

2021 Kansas Statutes

39-1431. Same; reporting abuse, neglect or financial exploitation or need of protective services; persons required to report; penalty for failure to report; posting notice of requirements of act. (a) (1) When any of the following persons has reasonable cause to suspect or believe that an adult is in need of protective services or being harmed as a result of abuse, neglect or financial exploitation, such person shall promptly report the matter as provided by the provisions of this section:

- (A) Persons licensed to practice the healing arts;
- (B) persons engaged in postgraduate training programs approved by the state board of healing arts;
- (C) persons licensed by the Kansas dental board to engage in the practice of dentistry;
- (D) persons licensed by the board of examiners in optometry to engage in the practice of optometry;
- (E) persons licensed by the board of nursing to engage in the practice of nursing;
- (F) chief administrative officers of medical care facilities;
- (G) persons licensed by the behavioral sciences regulatory board to provide mental health services, including psychologists, masters level psychologists, bachelors level social workers, masters level social workers, clinical social workers, marriage and family therapists, clinical marriage and family therapists, professional counselors, clinical professional counselors, behavior analysts, addiction counselors and clinical addiction counselors;
- (H) teachers, school administrators or other employees of any Kansas educational institution, as defined in K.S.A. 75-53,112, and amendments thereto, that the adult is attending;
- (I) firefighters, law enforcement officers and emergency medical services personnel;
- (J) court services officers, community corrections officers, case managers appointed under K.S.A. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 23-3502, and amendments thereto;
- (K) bank trust officers or any other officers of financial institutions;
- (L) rehabilitation counselors;
- (M) legal representatives;
- (N) governmental assistance providers;
- (O) independent living counselors;
- (P) owners or operators of residential care facilities, as defined in K.S.A. 39-2002, and amendments thereto;
- (Q) the chief administrative officer of a licensed home health agency, as defined in K.S.A. 65-5101, and amendments thereto;
- (R) the chief administrative officer of an adult family home, as defined in K.S.A. 39-1501, and amendments thereto; and
- (S) the chief administrative officer of any provider of community services and affiliates thereof operated or funded by the Kansas department for children and families or licensed under K.S.A. 39-2001 et seq., and amendments thereto.

(2) 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.

(b) Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and

families is not in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(c) The report made pursuant to this section shall contain 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 financial exploitation, the name of the next of kin of the involved adult, if known, and any other information that the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(d) Any other person, not listed in subsection (a) who has reasonable cause to suspect or believe that an adult is being or has been harmed as a result of abuse, neglect or financial exploitation may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(e) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, and amendments thereto.

(f) 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 knowingly causes such report not to be made shall be guilty of a class B misdemeanor.

(g) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

History: L. 1989, ch. 129, § 2; L. 1998, ch. 200, § 9; L. 2001, ch. 154, § 4; L. 2003, ch. 91, § 12; L. 2014, ch. 115, § 168; L. 2018, ch. 33, § 2; L. 2019, ch. 64, § 5; L. 2021, ch. 81, § 4; July 1.