including intervention techniques for problem or conflict resolution, diffusion of anger and de-escalation methods;
- (E) communicating and connections with birth families;
- (F) discipline and behavior management techniques;
- (G) human sexuality including gender identification;
- (H) human trafficking and exploitation;
- (I) indicators of gang involvement;
- (J) indicators of self-harming behaviors or suicidal tendencies and knowledge of appropriate intervention methods;
- (K) medical and mental health disorders, treatment modalities, and pharmacology;
- (L) principles of trauma-informed care and trauma-specific interventions;
- (M) reasonable and prudent parenting standard;
- (N) regulations governing family foster homes;
- (O) report writing and documentation methods; and
- (P) resources and services available to youth transitioning to independent living if applicable.

(h) Consideration for placement. Each licensee shall perform the following:

- (1) Communicate all known strengths, behaviors, and needs of the child, including all special or medical needs of a child to be placed with the adoptive or foster family;
- (2) discuss the potential impact of the placement on the family and on the child;
- (3) assist with the decision whether or not to accept the child; and
- (4) identify any services that will be needed by the child or by the family during the placement.

(i) After placement. Following any decision to remove the child from the family foster home or adoptive family, each licensee shall assist the family with the impact of the removal on the family.

(j) Transfer of sponsorship. Each licensee shall develop and implement policies and procedures for the transfer of sponsorship of placement families and adoptive families from one sponsoring child-placement agency to another when the family requests a transfer. Provisions shall be made for any fee or reimbursement arrangements, completion of family assessments, and for the transfer of records.

(k) Transfer of sponsorship of placement families.

(1) Each transfer shall be based on the written request of a family submitted to the current sponsoring child-placement agency.

(2) The transfer of any licensed family foster home shall be approved by the department before the transfer is completed.

(3) The child-placement agency to which a foster family wants to transfer shall be responsible for the following before accepting sponsorship of the foster family:

(A) Ensuring that the request for transfer and orientation meet the requirements of subsections (c) and (d);

(B) notifying the family's current sponsoring child-placement agency of the request for transfer, the planned date of transfer, and the need for the family's record;

(C) ensuring that a child welfare worker has completed the following:

(i) A new family assessment that meets the requirements of K.A.R. 30-47-916;

(ii) reviewing the records, including any complaint history or corrective action plans, from the current child-placement agency and from any other available resources, including the department; and

(iii) based on the family assessment and the review of records, documenting any health and safety concerns and any plan of correction developed between the child-placement agency and the family; and

(D) before accepting any licensed family foster home for sponsorship, each licensee shall meet the requirements of paragraphs (k)(3) (A), (B), and (C) and the following additional requirements:

(i) Notify the department of the request for transfer of sponsorship on a form provided by the department;

(ii) review the most recent licensing health and safety inspection and completing a new inspection if needed;

(iii) provide the department and the family a copy of the new inspection and results;

(iv) provide the department documentation of the correction or plan of correction developed to address any areas of noncompliance that were identified in the assessment or the review of records; and

(v) obtain written approval of the transfer from the department.

(4) The current sponsoring child-placement agency shall be responsible for the following:

(A) Providing the foster family's record to the new sponsoring child-placement agency no later than 30 calendar days from the date of the notification of the family's request for transfer, including the following:

(i) The family assessment and any updates;

(ii) background check form;

(iii) preservice and in-service training materials;

(iv) all health and safety inspections and any related corrective action plans completed within the two-year period before the family's request to transfer;

(v) any history of grievances or complaints and any corrective action plans; and

(vi) the current application for licensure;

(B) notifying the child-placement agent of any child placed in the home that the family is requesting to transfer to a new sponsoring child-placement agency; and

(C) maintaining all sponsorship services to the family until the family's transfer to another child-placement agency has been completed.

(l) Withdrawal of sponsorship. Each licensee shall develop and implement policies and procedures for the withdrawal of sponsorship of foster families and adoptive families.

(1) Each licensee shall document the decision to withdraw sponsorship and the reasons for the decision.

(continued)

(2) Sponsorship shall not be withdrawn until provisions have been made for any child who is in placement with the foster family or with an adoptive family before legalization or finalization of the adoption. The provisions for the child shall include one of the following:

- (A) Arrangements for a new placement for the child; or
- (B) completion of the transfer of sponsorship of the family to another child-placement agency.

(3) Each licensee shall notify the foster family or adoptive family in writing of the decision, within 30 calendar days of the decision.

(4) For each licensed family foster home, each licensee shall notify the department of the decision to withdraw sponsorship of the family at the time of notification to the family.

(m) Closure of a foster family or adoptive family home child-placement agency record. Each licensee shall develop and implement policies and procedures for the closure of a foster family or adoptive family home child-placement agency records.

(1) Foster families.

(A) When any foster family notifies the sponsoring child-placement agency that the foster family no longer wishes to be a placement resource for children, the licensee shall document the request and the reason for closure. The licensee shall complete the following:

- (i) Work with the family to transfer placement of each child currently placed in the family home within 14 days;
- (ii) notify the family of the closure of the child-placement agency's record within 30 calendar days of the closure; and
- (iii) if the home is a licensed family foster home, notify the department of the family's reason for closure and the effective date, at the time the family is notified of the closure of the child-placement agency's record.

