LEARNING OBJECTIVES

MANDATED REPORTERS

- Describe what to expect when calling the Kansas Protection Report Center
- Identify the difference between risk and safety
- Recognize decisions made regarding child safety at different points during DCF involvement, and how risk and safety factors impact these decisions
- Discover how decisions are made for protective actions and service recommendations
Child Abuse Prevention and Treatment Act (CAPTA)

Kansas Statues Annotated K.S.A.
(Kansas Code for the Care of Children)

Kansas Administrative Regulation K.A.R.

DCF Policy
and Procedure
Manual PPM
Kansas Statues Annotated K.S.A. (Kansas Code for the Care of Children)
38-2226 Investigation for child abuse or neglect
The Secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect, for the purpose of:
• Determining whether the report is valid
• Whether action is required to protect the child
DUTY TO RECEIVE
KANSAS PROTECTION REPORT CENTER (KPRC)

[Map of Kansas showing different counties, with 'KPRC 24/7' marked on the map in two locations: one in the West near the city of Wichita, and another in the East near the city of Kansas City.]

DCF Service Center

[DCF Service Center logo with a subtitle: "Department for Children and Families. Strong Families Make a Strong Kansas."]
HOW ARE REPORTS RECEIVED?
KANSAS PROTECTION REPORT CENTER

• Telephone: 1-800-922-5330
  • Operates 24/7, including weekends and holidays

• Online: www.dcf.ks.gov
  • Now compatible with all browsers
  • Quick Guide—How to make an online report is available on the DCF website
DCF TRIVIA
TRUE OR FALSE

SFY 2013: 65,421 55.0%
SFY 2014: 35,863 55.0%
SFY 2015: 65,152 56.0%
SFY 2016: 65,631 56.0%
SFY 2017: 67,642 56.0%
K.S.A 38-2223

When any mandated reporter has reason to suspect that a person has been injured as a result of physical, mental or emotional abuse, neglect, or sexual abuse, the person shall report the matter promptly to DCF and/or law enforcement.
DO I NEED “PROOF” TO REPORT?
MANDATED REPORTERS

- Anyone can make a report when they have a “reason to suspect” that child abuse or neglect has occurred.
- “Reason to suspect” may mean there is credible evidence, or a discrepant or inconsistent history in explaining a child’s injury.
  - For example, the caregiver indicates that bruising was due to an accidental fall, however the bruising appears on parts of the body that are inconsistent with this explanation.
WHO IS MANDATED TO REPORT?
CHILD ABUSE AND NEGLECT

• School employees
• Child care providers
• Law enforcement, firefighters, EMT
• JIAC, court services, community corrections
• Medical professionals
• Licensed mental health professionals
• Persons providing social services to pregnant teens
TIPS IF YOU SUSPECT ABUSE/NEGLECT
MANDATED REPORTERS

- Keep in mind, it is often difficult for a child to disclose situations of abuse/neglect. The child may be threatened not to tell. The child may feel ashamed, embarrassed, anxious or scared.

- Be respectful of the child’s space by not leaning in too closely while he/she is talking.

- Maintain a calm expression. The child’s story may be emotional. If expressions of shock or other emotions are displayed, the child may choose not to disclose.
TIPS IF YOU SUSPECT ABUSE/NEGLECT
MANDATED REPORTERS

- Limit questions to obtain only the minimal information need to make a report. Remember “a reason to suspect” is the criteria to make a report.
- Do not put words in the child’s mouth. Asking leading questions may unintentionally alter the facts of the case. A report may be made without asking for additional details.
  - Leading question example: “Did your father hit you with a belt?”
TIPS IF YOU SUSPECT ABUSE/NEGLECT
MANDATED REPORTERS

• Do not interview the child to gather specific details or facts. Allow the child to be interviewed by staff specifically trained in forensic interviewing of children.

• Do not promote the child to keep the disclosure a secret. Reassure the child, and explain you will call someone who can help.

• Reassure the child the information will not be shared with peers or anyone who does not need to know to keep him/her safe.
K.S.A. 38-2223 (e)(1) and (2)

Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is **not** a defense that another mandatory reporter made the report.

Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.
K.S.A. 38-2223 (e)(1)

Some agencies expect staff to discuss abuse before reporting. However, if a mandated reporter has “reason to suspect” abuse/neglect, it is his/her responsibility to report, whether or not the supervisor is in agreement.
PROTECTIONS
MANDATED REPORTERS

K.S.A. 38-2224 (a) and (b)—for suspected Child Abuse or Neglect

- No employer shall terminate the employment of, prevent or impair the practice or occupation of, or impose any other sanction on, any employee because the employee made an oral or written report to, or cooperated with an investigation by, law enforcement or the secretary relating to harm inflicted upon a child which was suspected by the employee of having resulted from the physical, mental or emotional abuse or neglect or sexual abuse of a child.

- Violation of this section is a class B misdemeanor.
For Suspected Child Abuse or Neglect

- Any person who willfully and knowingly makes a false report pursuant to this section or makes report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

- Kansas law provides reporters immunity from civil liability if a report is made without malice and in good faith [K.S.A. 38-2209]
Specific to Suspected Child Abuse or Neglect

- DCF policy provides that the identity of the reporter of suspected child/adult abuse/neglect not be disclosed.

