

<p style="text-align: center;">Juvenile Intake and Assessment System Standards</p> <p style="text-align: center;">Kansas Department of Corrections- Division of Juvenile Services State of Kansas</p>	<p>CHAPTER:</p> <p>DOCUMENTATION, REPORTING AND RECORDS</p>	<p>STANDARD NO.</p> <p>JIAS-03-103</p>
	<p>SUBJECT:</p> <p>MANDATORY REPORTING</p>	<p>PAGE: 1 of 3</p>
<p>REFERENCES: K.S.A. 38-2202; K.S.A. 38-2223; KSA 75-7023; DCF Guide to Reporting Child Abuse and Neglect</p>	<p>DATE ADOPTED: 11-1-2009</p> <p>DATE REVIEWED: 3-1-2017</p>	

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.

According to K.S.A. 38-2223(a)(1)(D), any employee that works in Juvenile Intake and Assessment is a Mandatory Reporter and is 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.

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/KIPSWegintake.aspx>. The identity of the mandatory reporter is held confidential, although exceptions do apply under law. The Intake and Assessment Program 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 Intake and Assessment Program 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. Because failure to report is a class B misdemeanor, all allegations of abuse/neglect should be reported by the Intake and Assessment staff regardless of whether or not the allegation was previously reported.

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

NOTE: The standards and procedures set forth herein are intended to establish operational guidelines for the intake and assessment program operating through the board of county commissioners and their employees/contractors and youth participating in the intake and assessment process. They are not intended to establish state created liberty interests for the intake and assessment program 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 intake and assessment 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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DISCUSSION: If a case of abuse or neglect is suspected, JIAS workers 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 Kansas Department for Children and Families (DCF) and law enforcement officers can conduct forensic interviews (if needed).

Law enforcement bringing a youth to the Intake and Assessment Program due to an allegation of child abuse and/or neglect does not relieve the Intake and Assessment staff of their obligation as a mandatory reporter.

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.

“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

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DISCUSSION (cont.):

(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.

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