



KANSAS DEPARTMENT OF CORRECTIONS

 <p>INTERNAL MANAGEMENT POLICY AND PROCEDURE</p>	<p>SECTION NUMBER</p> <p>14-140A</p>	<p>PAGE NUMBER</p> <p>1 of 3</p>
	<p>SUBJECT:</p> <p>PAROLE SERVICES: Mandated Reporting of Suspected Abuse</p>	
<p>Approved By:</p>  <p style="text-align: center;">Secretary of Corrections</p>	<p>Original Date Issued: 03-28-18</p>	
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APPLICABILITY:	<input checked="" type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input type="checkbox"/> DEPARTMENT-WIDE
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POLICY STATEMENT

K.S.A. 38-2223(a)(D) identifies law enforcement officers as mandated reporters of suspected child abuse and K.S.A. 39-1431 identifies law enforcement officers as mandatory reporters of suspected abuse of certain adults. Parole officers are considered law enforcement officers by Kansas statute and those who suspect that child abuse or the abuse or neglect of certain adults has occurred shall report the information promptly to the designated authority.

DEFINITIONS

Abuse: Causing harm as a result of physical, mental/emotional, or sexual abuse or due to neglect. In the case of adults, may include fiduciary abuse.

Certain Adult: A person who is 18 years of age or older who is alleged to be unable to protect their own interest. See K.S.A. 39-1430 for additional detail.

Child: Any person under the age of eighteen.

Child in Need of Care: A child determined to be in need of care by the court. Only a judge is authorized to make this determination. Department for Children and Families staff or law enforcement officials may request court consideration generally through the prosecutor.

Mandated Reporter: Any person identified as having a statutory obligation to report suspected abuse.

PROCEDURES

- I. Procedures Upon Discovery of Suspected Abuse
 - A. If a parole officer has reason to suspect that a child or certain adult has been a victim of abuse, a report of the suspected abuse shall be made as soon as possible.
 1. If possible, the Victim Services Liaison and the officer's supervisor should be contacted prior to the officer making the report.
 2. During normal business hours, the officer should contact the Department for Children and Families.
 3. After normal business hours, if immediate response is deemed necessary, local law enforcement should be contacted. A supplemental notification should be made to the

Department for Children and Families during the next business day, to ensure that they receive the information.

4. The child abuse report may be made orally and should be followed by a written report if requested. The report shall contain the following information, if known:
 - a. The names and addresses of the child and the child's parents or other persons responsible for the child's care.
 - b. The location of the child if not at the child's residence.
 - c. The child's gender, race and age.
 - d. The reasons why the reporter suspects the child may be a child in need of care.
 - e. If physical, mental/emotional abuse, neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm.
 - f. Any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the person(s) responsible for the harm.
 5. Reports made for adults shall include the following information, if known:
 - a. Name and address of reporter.
 - b. Name and address of the caretaker of the involved adult,
 - c. Name and address of the involved adult, and information regarding the nature and extent of the abuse, neglect or exploitation.
 - d. The name of the next of kin of involved adult, if known,
 - e. Any other information which the person making the report believes might be helpful in the investigation of the case and protection of the involved adult.
 6. A report should still be made even if the officer does not have all the information listed above.
 7. The officer shall make a report even if he/she believes a report has already been made by another individual.
- B. The officer shall fully participate in any subsequent investigation resulting from the officer's report.
- C. Willfully or knowingly failing to make a report, intentionally preventing or interfering with the making of a report, or willfully and knowingly making a false report are violations of law and may result in prosecution and conviction of a criminal offense.
- D. In concert with applicable provisions of K.S.A. 38-2223, any officer who, without malice, participates in the making of a report to the Department for Children and Families or a law enforcement agency relating to a suspicion that 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.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various

accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 38-2223, 39-1430, 39-1431

ATTACHMENTS

None.