- This protection is not absolute:
  - If a case is heard in court, and DCF is ordered by a judge to release the name of the reporter
  - If a DCF finding is appealed and heard in a DCF administrative hearing, there is a possibility that the reporter’s name may be disclosed in those proceedings.
It is important for reporters to leave contact information, so the KPRC Specialist will be able to connect with them to ask additional questions and gather additional information that may be essential in determining the safety of the child/adult.
INFORMATION YOU WILL NEED
MANDATED REPORTERS

- Name
- Address
- Phone numbers
- Date of birth and Social Security number
- Race and ethnicity
QUESTIONS YOU WILL BE ASKED
MANDATED REPORTERS

• Extent of the situation
• Circumstances
• Child functioning
• Discipline practices
• General parenting
• Caregiver functioning
K.S.A. 38-2213

The reporter shall disclose protected health information (PHI) freely and cooperate fully with DCF and law enforcement throughout the investigation and any subsequent legal processes.
INITIAL ASSESSMENT
MANDATED REPORTERS

- Completed by Child Protection Specialists and Intake Protection Specialists
- Assess risk and safety factors
- Apply abuse/neglect definitions
FACTORS TO CONSIDER
MANDATED REPORTERS

- Child’s age
- Perpetrator’s access to children
- Physical/mental condition of caregiver
- Location of the injury
- Seriousness of incident
- Medical needs of the child
- Child’s ability to protect self
FACTORS TO CONSIDER
MANDATED REPORTERS

- Others’ ability to protect child
- Recency of an injury
- Current condition/behavior of the child
- Agency action needed to protect children from harm
- Action needed to preserve evidence
- Prior department involvement
FACTORS TO CONSIDER
MANDATED REPORTERS

- The KPRC specialist completes a search for agency history to determine if the family has relevant history of abuse/neglect.

- Search includes all family members and the alleged perpetrator.

- Includes multiple DCF systems and screens
FACTORS TO CONSIDER
MANDATED REPORTERS

- Specific criteria for determining no further Prevention and Protection Services (PPS) action needed
- Statutory definition of CINC of PPM directives are not met:
  - No indication of harm, or child is likely to be harmed or endangered
  - Caregiver’s behavior does not harm a child, or place a child in a likelihood of harm or being endangered
  - Reports alleging abuse or neglect in the past
  - Report concerns child care licensing standards only.
FACTORS TO CONSIDER
MANDATED REPORTERS

- Specific criteria for determining no further PPS action needed
- Report fails to provide the information necessary to locate child
- DCF does not have the authority to proceed and/or a conflict of interest exists
  - Abuse/neglect occurring in an institution operated by the Kansas Department for Aging and Disability Services (KDADS)
  - Abuse/neglect occurring in an institution operated by the Kansas Department of Corrections (KDOC)
  - Abuse/neglect by persons employed by DCF or KDADS
  - Abuse/neglect of an adult not in the custody of the Secretary
  - Family living on a Native American reservation or military installation
  - Conflict of interest
FACTORS TO CONSIDER
MANDATED REPORTERS

• Specific criteria for determining no further PPS action needed
• Incident has been, or is being assessed, by DCF and/or law enforcement
FACTORS TO CONSIDER
MANDATED REPORTERS

• Initial Assessment of Reports Indicating Human Trafficking
  • All reports indicating an allegation of HT are assigned for further assessment.
  • KPRC Specialists have a protocol to follow when a report is received alleging HT.
DCF ASSIGNMENT TYPES
MANDATED REPORTERS

DCF Assignment Types

- Abuse/Neglect
- NAN/FINA
- Pregnant Woman Using Substances
DCF TRIVIA
TRUE OR FALSE

Physical Neglect is the most common allegation type of abuse/neglect reports assigned for investigation in Kansas?
False:

**Physical abuse** is the most common type of abuse/neglect assigned for investigation in Kansas.

In FY 2017:

- 32.6 percent assigned as physical abuse
- 20.5 percent assigned as emotional abuse
CHILD MALTREATMENT TYPES

MANDATED REPORTERS

Statewide Assigned Maltreatment

- Physical Abuse, 32.6%
- Lack of Supervision, 18.9%
- Emotional Abuse, 20.5%
- Physical Neglect, 11.5%
- Medical Neglect, 5.1%
- Sexual Abuse, 10.6%
- Abandonment, 0.8%
DCF Assignment Types and Response Times

Abuse/Neglect
- Same Day
- 72 Hour

NAN/FINA
- Same Day
- 72 Hour
- 20 Working Day

Pregnant Women Using Substances
- 72 Hour
CRITERIA FOR SAME-DAY ASSIGNMENT
MANDATED REPORTERS

- The alleged victim is under 1 year of age
- Any child with current marks or bruises
- Life-threatening situation for a child of any age
- Sexual abuse of a child, and the alleged perpetrator resides in the home
- Child without minimal care to prevent loss of life or serious injury
- Child in Police Protective Custody
- Child expresses fear of returning home
SAFETY DETERMINATION
MANDATED REPORTERS

• **Same Day**—Safety must be determined by the assigned DFC Specialist, or at least appropriately attempted by the end of that work day.