(B) While a child is in placement with the family, the sponsoring child-placement agency shall not close the child-placement agency record of the family.

(2) Adoptive families. When any adoptive family notifies the sponsoring child-placement agency that the family no longer wants to be an adoptive resource for children and wants to have the child-placement agency record closed, the licensee shall close the record, including the following procedures:

(A) Working with the family to transfer within 14 days, placement of any child who is placed in the adoptive family home, if the legalization or finalization of the adoption has not occurred; and

(B) notifying the family of the closure of the child-placement agency's record within 30 calendar days of the closure. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-915. Complaints and concerns regarding foster families and adoptive families. (a) Policies and procedures. Each licensee that sponsors foster placement families or adoptive families shall develop and implement policies and procedures for receiving, documenting, reporting and, when appropriate, conducting or participating in the investigations of complaints and concerns that involve foster families and adoptive families. The policies and procedures shall assess the ability of the foster family or adoptive family to protect the

health, safety, and well-being of any child, shall include the reporting requirements of K.A.R. 30-47-909, and shall address the roles and responsibilities of the staff members and child-placement agency volunteers.

(b) Investigations by law enforcement or the department. When an agency other than the licensee is conducting an investigation of a foster family or an adoptive family sponsored by the licensee, each licensee shall meet the following requirements:

(1) Cooperate with the investigating agency throughout the investigation;

(2) assist the family during the investigation; and

(3) ensure that no staff member or volunteer of the child-placement agency discloses to the family any of the following without documented approval of the investigating agency:

(A) Information that would compromise the investigation; and

(B) advance notice of an unannounced contact to the family by the investigating agency or child-placement agency staff member.

(c) Sponsoring agency investigations on child-placement agency-approved placement families. If the licensee receives a complaint on a foster family that is not licensed as a family foster home or on an adoptive family and the complaint does not involve allegations of child abuse or neglect or of criminal activity, the licensee shall assign a child welfare worker to complete the following:

(1) Investigate the allegations;

(2) write a narrative report documenting the interviews, observations, and results of the investigation;

(3) document whether the contact with the family was announced or unannounced;

(4) notify the family in writing of the results of the investigation;

(5) if indicated by the results of the investigation, document the development and completion of the corrective action plan of the family;

(6) maintain the investigation narrative, the notification of results to the family, and the completion of any corrective action plan in the record of the family; and

(7) if the licensee determines that an investigation warrants the additional involvement of law enforcement or the department, the licensee shall refer the investigation to the appropriate entity. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-916. Family assessments for foster placement families and adoptive families. Each licensee shall develop and implement policies and procedures for the completion of family assessments. Each family assessment shall determine the fitness, ability, and suitability of a family to meet the needs and to provide for the health, safety, and well-being of any child who would be placed in the family home.

(a) Requirements for all family assessments.

(1) Each licensee shall designate a child welfare worker to complete an initial family assessment of each potential foster placement family and each potential adoptive family that is being considered for sponsorship and services by the child-placement agency.

(2) Each licensee shall ensure that an assessment of each

potential placement family and each potential adoptive family is completed and the family has been approved for placement before placement of any child in a family home sponsored by the child-placement agency. In any case involving placement of a child with a non-related kinship family or an agency-approved family, the child may be placed with the family before completion of the family assessment. In this case the assessment shall be completed within 30 calendar days after the placement.

(3) Each licensee shall ensure that the process for completing each family assessment includes the following steps:

(A) At least one individual interview with each household member and at least one visit in the family home. The sponsoring child placement agency shall have discretion for either an interview or observation of family members based on age and developmental ability;

(B) a review of information obtained from other agencies, a relative reference, a non-relative reference, the preparatory training program assessment and recommendations, the department's child care licensing and registration information system, and other applicable sources; and

(C) completion of the background checks required in K.A.R. 30-47-805 and 30-47-905.

(4) Each licensee shall ensure that a written family assessment report is completed with the date, the signature and credentials of the designated child welfare worker or child welfare supervisor who is completing the assessment report. Each family assessment shall include a discussion and documentation of the following:

(A) Social history and background information for each parent, including the following:

(i) Parenting and child-rearing methods used;

(ii) history of violence or abuse;

(iii) relationships within the family;

(iv) marital history;

(v) extended family relationships;

(vi) family strengths;

(vii) functional literacy and communication;

(viii) life history of each parent, including significant life events;

(ix) residence history for the previous 5 years;

(x) employment history for the previous 5 years of each potential parent;

(xi) physical health, including chronic illnesses, physical limitations, substance use, and use of medications; and

(xii) mental health history of each family member;

(B) the manner that the family has coped with significant life events and life changes, including the following:

(i) Emotional problems or mental illness;

(ii) substance use, substance abuse and treatment for each family member;

(iii) legal issues or contacts with law enforcement;

(iv) marital or other significant relationship problems;

(v) history of violence or abuse;

(vi) medical problems;

(vii) financial problems, including bankruptcy;

(viii) family moves or changes in household composition; and

(ix) births and deaths;

(C) the family's experience, perception, and attitude about the foster care or adoption process, including the following:

(i) Experiences of each potential parent, including whether the parent has been disapproved as a prospective foster or adoptive parent or has been the subject of an unfavorable family assessment, including the reasons and any resolution of the disapproval or the unfavorable assessment; and

(ii) experiences, perceptions, and attitudes of extended family members;

