



March 5, 2026

Brenna Visocsky, Just Campaign Director
Kansas Appleseed Center for Law and Justice
bvisocsky@kansasappleseed.org
Written-only Testimony in Support of Sub for Sub HB 2132
Senate Committee on Public Health and Welfare

Chair Gossage, Ranking Member Holscher, and Members of the Senate Committee on Public Health and Welfare,

Thank you for the opportunity to provide testimony on behalf of Kansas Appleseed in support of Sub for Sub HB 2132. The provision of this bill is a technical change to K.S.A. 38-2231 that would give law enforcement officers more discretion to reasonably assess whether a child should be taken into custody.

The statute in question currently reads: “A law enforcement office *shall* take a child under 18 years of age into custody when the officer” believes the child will be harmed if not removed from a residence or is experiencing a behavioral health crisis that may result in harm to themselves or others.¹

Sub for Sub HB 2132 would replace “shall” with the word “may.” This technical change in the language would make it discretionary, as opposed to mandatory, for law enforcement to take a child into custody when the aforementioned circumstances exist.

In statute, the change may seem insignificant. But in practice, the change in language encourages officers to employ the “4 Questions” test, promoted and distributed by DCF, to explore alternatives to removal. These alternatives include: Removing the danger instead of the child; moving a trusted family member into the home to suppress the danger; temporarily moving the child and caregiver into a family member’s home; or, temporarily moving the child into a family member’s home.² It also better supports youth experiencing a behavioral health crisis in receiving assistance in the community without becoming a child in need of care.

As you can see, the alternatives to removal are designed to keep families intact and save children from the trauma of separation and, potentially, involvement in the foster care system.

The Kansas House of Representatives passed this bill unanimously because of the balance it strikes between supporting families and protecting children in need of care. I hope that Sub for Sub HB 2132 earns the same level of approval from this committee and the entire Kansas Senate.

Thank you for your time,
Brenna Visocsky

¹ K.S.A. 38-2231. (2025). https://ksrevisor.gov/statutes/chapters/ch38/038_022_0031.html

² Kansas Department for Children and Families. (2020). *4 Questions*.
https://www.dcf.ks.gov/services/PPS/Documents/SE%20Resources/SE_4Questions-A.pdf