

Community Supervision Standards	CHAPTER: DOCUMENTATION, REPORTING AND RECORDS	STANDARD NO. CSS-03-105
	SUBJECT: MANDATORY REPORTING	PAGE: 1 of 3
Kansas Department of Corrections- Division of Juvenile Services State of Kansas	REFERENCES: K.S.A. 38-2223, K.S.A 38-2217, K.S.A. 21-5426, K.S.A. 21-6419, K.S.A. 21-6422, K.S.A. 38-2223(a)(1)(E)	DATE ADOPTED: 7-1-2006 DATE AMENDED: 12-16-2022 DATE REVIEWED: 12-12-2022

STANDARD: Written policy, procedure and practice shall provide for the reporting of all instances of suspected child abuse/and or neglect in accordance with state and federal requirements. This includes suspected cases of physical, mental, emotional or sexual abuse.

Child abuse and/or neglect reports shall be made regardless of where the abuse occurred. Reports of suspected child abuse shall be made to any Kansas Department for Children and Families (DCF) Kansas Protection Report Center (KPRC) at 1-800-922-5330 or online at <http://www.dcf.ks.gov/services/pps/Pages/KIPS/KIPSWebIntake.aspx>. The identity of the mandatory reporter is held confidential, although exceptions do apply under law. The Community Supervision Agency shall not conduct an investigation of any allegation of suspected abuse. The child protection investigator shall be responsible for all investigations. This shall not prevent the Community Supervision Agency from conducting an internal investigation involving employee misconduct.

According to K.S.A. 38-2223(a)(1)(E), employees that works in Juvenile Intake and Assessment, Court Services and Community Corrections are Mandatory Reporters and are required to report all suspected cases of child abuse and/or neglect. Mandated reporters need to be aware of signs and symptoms that may indicate child abuse and only need to have a suspicion that a child has been harmed as a result of abuse or neglect that requires them to submit a report.

K.S.A. 38-2223(e) provides it is not a defense to a charge of failure to report that another mandatory reporter made a report. Because failure to report is a class B misdemeanor, all allegations of abuse/neglect should be reported by Community Supervision Agency staff regardless of whether or not the allegation was previously reported.

DISCUSSION: The Community Supervision Agency should retain a record of reports submitted to the KPRC by maintaining an electronic or paper copy of the report submitted, response received from KPRC confirming the report or document the reference number assigned by KPRC in the KDOC case management system.

The Kansas DCF Guide to Reporting Child Abuse and Neglect can be found at [https://www.dcf.ks.gov/services/PPS/Documents/Guide to Reporting Abuse and Neglect.pdf](https://www.dcf.ks.gov/services/PPS/Documents/Guide%20to%20Reporting%20Abuse%20and%20Neglect.pdf).

NOTE: The standards and procedures set forth herein are intended to establish operational guidelines for community supervision agencies operating through the board of county commissioners and their employees/contractors and the juvenile offenders under supervision. They are not intended to establish state created liberty interests for community supervision agencies, or the board of county commissioners, or their employees/contractors, or juvenile offenders, or an independent duty owed by the Kansas Department of Corrections- Division of Juvenile Services to community supervision agencies operating through the board of county commissioners or their employees/contractors, supervised juvenile offenders or third parties. This standard and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

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DISCUSSION (cont.):

“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.

“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:

- (1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;
- (2) 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
- (3) 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 for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 38-2217-a-2.

"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, but is not limited to, allowing, permitting or encouraging a child to:

- (1) Be photographed, filmed or depicted in pornographic material; or

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DISCUSSION (cont.):

(2) be subjected to aggravated human trafficking, as defined in 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 offender or another, or be subjected to an act that would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 21-6419 or 21-6422,

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