(D) the current family composition and description of family life, including the following:

(i) A description of each family member, including age, gender, and racial, ethnic, and cultural background; functional literacy and communication skills;

(ii) relationships and interactions with individuals outside the family, including the neighborhood and community and the availability of support systems;

(iii) religious affiliation and practice;

(iv) financial stability and resources needed to maintain the family;

(v) assessment of the individual and family strengths and needs;

(vi) the manner in which each family member expresses emotions and feelings with the other family members, including the ability to express empathy and compassion;

(vii) skills in coping with feelings of anger or frustration and with provocation from children; and

(viii) ability of the family and of each member of the family to adapt to changes;

(E) information on each child currently in the family home, including the following:

(i) Interests, activities, and peer relationships;

(ii) typical behaviors and manner of expressing emotions and feelings;

(iii) the relationships between each parent and the child;

(iv) the parenting practices of each parent with the child; and

(v) the ability of each parent to see positive uniqueness of the child and to celebrate the child's achievements;

(F) each parent's capacity for the following:

(i) Providing for the basic needs of a child;

(ii) expressing sensitivity and concern for a child, including giving and receiving affection;

(iii) expressing the parent's own emotions and feelings;

(iv) setting boundaries and providing guidance to a child;

(v) being involved with the child's school and social activities; and

(vi) discussing decision-making, parenting, and child-rearing methods;

(G) each parent's motivation and the family's willingness and ability to accept a new child in the family and to meet the needs of a new child, including the following:

(i) Documenting expectations of each family member of the impact of a new child coming into the home;

(ii) understanding how to address the new child's own feelings of grief and loss and to assist the child with obtaining and participating in counseling if needed;

(continued)

(iii) discussing the ability to evaluate and adjust expectations of a child's behavior;

(iv) assessing the ability to adapt to changes, to be flexible, and to use coping skills;

(v) discussing the parent's stated preferences or requests for specific characteristics in a child to be placed with the family, including age, sex, and the family's willingness to accept any special needs, child's history, and birth family background;

(vi) evaluating the family's interest and ability to meet the individual needs of a child, including a child with disabilities, special needs, or specific medical needs;

(vii) evaluating the way a child's individual needs will impact each member of the family, including extended family members;

(viii) assessing the family's interest, preparation, and willingness to accept a child of a different ethnic, cultural, or religious background, including sensitivity to and plans for dealing with the difference in background and the impact on the family's extended family; including the following:

(a) preserving the ethnic and cultural identity in a positive manner;

(b) considering the child's family, community, neighborhood, faith, or religious beliefs;

(c) considering the child's school activities and friends;

(d) considering the child's or the child's family's primary language; and

(e) assessing the family's openness toward contact with the child's birth family, understanding of the child's circumstances, and plans for discussion of the birth family and history with the child;

(H) each parent's willingness and ability to work with the child-placing agency, the child's birth family, and with others in the child's life; and

(I) a health and safety inspection of all parts of the family foster home conducted by the designated child welfare worker or social service staff member operating under the direction of the child welfare worker to review and discuss with the parents the following health and safety issues:

(i) Safe storage of medications, alcoholic beverages, household chemicals, personal care products, tools, and sharp instruments;

(ii) safe and secure storage of firearms, weapons, and ammunition;

(iii) fire or storm safety;

(iv) safety for swimming pools, hot tubs, bodies of water, or other hazards;

(v) vaccinations for pets and maintenance of the pet area in a safe and sanitary manner;

(vi) safe access and interactions between children and pets;

(vii) adequate sleeping arrangements for all residents of the home and for each potential child to be placed in the family home;

(viii) any structural hazards and the upkeep of the home; and

(ix) use of smoking products.

(5) The report shall include a summary of the assessment, the strengths and needs of the family, and supporting documentation, and a recommendation for place-

ment. The written report shall include a recommendation for one of the following:

(A) Approval of the family for foster care or adoption, or for both, and for sponsorship by the child-placement agency, including a recommendation for the number, age range, sex, racial or ethnic background, and any special needs of a child whose needs would be best met by the family; or

(B) disapproval of the family's application for foster care or adoption and sponsorship by the child-placement agency;

(6) Each licensee shall ensure that the results of the written family assessment and any updates are reviewed with the family, including the recommendation for placement of a child with the family or the recommendation not to place a child. Documentation of the review shall be maintained in the family record at the child-placement agency.

(7) Each licensee shall ensure that each family assessment is updated by a designated child welfare worker at least one time every 12 months following completion of the original family assessment or the most recent update.

(A) An update to a family assessment shall also be completed when any of the following occurs:

(i) a family amends a license; or

(ii) a family has moved to a new home; or

(iii) the sponsorship of the family transfers from one child-placement agency to another.

(B) If the adoptive family lives in another state, each licensee shall document compliance with the statutes of the other state that govern the credentials of the individuals authorized to complete family assessments for adoptive families in that state.

(8) To complete an update, the designated child welfare worker shall conduct at least one interview with the parents and family members in the family home. The sponsoring child-placement agency shall have discretion for either an interview or observation of family members based on age and developmental ability.

(9) As part of the update, a designated child welfare worker or a designated social service staff member operating under the direction of the child welfare worker shall conduct at least one health and safety inspection of the family foster home.

