

Kansas Mandatory Reporting Requirements Regarding Elders/Disabled

<p><i>Who Must Report?</i></p>	<p>Any of the following persons who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services:</p> <ul style="list-style-type: none"> • any person who is licensed to practice any branch of the healing arts, • a licensed psychologist, • a licensed master level psychologist, • a licensed clinical psychotherapist, • the chief administrative officer of a medical care facility, • a teacher, • a licensed social worker, • a licensed professional nurse, • a licensed practical nurse, • a licensed dentist, • a licensed marriage and family therapist, • a licensed clinical marriage and family therapist, • licensed professional counselor, • licensed clinical professional counselor, • registered alcohol and drug abuse counselor, • a law enforcement officer, • a case manager, • a rehabilitation counselor, • a bank trust officer or any other officers of financial institutions, • a legal representative, • a governmental assistance provider, • an owner or operator of a residential care facility, • an independent living counselor and the chief administrative officer of a licensed home health agency, • the chief administrative officer of an adult family home, and • the chief administrative officer of a community services provider and/or its affiliates, which is operated, funded, or licensed by the state. <p>**An employee of a domestic violence center shall NOT be required to report information or cause a report of information to be made under this subsection.</p>
<p><i>Standard of Knowledge</i></p>	<p>“Reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services.”</p>
<p><i>Definition of Applicable Victim</i></p>	<p>“Adult” means:</p> <ul style="list-style-type: none"> • an individual 18 years of age or older alleged to be unable to protect his or her own interest; • who experiences or is threatened with financial, mental, or physical harm, when

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	<ul style="list-style-type: none"> ○ residing in his or her own home, the home of a family member or the home of a friend, ○ residing in an adult family home as regulated by the state, or ○ receiving services through a provider of community services operated or funded by the department of social and rehabilitation services or the department on aging or a residential facility licensed by the state. <p>A person can cause or threaten harm to himself through his own action or inaction.</p> <p>According to an Opinion of the Kansas Attorney General, a mandated reporter is not required to report all instances of domestic violence, because the statute is meant to protect those adults who are unable to care for themselves, not all adults in any domestic violence situations. The legislative intent of the statute is to protect elderly and disabled persons who are dependent on others to care for them.</p>
<i>Reports Made To</i>	<p>Reports shall be made to the Department of Social and Rehabilitation Services during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time social and rehabilitation services are not in operation.</p> <p>Kansas also has a 24-hour hotline to report abuse: 1-800-922-5330 (in-state only).</p>
<i>Contents of Report</i>	<p>The report shall contain:</p> <ul style="list-style-type: none"> • the name and address of the person making the report and of the caretaker caring for the involved adult, • the name and address of the involved adult, • information regarding the nature and extent of the abuse, neglect or exploitation, • the name of the next of kin of the involved adult, if known, and • any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.
<i>Timing/Other Procedures</i>	Report must be made immediately upon receipt of the information.
<i>Other</i>	Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.
<i>Source/Applicable Statute(s)</i>	K.S.A. §§ 39-1430, 39-1431 (2007); Kansas Attorney General Opinion No. 2002-5.

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