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September 12, 1984

ATTORNEY GENERAL OPINION NO. 84- 96

Mr. Ronald L. Boyer  
Cherokee County Attorney  
Courthouse  
Columbus, Kansas 66725

Re: Infants -- Code for Care of Children -- Reporting of  
Abuse or Neglect; Investigation of Reports

Synopsis: As amended by Laws 1984, Chapter 154, Section 1(g),  
K.S.A. 1983 Supp. 38-1523(g) establishes a policy that  
law enforcement officers investigating reports of abuse  
or neglect on school premises do so in street clothes.  
However, the statute imposes no absolute requirement and  
allows safety and practical considerations to be taken  
into account. Accordingly, a small police force could  
determine that its officers should not take the  
additional time needed to change from their uniforms  
into street clothes, and then back again, in making  
such investigations. Cited herein: K.S.A. 1983 Supp.  
38-1523, as amended by L. 1984, ch. 154, §1(g).

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Dear Mr. Boyer:

You request our opinion interpreting an amendment made in the  
1984 legislative session to K.S.A. 1983 Supp. 38-1523(g) [L. 1984,  
ch. 154, §1(g)]. That section states in pertinent part:

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"To the extent that safety and practical considerations allow, law enforcement officers on school premises for the purpose of investigating a report of suspected child abuse or neglect shall not be in uniform." (Emphasis added.)

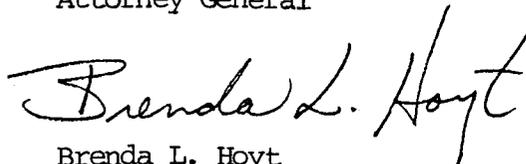
You state that in Cherokee County, cities have only one or two officers on duty at a time, and that these officers are in uniform. You ask whether the amendment requires the officers to go home to change into street clothes before going to a school to investigate a report of suspected child abuse.

It is clear from the language of the statute that the legislature intended to establish a statewide policy favoring law enforcement officers performing child abuse investigations in street clothes when such policy does not interfere with the efficient operation of the law enforcement agency. Thus, in large urban areas where there are many officers, perhaps even certain officers who investigate such cases on a daily basis, the statute would generally require those officers to wear street clothes to conduct the investigations. However, in small cities or counties where only one or two officers must perform all law enforcement functions on their shifts, the statute imposes no such requirement. Not only would it be impractical for these officers to change into street clothes to conduct a child abuse investigation, it could also jeopardize the public safety. A sudden emergency, such as a traffic accident, robbery or other serious crime, could occur while the officer is changing clothes or conducting the investigation at the school. In such instances, the presence of a uniformed officer may be necessary. Therefore, we are of the opinion that K.S.A. 1983 Supp. 38-1523(g), as amended by L. 1984, ch. 154, sec. 1, does not require law enforcement officers to wear street clothes to conduct child abuse investigations on school premises if such practice would interfere with the proper functioning of the law enforcement agency.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General



Brenda L. Hoyt  
Acting Deputy Attorney General