(10) The update of each family assessment shall include the following:

(A) A review of changes in the family or the home since the original family assessment or the most recent assessment update;

(B) a review of the care and progress of each child currently placed with the family;

(C) a list of all children placed with the family since the most recent assessment, including for each child the date of admission, date of move from the family, and the reason for the move. The list shall be reviewed for any trends and shall be maintained in the family record at the child-placement agency; and

(D) an updated summary and recommendation by the child welfare worker completing the family assessment.

(b) Required for adoption assessments. In addition to the requirements in subsection (a), each licensee shall ensure that the following requirements are met for con-

ducting family assessments for each family that is applying to adopt a child:

(1) Each licensee shall ensure that there is a recent photograph of the family in the family record.

(2) Each licensee shall ensure that requirements of the other state are met when a family is applying to adopt a child from another state, and the requirements of the other country are met when a family is applying to adopt a child from another country.

(3) The assessment shall include health insurance coverage for each potential parent.

(4) The assessment shall assess willingness and ability to meet the financial responsibility for a child.

(5) The assessment shall include health care coverage of any adoptive child upon the child's placement in the adoptive family home.

(6) The assessment shall assess each parent's willingness and ability to accept a legal risk adoption placement.

(7) The assessment shall include each parent's plan for discussing adoption with an adopted child, including discussion of the birth family of the child.

(8) The assessment shall assess each parent's attitude about adoption search, including the possibility of location and reunification of the child with the child's birth family or the child obtaining non-identifying information about the child's birth family. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-917. Specific services for licensed and child-placement agency-approved family foster homes.

Each licensee that sponsors licensed or child-placement agency-approved foster families shall ensure that the child-placement agency policies and procedures meet the requirements of K.A.R. 30-47-906 and 30-47-914 and the additional requirements of this regulation.

(a) Application for license or child-placement agency approval as a family foster home.

(1) If a family wants to apply for a family foster home license or to become a child-placement agency-approved family foster home, each licensee shall designate a child welfare worker to oversee the completion of the following requirements as the secretary's designee:

(A) Assist the family with completion of the department's application form and all documentation required to obtain a family foster home license or agency approval;

(B) submit to the department a request for background checks for the family members as specified in K.A.R. 30-47-805;

(C) ensure that the designated child welfare worker or a social service staff member operating under the direction of the child welfare worker completes a licensing health and safety inspection of the family's home to determine compliance with statutes and regulations governing family foster home and documents the inspection on forms provided by the department. The inspection shall be completed no later than 60 calendar days after receiving the completed application. The designated child welfare worker shall complete the following additional steps:

(i) Ensure that the designated child welfare worker or a social service staff member operating under the direction of the designated child welfare worker completes any

additional licensing health and safety inspections needed to verify the correction of any findings of noncompliance with all applicable family foster home statutes and regulations; and

(ii) after each licensing health and safety inspection, complete a written notice of survey findings, on a form provided by the department. If noncompliance is found, the written findings shall include the specific regulatory references and descriptions for each area of noncompliance; and

(D) submit to the department all documentation required for a family foster home license, on forms provided by the department, no later than 90 calendar days following the date of the application signed by the potential foster family.

(2) Each licensee shall ensure that the department is notified within 14 calendar days if a potential foster family withdraws an application or moves to a new home before a temporary permit or a license is granted.

(3) When a licensed or agency-approved foster family moves, each licensee shall submit to the department the initial licensing packet within 14 calendar days of a move.

(4) When a licensed foster family moves to a new home and has children in placement, each licensee shall request a temporary permit.

(b) Application to renew a family foster home license or agency approval. If a family wants to renew the family foster home license or agency approval, each licensee shall designate a child welfare worker or a social service staff member operating under the direction of the child welfare worker to assist the family with completion of the department's application forms, the request for background check form, and all documentation required to renew the license or agency approval.

(c) Annual inspections and assessments required.

(1) Each licensee shall ensure that a family assessment update is completed that meets the requirements of K.A.R. 30-47-916, including a review of the family's strengths and needs related to the children placed in the home during the previous year and the care and progress of each child currently placed with the family.

(2) Each licensee shall ensure that the designated child welfare worker or a social service staff member operating under the direction of the child welfare worker completes the following:

(A) An annual licensing health and safety inspection of the family's home to determine compliance with statutes and regulations governing family foster homes and document the inspection on forms provided by the department;

(B) any additional licensing health and safety inspections as needed to verify the correction of any findings of noncompliance with any family foster home statutes and regulations; and

(C) after each licensing health and safety inspection, a written notice of survey findings to document the survey findings, on a form provided by the department. If noncompliance is found, the written findings shall include the specific regulatory references and descriptions for each area of noncompliance.

(continued)

(3) Each licensee shall ensure that all required documentation is submitted to the department within 90 calendar days of the department's request, including the following:

(A) Documentation of completion of the annual licensing health and safety inspection, any additional inspections conducted to verify compliance, and a plan of correction for any remaining areas of noncompliance;

(B) documentation of in-service training;

(C) updated family assessment including a list of all children placed in the home in the previous year; and

(D) an updated summary and recommendation for use. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-918. Adoption services. In addition to meeting the requirements of K.A.R. 30-47-914, each licensee who provides adoption services shall ensure that the child-placement agency policies and procedures meet the following additional requirements.