• **72 Hour**—Safety must be determined within 72 hours. This excludes weekends and State holidays.
DETERMINING CHILD SAFETY
MANDATED REPORTERS

• In person contacts with the alleged victim(s)
• Neutral setting—school (K.S.A. 28-2226 (g))
• Consider safety factors, such as:
  • Severity of harm to the child
  • Imminent danger types
  • Child vulnerability
  • Caregiver protective factors
  • Non-abusing caregiver willing and able to protect
  • History of abuse/neglect
INTERVIEWS
MANDATED REPORTERS

- Alleged victim
- Primary caregiver of alleged victim
- Siblings residing in the home, facility or placement
- Alleged perpetrator
- Siblings not residing in same home
- Adult sibling(s) living in same home
- Persons identified as having relevant information
SAFETY AND RISK ASSESSMENTS
MANDATED REPORTERS

Risk leads to decisions for services.

RISK VS. SAFETY

Moderate

Significant

Low

High

“Threshold”

Safety leads to decisions for protective action.
SAFETY ASSESSMENT
MANDATED REPORTERS

• Evaluate imminent danger to a child
• Considers:
  • Safety factors
  • Immediate medical concerns
  • Protective action
  • Perpetrator access
• Assist the CPS Specialist in determining the need for protection action
SAFETY DECISIONS
MANDATED REPORTERS

• Safe
• Conditionally Safe
• Unsafe
Conditionally Safe

• Safety plan
• Removal of the alleged perpetrator
The answer to the following is “yes”:
- Is the child abandoned?

Or, all three of the following must be “yes”:
- Is the child in imminent danger?
- Does the perpetrator have access to the child?
- Is the non-abusing caregiver unable to protect the child?
Can DCF remove a child from his/her home?
No.

Only law enforcement, a court services officer, or the Court can remove children from their home.

K.S.A 38-2231
PROTECTIVE ACTION
UNSAFE

- Request police protective custody
- Request an ex parte or temporary custody order from the county or district attorney
When a child is placed in PPC or temporary DCF custody, a hearing must be held within 72 hours to determine if the children can safely return home, or if out-of-home placement is needed.
RISK ASSESSMENTS
MANDATED REPORTERS

- Research-based tool
- Likelihood of future maltreatment
- Statistically correlated to future maltreatment
- All significant risk factors are considered
- Assists families
- Assists workers in making service action decisions
May include:

- Referrals to community services and supports
- Family Services
- Family Preservation Services
Family Preservation provides:

- 24/7 availability to the family
- Crisis stabilization and ongoing intervention
- Aftercare services for 365 days after referral
The purpose of the case finding is to inform:

- When abuse/neglect has occurred; and
- Whether the identified perpetrator should be permitted to reside, work or regularly volunteer in a child care facility.
DCF CASE FINDING
MANDATED REPORTERS

Possible DCF case findings are:

• Unsubstantiated
• Affirmed
• Substantiated
A reasonable person weighing the facts or circumstances would conclude it is more likely than not (preponderance of the evidence) the alleged perpetrator’s actions or inactions do not meet the abuse and/or neglect definitions per applicable Kansas Statutes Annotated (K.S.A) and Kansas Administrative Regulations (K.A.R).
A reasonable person weighing the facts and circumstances would conclude it is more likely than not (preponderance of the evidence) the alleged perpetrator’s actions or inactions meet the abuse and/or neglect definition per applicable Kansas Statutes Annotated (K.S.A) and Kansas Administrative Regulations (K.A.R).
Meet each of the following criteria:

- Affirmed for abuse/neglect
- Perpetrator’s actions, behaviors, omissions meet one of the following:
  - Intent to commit the act that resulted in harm; and/or
  - Reasonable person would have anticipated harm would occur to the child; and/or
  - Harm was the result of failure or refusal to protect the child; and
Meet each of the following criteria:

• There was serious harm, injury or deterioration to the child; or there was a likelihood of, or endangerment of serious harm, injury or deterioration to the child.
A substantiated case finding results in the perpetrator’s name being placed on the Kansas Child Abuse/Neglect Central Registry. The perpetrator is not permitted to reside, work or regularly volunteer in a Kansas Department of Health and Environment (KDHE) or DCF Foster Care and Residential Licensing regulated child care or residential facility.
Purpose of the Central Registry:

• Prevent anyone substantiated from working, residing or regularly volunteering in a facility licensed by KDHE or DCF Foster Care and Residential Licensing
DCF’s goal is always to keep families together, whenever this is safely possible.
WEBSITES OF INTEREST
MANDATED REPORTERS

DCF Policy and Procedure Manual
www.dcf.ks.gov/services/PPS/Pages/CPSReports.aspx

Kansas Statutes Annotated (definitions)
www.kslegislature.org
THANK YOU
MANDATED REPORTERS

Questions