

Mandatory Reporting Requirements: Children Kansas

Last Updated: April 2023

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Any of the following persons: <ul style="list-style-type: none"> • 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; • Chief administrative officers of medical care facilities; • Licensed psychologists; • Licensed masters level psychologists; • Licensed clinical psychotherapists; • Licensed social workers; • Licensed marriage and family therapists; • Licensed clinical marriage and family therapists; • Licensed behavioral analysts; • Licensed assistant behavioral analysts; • Licensed professional counselors; • Licensed clinical professional counselors; • Registered alcohol and drug abuse counselors; • Teachers, school administrators or other employees of an educational institution that the child is attending and any member of the board of directors of the Kansas state high school activities association referenced in K.S.A. 72-7114, and amendments thereto, and any person who is employed by or is an officer of such association; • 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; • Firefighters; • Emergency medical services personnel; • Law enforcement officers; • Juvenile intake and assessment workers; • Court services officers; • Community corrections officers; • Case managers appointed under state regulations; • Mediators appointed under state regulations; and • Any person employed by or who works as a volunteer for 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.

When is a report required and where does it go?

When is a report required?

- Reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse.

Where does it go?

- Reports made pursuant to this section shall be made to the Secretary of Social and Rehabilitation Services (the child abuse hotline 1-800-922-5330) Mandated reporters may make reports electronically at: <https://fw7.harmonyis.net/KansasLiveWebIntake/>, except as follows:
 - When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency; (Note: The abuse reporting line is now staffed 24 hours per day. However, in the event of an emergency, contact 911). 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.
 - Reports of child abuse or neglect occurring in an institution operated by the Kansas department of corrections shall be made to the attorney general or the secretary of corrections;
 - Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services shall be made to the appropriate law enforcement agency;
 - All other reports of child abuse or neglect by persons employed by or of children of persons employed by the Kansas department for aging and disability services and the Kansas department for children and families shall be made to the appropriate law enforcement agency; and
 - 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.
- Any person who is required to report and who knows of information relating to the death of a child shall immediately notify the coroner.

What definitions are important to know?

- **“Harm”** means physical or psychological injury or damage.
- **“Neglect”** means 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. Neglect may include, but shall not be limited to:
 - Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;
 - Failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child’s level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or
 - Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not

	<p>for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of K.S.A. 38-2217 (health services), and amendments thereto.</p> <ul style="list-style-type: none"> • “Parent” when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child. • “Physical, mental or emotional abuse” means the infliction of physical, 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 that the child’s health or emotional well-being is endangered. • “Sexual abuse” means 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. Sexual abuse shall include allowing, permitting or encouraging a child to (1) be photographed, filmed or depicted in pornographic material, or (2) be subjected to aggravated human trafficking, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act that would constitute the selling of sexual relations or commercial sexual exploitation of a child.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Reports shall be made promptly. • The report may be made orally and shall be followed by a written report, if requested. • Kansas Administrative Regulations require that day care providers report suspected child abuse or neglect within 24 hours.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Every report shall contain, if known: <ul style="list-style-type: none"> • 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 or 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..
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • In addition to those persons who are required to make a report, any person who has reason to suspect that a child may be a child in need of care may report the matter. • 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. • Willful and knowing failure of a mandated reporter to report suspected child abuse is a Class B misdemeanor. It is not a defense that another mandatory reporter made a report. • 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. • Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor. • Anyone who, without malice, participates in the making of a report to the Secretary of Social and

Rehabilitation Services 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.

- No employer shall terminate the employment of, prevent or impair the practice or occupation of, or impose any other sanction on, any employee because the employee made an oral or written report to a law enforcement agency or the Secretary of Social and Rehabilitation Services relating to harm inflicted upon a child which was suspected by the employee of having resulted from the physical, mental or emotional abuse or neglect or sexual abuse of the child. Violation of this is a class B misdemeanor.
- Proposed KS H.B. 2300 would add duly ordained ministers of religion to the list of mandatory reporters.

Statutory citation(s):

K.S.A. §§ 38-101, 38-2202, 38-2223, 38-2224. Regulatory citation KS ADC 28-4-118