(a) Placement services to adoptive families and children. Each licensee shall develop and implement policies and procedures for the selection of adoptive families for children and for the preparation of each adoptive family and child.

(1) Selection of adoptive family.

(A) If the licensee is responsible for the selection of an adoptive family for a child, the selection shall be based on the adoptive family that can best meet the child's needs and shall meet the requirements of K.A.R. 30-47-912. When the birth parent of the child identifies any preferences about the characteristics of a potential adoptive family, each licensee shall consider those preferences.

(B) If the child's birth parent is making the decision for the selection of an adoptive family for a child, a designated child welfare worker shall counsel the birth parent on the selection process and on the important factors to consider in selecting the adoptive family.

(2) Preparation of adoptive family. When an adoptive family has been selected for the placement of a child for adoption, each licensee shall ensure that a designated child welfare worker prepares the family for the placement through the following procedures:

(A) Providing the family with full disclosure of known information from known resources on the background of the child and the child's family, including social, medical, behavioral, educational, legal, and placement history;

(B) informing the family of what background information is not known;

(C) referring the family to any resources needed to assist the family in understanding the background of the child, including medical history and any legal issues;

(D) discussing with the family the legal status of the child, including any legal risk;

(E) discussing with the family any requirement for the family to obtain a family foster home license;

(F) discussing with the family the financial impact of completing an adoption and any possible financial resources available; and

(G) providing information and counseling to assist and support the family in the family's decision to proceed with the adoption.

(3) Preplacement contacts. Each licensee shall develop

and implement policies and procedures for preplacement contacts or visits between the child and the selected adoptive family.

(A) If the child is receiving services from the licensee, preparation for placement shall be provided as specified in K.A.R. 30-47-910(c).

(B) If the child is coming from another child-placement agency, another state, or another country, the licensee shall provide information about the family for the other agency's or entity's use in arranging for the adoption.

(4) Each licensee shall arrange for at least one preplacement contact or visit between the child and the selected adoptive family. When specified in the licensee's policies and procedures, a preplacement contact or visit may be waived for a newborn being placed directly from a hospital with an adoptive family.

(b) Services during placement. Each licensee shall designate a child welfare worker to provide services to the family during the placement.

(1) Supervision. The designated child welfare worker shall supervise each placement from the time a child is placed with an adoptive family until legalization or finalization to assess the following:

(A) The physical and emotional well-being of the child;

(B) successful attachment between the child and the adoptive family;

(C) positive adjustment of all adoptive family members; and

(D) confirmation that adoption-related issues are identified and services are offered as needed to maintain the placement.

(2) Contacts. The designated child welfare worker shall develop a plan with the family for regular contacts, including the following:

(A) The designated child welfare worker shall conduct a face-to-face visit with the entire family in the family home within the first two weeks of placement or, if the adoption occurred in another state, within the first two weeks of the family's return home.

(B) If the adoption occurred in another country, a face-to-face visit shall occur within the first 30 days of the family's return home.

(C) The designated child welfare worker shall conduct at least one face-to-face contact each month in the family home with the adoptive parents and the adopted child.

(D) If the child is from another state or another country, all additional contact requirements of the other state or other country shall be met.

(3) Documentation of contacts. Each licensee shall maintain records that include the following:

(A) Written documentation of all visits and significant contacts; and

(B) at least one postplacement report completed by the designated child welfare worker at the time of legalization or finalization, or more frequently if required by the court or by another country, and shall include information regarding the following:

(i) The physical health and emotional well-being of the child;

(ii) adjustment of each family member and of the adoptive child to the adoption;

(iii) financial changes in the family;

- (iv) changes in family composition;
- (v) changes in the physical health or emotional well-being of any family member that could affect the family's ability to care for the adoptive child;
- (vi) any reports from other sources, including law enforcement, school or a child care provider, if applicable;
- (vii) any other adoption issues that have arisen;
- (viii) recommendation on the continued placement of the child; and
- (ix) recommendation on the legalization or finalization of the adoption.

(c) Disruption. Each licensee shall develop and implement policies and procedures for the children and adoptive families when placements disrupt before the legalization or finalization of the adoption.

(1) If an adoption disruption occurs, the designated child welfare worker who is responsible for the adopted child shall develop a plan for removal of the child from the home and placement of the child in another adoptive home or other placement.

(2) The designated child welfare worker who is responsible for the adopted child shall ensure that services are provided to help the child deal with feelings of loss, grief, and anger and to adjust to the new placement.

(3) Each licensee shall offer services to the adoptive family following a disruption to assess the impact of the adoptive placement and the disruption on each member of the adoptive family, including any feelings of loss, grief, and anger. A designated child welfare worker shall assist the family in making any of the following decisions:

(A) To update the adoptive family assessment and begin the process of considering the family for placement of another adoptive child;

(B) to delay accepting any other adoptive child in the home; or

(C) to close the family's adoption file.

(d) Legalization or finalization. Each licensee shall develop and implement policies and procedures for adoptions that are finalized in Kansas. Each finalization shall be completed in a timely manner and shall meet the requirements of state statutes. The policies and procedures shall ensure that the following procedures are followed:

(1) The adoptive family shall retain an attorney for the legal process, separate from the attorney of the sponsoring child-placement agency.

(2) The child's child-placing agent shall ensure that all documents needed for legalization or finalization and for the application for a new birth certificate for the child are provided to the family's attorney.

