

Immediate Intervention Program Standards Kansas Department of Corrections- Division of Juvenile Services State of Kansas	CHAPTER: DOCUMENTATION, REPORTING AND RECORDS	STANDARD NO. IIP-03-102
	SUBJECT: MANDATORY REPORTING	PAGE: 1 of 2
REFERENCES: K.S.A. 38-2223, K.S.A. 38-2223, K.S.A. 38-2217, K.S.A. 21-5426		DATE ADOPTED: 02-01-2017 DATE REVIEWED: 08-02-2021

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 and/or neglect shall be made to the Kansas Department for Children and Families (DCF) Protection Report Center 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. Immediate Intervention Programs (IIP's) 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 IIP's from conducting an internal investigation involving employee misconduct.

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. All allegations of abuse/neglect should be reported by the IIP staff regardless of whether or not the allegation was previously reported. Failure to report is a class B misdemeanor

K.S.A. 38-2223(f) provides that anyone who makes a report without malice shall have immunity from any civil liability.

DISCUSSION: If a case of abuse or neglect is suspected, IIP staff should gather enough information to make a report but be careful not to ask too many questions. Asking questions with too much detail can potentially alter facts of the case unintentionally. Investigators with specialized training from the DCF and law enforcement officers can conduct forensic interviews (if needed).

DEFINITIONS: "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.

NOTE: The standards and procedures set forth herein are intended to establish operational guidelines for immediate intervention programs operating through the board of county commissioners and their employees/contractors and youth participating in the immediate intervention process. They are not intended to establish state created liberty interests for immediate intervention programs or the board of county commissioners, or their employees/contractors, or youth, or an independent duty owed by the Kansas Department of Corrections- Division of Juvenile Services to immediate intervention programs operating through the board of county commissioners or their employees/contractors, supervised juveniles 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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DEFINITIONS (cont.):

“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 allowing, permitting, or encouraging a child to engage in the sale of sexual relations or commercial sexual exploitation of a child, or to be photographed, filmed or depicted in pornographic material. Sexual abuse also shall include allowing, permitting, or encouraging a child to engage in aggravated human trafficking, as defined in K.S.A. 21-5426(b), if committed in whole or in part for the purpose of the sexual gratification of the offender or another.

ATTACHMENTS: None.

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