

Reporting abuse and neglect

What is child abuse?

Child abuse is any physical injury, physical neglect, emotional injury or sexual act that is inflicted upon a child.

- **Physical abuse (K.S.A. 38-2202):** infliction of physical harm or the causation of a child's deterioration, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent the child's health is endangered.
- **Sexual abuse (K.S.A. 38-2202 and KAR 30-46-10):** any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person.
- **Emotional abuse:** infliction of mental or emotional harm or the causing of a deterioration of a child, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent the child's health or emotional wellbeing is endangered.



- **Neglect (K.S.A. 38-2202):**

- **Physical neglect:** acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian.
- **Medical neglect:** acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian.
- **Lack of supervision:** Acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian.

What does Kansas law require?

Mandated reporters are required to report child abuse or neglect under Kansas reporting law (K.S.A. 38-2223) as follows:

(a) Persons making reports. (1) When any of the following persons has reasons to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry; persons engaged in postgraduate training programs approved by the state board of healing arts;

licensed professional or practical nurses; and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services:

Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; and

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers and community corrections officers, case managers appointed under K.S.A. 2005 Supp. 23-1001 et seq., and amendments thereto, and mediators appointed under K.S.A. 23-602, and amendments thereto.

(E) Any person employed by or who works as a volunteer or any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) Form of report. (1) The report may be made

orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse, neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) To whom made. Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the department of social and rehabilitation services is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the secretary of the department of social and rehabilitation services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the department of social and rehabilitation services shall be made to the appropriate law enforcement agency.

(d) Death of a child. Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) Violations. (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) Immunity from liability. Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

What if I have reason to suspect abuse or neglect but I have no proof?

“Reason to suspect” means anytime a person believes or has a hint or clue that a child is or has been a victim of abuse or neglect. A reporter may have reason to suspect when there is a discrepant or inconsistent history in explaining a child’s injury. An example of a discrepant history would be a situation in which a parent or caregiver of a child describes the injury as accidental, but bruises are on multiple areas of the body and in various stages of healing. This indicates the injuries were imposed at different times and were a result of more than one incident as opposed to a single accidental injury. Consider whether the description of how the injury occurred seems

likely. If the injury is accidental, there should be a reasonable explanation of how it happened which is consistent with the severity, type and location of the injury. When the description of how the injury occurred and the appearance of the injury do not seem related, there is cause for concern, or a reason to suspect.

A report based on reason to suspect also means the law does not require proof that abuse or neglect has actually occurred or that the reporter witnessed the incident in question. A reporter’s suspicion may result from an incident the reporter witnessed, a child’s disclosure, or third party information. Once a mandated reporter is aware of any information which causes a reason to suspect, the reporter is mandated by law to report the concerns. Further, a reporter is relieved of the need to make a final determination of whether or not child abuse or neglect actually occurred. Reporting is a request for an assessment into the condition of the child.

Where should reports be made for suspected child abuse or neglect?

Reports should be made to the Kansas Protection Report Center.

- **Telephone:** 800-922-5330
- **Fax:** 866-317-4279
- **Email:** KSPRC@dcf.ks.gov
- **Mail:** Kansas Protection Report Center
Docking State Office Building
915 SW Harrison, 5th Floor
Topeka, KS 66612

If the child has serious injuries or is in immediate danger, contact the appropriate law enforcement agency or call 911.

Resource: A Guide to Reporting Child Abuse & Neglect in Kansas (State of Kansas Department for Children and Families, Prevention and Protection Services)



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Please use a separate answer sheet for each parent completing this training.

Print name: _____ Date: _____

Signature: _____ License #: _____

Please read the enclosed article and answer the following questions for a half-hour training credit. If more than one person wishes to receive credit, he/she must use a separate piece of paper and have their own signature and legal name on that page.

To receive credit, please mail your answers in a timely manner to:

TFI Family Services, Attn: Gayle Schwarzrock, 217 SE 4th St., Topeka, KS 66603

1. What does KSPRC stand for?

2. What type of abuse involves any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person?

3. True or False: Any person who willfully and knowingly makes a false report or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

4. Name the three types of neglect.
 1. _____
 2. _____
 3. _____

5. Name three ways to report suspected child abuse or neglect.
 1. _____
 2. _____
 3. _____

6. True or False: When reporting a suspicion that a child may be in need of care, the reporter shall not disclose protected health information.