(e) Postlegalization or postfinalization services. Each licensee shall develop and implement policies and procedures to ensure that postlegalization or postfinalization services are offered.

(1) Postlegalization or postfinalization services shall be offered to the adoptive family, including the adopted child, for at least six months following legalization or finalization of an adoption.

(2) The types of services to be offered to each family and each adopted child shall be based on needs identified with the family and may be provided by the licensee directly or through referral to other agencies or resources.

(f) Dissolution. Each licensee shall develop and implement policies and procedures for the children and adoptive families whose adoptions are at risk of dissolution after finalization of the adoption. If the licensee provides direct services to assist the family with the decision of whether to dissolve the adoption, the following requirements shall be met:

(1) Each licensee shall ensure that services are offered to each adoptive family and each adopted child to enable the child to remain as a member of the family, to assist the family in making a decision whether to dissolve the adoption, and, when possible, to enable the child to remain in the home. Services may be provided directly by the licensee or through referrals to other agencies or resources.

(2) If the adoptive parent decides to terminate the adoption and relinquish parental rights of the adopted child to the licensee and the licensee accepts the relinquishment, the licensee shall meet the requirements in K.A.R. 30-47-913 for services to parents who want to relinquish parental rights.

(3) If the licensee accepts responsibility for the child, the licensee shall develop a transition plan with the adoptive family for the movement of the child from the home and shall follow the requirements for services to children in K.A.R. 30-47-910.

(g) Adoption search.

(1) Each licensee shall develop and implement policies and procedures for adoption search services that include the following:

(A) A description of the type of information that the licensee will provide to an adopted child or adopted adult, an adoptive family, or the birth family of an adopted child or adopted adult;

(B) confidentiality requirements for the release of written or verbal information; and

(C) referrals to other service, support, or counseling resources as needed by adopted children and adults, adoptive families, and birth families.

(2) If the licensee provides adoption search services, the licensee shall identify and train specific staff members in adoption search services and activities.

(3) Services shall conform to the current statutes concerning the provision of information to adopted children and adopted adults and to adoptive families and to contacts with birth families.

(4) Specific services offered to adopted children and adopted adults, adoptive families, and birth families shall be based on the request of the individual, the availability of information maintained by the child-placement agency, and any assistance needed by the individual to understand the information. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-919. Health-related requirements. (a) Tobacco use prohibited. Each licensee shall ensure that tobacco products or electronic cigarettes are not used on the premises of the child-placement agency. Tobacco products or electronic cigarettes shall not be used by any staff member or volunteer of the child-placement agency in the presence of a child or a family receiving services from the child-placement agency.

(continued)

(b) Health of staff members and volunteers at the child-placement agency.

(1) No staff member or volunteer of the child-placement agency shall be under the influence of alcohol or illegal substances or be impaired due to the use of prescription or nonprescription drugs while on duty.

(2) Each staff member and each volunteer shall be free from any infectious or contagious disease specified in K.A.R. 28-1-6.

(c) Tuberculin testing.

(1) If a staff member or volunteer is exposed to an active case of tuberculosis or if the location of the child-placement agency is in an area identified by the local health department or the secretary of the department of health and environment as a high-risk area for tuberculosis exposure, tuberculin testing shall be required.

(2) Each staff member or volunteer diagnosed with suspected or confirmed active tuberculosis shall be excluded from work at the child-placement agency until the licensee receives authorization from the treating licensed health care provider for the staff member or volunteer to return. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-920. Environmental standards. (a) Location and premises. Each licensee shall ensure that the child-placement agency does not provide overnight care for any child in foster care.

(1) Each licensee shall ensure that the child-placement agency is accessible to the children and families receiving services from the child-placement agency, to the staff members and volunteers, and to the community.

(2) Each licensee shall ensure that sufficient space is provided for visitor, staff member, and volunteer parking.

(3) Each licensee shall ensure that public water and sewage systems, where available, are used. If public water and sewage systems are not available, each licensee shall maintain approval by the appropriate health authorities for any private water or sewage systems that are used.

(4) Outdoor areas shall be free of known health, safety, and environmental hazards.

(b) General building requirements.

(1) Each licensee shall ensure that the child-placement agency is located in a building that meets the following requirements:

(A) Complies with the requirements specified in K.S.A. 65-508 and amendments thereto, all applicable building codes, and local ordinances;

(B) is a permanent structure; and

(C) is free from known environmental hazards.

(2) Before making any changes to the premises or the site plan, each applicant and each licensee shall submit to the department an updated detailed floor plan showing the changes.

(c) Structural requirements.

(1) Each licensee shall ensure that there is space for the services to be offered, including the following:

(A) Waiting or reception areas;

(B) staff work spaces;

(C) meeting areas that allow for privacy;

(D) bathrooms; and

(E) secure and retrievable storage of records.

(2) Each licensee shall ensure that privacy and confidentiality are assured for the children and families receiving services from the child-placement agency.

(d) Shared premises. If activities that are not part of the child-placement agency are conducted on the same premises as those for the child-placement agency, each licensee shall designate a room or rooms for the exclusive use of the child-placement agency.

(1) Each licensee shall ensure the room or rooms used by the child-placement agency are equipped with furniture and office supplies to meet the needs of the staff members and children and families receiving services. Furniture and office supplies shall be maintained in safe operating condition.

(2) Each licensee shall ensure that the facility has adequate locking central storage for supplies, medications, and property of children receiving services. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-921. Safety. (a) Each licensee shall ensure that the premises are maintained to ensure the safety of children and families receiving services from the child-placement agency, the staff members, volunteers, and others.

(b) Each exit shall be marked. No exit shall be blocked at any time.

(c) A working telephone shall be on the premises and available for use at all times. Emergency telephone numbers shall be readily accessible or be posted next to the telephone for the police, fire department, ambulance, hospital or hospitals, and poison control center.

(d) Each licensee shall develop and implement an emergency plan to provide for the evacuation and safety of staff members and others in emergencies, including fires, tornadoes, storms, floods, and serious injuries. All of the staff members and volunteers of the child-placement agency shall be informed of the emergency plan, which shall be posted in a prominent location.

(e) Each licensee shall develop and implement policies and procedures regarding the storage and handling of firearms and other weapons on the premises. If a licensee prohibits carrying a concealed weapon on the premises of the child-placement agency, the licensee shall post a notice pursuant to K.S.A. 75-7c10, and amendments thereto. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

30-47-922. Transportation. Each licensee shall ensure that the requirements of this regulation are met when any foster child receiving services from the child-placement agency is transported by a staff member or a volunteer of the child-placement agency.

(a) The driver shall be 18 years of age or older and shall hold an operator's license of a type appropriate for the vehicle being used, a copy of which shall be provided to the child-placement agency.

(b) The transporting vehicle shall be maintained in a safe operating condition.

(c) The vehicle shall be covered by accident and liability insurance as required by the state of Kansas.

(d) Trailers pulled by another vehicle, camper shells, or truck beds shall not be used for the transportation of any child.

(e) The use of seat belts and child safety seats shall include the following:

(1) Each foster child shall be secured by the use of a seat belt or a child safety seat when the vehicle is in motion.

(2) No more than one foster child shall be secured in any seat belt or child safety seat.

(3) Each seat belt shall be properly anchored to the vehicle.

(4) When a child safety seat, including a booster seat, is required, the seat shall meet the following requirements:

(A) Have current federal approval;

(B) be installed and used according to the manufacturer's instructions and the vehicle owner's manual;

(C) be appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions and meet the requirements of K.S.A. 8-1344 and amendments thereto;

(D) be properly maintained;

(E) have a label with the date of manufacture and model number, for use in case of a product recall; and

(F) have no missing parts or cracks in the frame or have been in a collision.

(f) The health and safety of the children riding in the vehicle shall be protected as follows:

(1) All passenger doors shall be locked while the vehi-

cle is in motion.

(2) Order shall be maintained at all times to allow safe operation of the vehicle.

(3) All parts of each foster child's body shall remain inside the vehicle at all times.

(4) Foster children shall neither enter nor exit from the vehicle from or into a lane of traffic.

(5) When the vehicle is vacated, the driver shall make certain that no foster child is left in the vehicle.

(6) Smoking in the vehicle shall be prohibited.

(7) When any foster child is in the vehicle, the driver shall pull over and stop the vehicle to use a cellular phone only for communication that is critical and is of short duration.

(8) Each foster child shall be transported to the location designated by the licensee with no unauthorized stops along the way, except in an emergency.

(g) If a vehicle used for transportation of a foster child that is receiving services from the child-placement agency is owned or leased by the child-placement agency, a first aid kit shall be in the vehicle. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

Laura Howard
Secretary

Department for Children and Families

Doc. No. 052158

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations with a future effective date and the *Kansas Register* issue in which the regulation can be found. A complete listing and the complete text of all currently effective regulations required to be published in the *Kansas Administrative Regulations* can be found at https://www.sos.ks.gov/publications/pubs_kar.aspx.

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-47-1	Amended (T)	V. 43, Issue 11

AGENCY 26: DEPARTMENT FOR AGING AND DISABILITY SERVICE

Reg. No.	Action	Register
26-52-1	New (T)	V. 43, Issue 9
26-52-2	New (T)	V. 43, Issue 9
26-52-3	New (T)	V. 43, Issue 9
26-52-4	New (T)	V. 43, Issue 9
26-52-5	New (T)	V. 43, Issue 9
26-52-6	New (T)	V. 43, Issue 9
26-52-7	New (T)	V. 43, Issue 9
26-52-8	New (T)	V. 43, Issue 9
26-52-9	New (T)	V. 43, Issue 9
26-52-10	New (T)	V. 43, Issue 9
26-52-11	New (T)	V. 43, Issue 9
26-52-12	New (T)	V. 43, Issue 9
26-52-13	New (T)	V. 43, Issue 9
26-52-14	New (T)	V. 43, Issue 9
26-52-15	New (T)	V. 43, Issue 9
26-52-16	New (T)	V. 43, Issue 9

26-52-17	New (T)	V. 43, Issue 9
26-52-18	New (T)	V. 43, Issue 9
26-52-19	New (T)	V. 43, Issue 9
26-52-20	New (T)	V. 43, Issue 9
26-52-21	New (T)	V. 43, Issue 9
26-52-22	New (T)	V. 43, Issue 9
26-52-23	New (T)	V. 43, Issue 9
26-52-24	New (T)	V. 43, Issue 9
26-52-25	New (T)	V. 43, Issue 9
26-52-26	New (T)	V. 43, Issue 9
26-52-27	New (T)	V. 43, Issue 9
26-52-28	New (T)	V. 43, Issue 9
26-52-29	New (T)	V. 43, Issue 9
26-52-30	New (T)	V. 43, Issue 9
26-52-31	New (T)	V. 43, Issue 9
26-52-32	New (T)	V. 43, Issue 9

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013,

can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*. A list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30, 2021 *Kansas Register*. A list of regulations filed from 2022 through 2023 can be found in the Vol. 42, No. 52, December 28, 2023 *Kansas Register*.

Reg. No.	Action	Register
111-4-3771	New	V. 43, Issue 5
111-4-3772	New	V. 43, Issue 11
111-4-3773	New	V. 43, Issue 12
111-4-3774	New	V. 43, Issue 14
111-9-233	New	V. 43, Issue 5
111-9-234	New	V. 43, Issue 12
111-18-5	Amended	V. 43, Issue 12
111-19-169	New	V. 43, Issue 5
111-19-170	New	V. 43, Issue 12
111-19-171	New	V. 43, Issue 12
111-19-172	New	V. 43, Issue 12
111-19-173	New	V. 43, Issue 12
111-19-174	New	V. 43, Issue 14
111-19-175	New	V. 43, Issue 14
111-19-176	New	V. 43, Issue 14
111-20-1	New	V. 43, Issue 5
111-20-2	New	V. 43, Issue 5
111-20-3	New	V. 43, Issue 5
111-20-4	New	V. 43, Issue 5
111-20-5	New	V. 43, Issue 5
111-20-6	New	V. 43, Issue 5
111-20-7	New	V. 43, Issue 5

111-20-8	New	V. 43, Issue 5
111-20-9	New	V. 43, Issue 5
111-20-10	New	V. 43, Issue 5
111-20-11	New	V. 43, Issue 5
111-20-12	New	V. 43, Issue 5
111-20-13	New	V. 43, Issue 5
111-20-14	New	V. 43, Issue 5
111-20-15	New	V. 43, Issue 5
111-20-16	New	V. 43, Issue 5
111-20-17	New	V. 43, Issue 5
111-20-18	New	V. 43, Issue 5
111-20-19	New	V. 43, Issue 5
111-20-20	New	V. 43, Issue 5
111-20-21	New	V. 43, Issue 5
111-20-22	New	V. 43, Issue 5
111-20-23	New	V. 43, Issue 5
111-21-1	New	V. 43, Issue 11
111-21-2	New	V. 43, Issue 11
111-21-3	New	V. 43, Issue 11
111-21-4	New	V. 43, Issue 11
111-21-5	New	V. 43, Issue 11
111-21-6	New	V. 43, Issue 11
111-21-7	New	V. 43, Issue 11
111-21-8	New	V. 43, Issue 11
111-21-9	New	V. 43, Issue 11

111-21-10	New	V. 43, Issue 11
111-501-113	Amended	V. 43, Issue 11
111-501-155	Amended	V. 43, Issue 11

AGENCY 112 RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-201-1	New (T)	V. 42, Issue 44
112-201-2	New (T)	V. 42, Issue 44
112-201-3	New (T)	V. 42, Issue 44
112-201-4	New (T)	V. 42, Issue 44
112-201-5	New (T)	V. 42, Issue 44
112-201-6	New (T)	V. 42, Issue 44
112-201-7	New (T)	V. 42, Issue 44
112-201-8	New (T)	V. 42, Issue 44
112-201-9	New (T)	V. 42, Issue 44
112-201-10	New (T)	V. 42, Issue 44
112-201-11	New (T)	V. 42, Issue 44
112-201-12	New (T)	V. 42, Issue 44
112-201-13	New (T)	V. 42, Issue 44
112-201-14	New (T)	V. 42, Issue 44
112-201-15	New (T)	V. 42, Issue 44
112-201-16	New (T)	V. 42, Issue 44
112-201-17	New (T)	V. 42, Issue 44

112-201-18	New (T)	V. 42, Issue 44
112-201-19	New (T)	V. 42, Issue 44
112-201-20	New (T)	V. 42, Issue 44
112-201-21	New (T)	V. 42, Issue 44
112-201-22	New (T)	V. 42, Issue 44
112-201-23	New (T)	V. 42, Issue 44
112-202-1	New (T)	V. 42, Issue 44
112-202-2	New (T)	V. 42, Issue 44
112-203-1	New (T)	V. 42, Issue 44
112-203-2	New (T)	V. 42, Issue 44
112-203-3	New (T)	V. 42, Issue 44
112-203-4	New (T)	V. 42, Issue 44
112-203-5	New (T)	V. 42, Issue 44
112-203-6	New (T)	V. 42, Issue 44
112-203-7	New (T)	V. 42, Issue 44
112-203-8	New (T)	V. 42, Issue 44
112-204-1	New (T)	V. 42, Issue 44
112-204-2	New (T)	V. 42, Issue 44
112-204-3	New (T)	V. 42, Issue 44
112-204-4	New (T)	V. 42, Issue 44
112-204-5	New (T)	V. 42, Issue 44
112-204-6	New (T)	V. 42, Issue 44
112-204-7	New (T)	V. 42, Issue 44

Kansas Register
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
