

## When to Report

A report should be made to DCF when:

- The adult is unable to protect his/her own interest and is in a harmful situation or is in danger of being harmed.
- or
- A specific incident or pattern suggests abuse, neglect, exploitation or fiduciary abuse is occurring.
- or
- The adult is unable to provide or obtain the services necessary to ensure safety and well-being and to avoid physical and mental harm or illness.

## Where and How to Report

Call the Protection Report Center at 1-800-922-5330 or call local law enforcement if the adult is in imminent danger.

## What DCF Will Do

1. Initiate a personal visit with the adult within 24 hours to five working days of being assigned the case, depending on the level of risk of imminent danger to the individual.
2. With the consent of the adult, contact collateral sources (relatives, neighbors, service providers, etc.) to obtain additional information.
3. With the consent of the adult, interview the alleged perpetrator, if one has been named.
4. Discuss with the adult, and if appropriate, the guardian, conservator or caretaker, what actions are needed to prevent further harm.
5. Assist in locating services and making referrals that are necessary to maintain physical or mental health. Examples may include legal services, medical care, appropriate living arrangements, assistance in personal hygiene, food, clothing and transportation.

6. Initiate involuntary intervention (i.e. guardianship or conservatorship) if the adult is incapable of protecting him/herself due to major mental and physical disability, and there are no other options.
7. Provide advocacy to ensure protection of personal rights.
8. Coordinate services that will include only those that are determined to be needed to protect the adult in the least restrictive manner.
9. Make a finding to determine if abuse, neglect and/or exploitation occurred.
10. Provide the alleged perpetrator the opportunity to appeal the finding. If the appeal is upheld, the individual's name is entered into a central registry of substantiated perpetrators.
11. Immediately notify the appropriate law enforcement agency if a criminal act has occurred or has appeared to have occurred.

## Confidentiality

The name of the person who reports suspected abuse, neglect, exploitation or fiduciary abuse is confidential and cannot be disclosed without the written consent of the person making the report or through a court order.

If you have questions or need more information, please contact your local DCF office at the address given below:



# Kansas Adult Protective Services

Improving the quality of life for Kansas adults who are vulnerable and in need of protection, through building connections with family and community, fostering independence, promoting advocacy, and enhancing preventative services.



*Strong Families Make a Strong Kansas*

## Who is at risk?

Persons at risk are adults 18 years of age or older, who are unable to protect their own interest and who are harmed or threatened. The harm may be financial, mental or physical in nature, through action or inaction by themselves or others. Typically, this includes elderly those who are physically disabled, mentally ill and/or have developmental disabilities.

## What is abuse?

Any act or failure to act intentionally or recklessly that causes or is likely to cause harm, including: infliction of physical or mental injury; sexual abuse; unreasonable use of physical or chemical restraint, isolation or medication; threat or menacing conduct; fiduciary abuse; or omission or deprivation by a caretaker or another person of goods or services that are necessary to avoid physical or mental harm or illness.

## What is neglect?

Failure or omission by one's self, caretaker or another person with a duty to supply or provide care, goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

## What is exploitation?

Misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources.

## What is fiduciary abuse?

A situation in which a person who is the caretaker of, or who stands in a position of trust, to an adult, takes, secretes or appropriates his/her money or property for any use or purpose not in the due and lawful execution of the adult's trust or benefit.

## Who should report?

Kansas law (K.S.A. 39-1431) requires persons in specific professions to report suspected abuse, neglect, exploitation or fiduciary abuse of adults residing in the community to the Kansas Department for Children and Families (DCF) immediately.

Failure to report by mandated reporters is a class B misdemeanor. Any other person who suspects abuse, neglect, exploitation or fiduciary abuse may also report. Persons required to report are:

- any person licensed to practice any branch of the healing arts
- licensed psychologist
- licensed master level psychologist
- licensed clinical psychotherapist
- chief administrative officer of a medical care facility
- teacher
- licensed social worker
- licensed professional nurse
- licensed practical nurse
- licensed dentist
- licensed marriage and family therapist
- licensed clinical marriage and family therapist
- licensed professional counselor
- licensed clinical professional counselor
- registered alcohol and drug abuse counselor
- law enforcement officer
- case manager
- guardian or conservator
- bank trust officer or any other officers of financial institutions
- legal representative
- governmental assistance provider
- rehabilitation counselor
- holder of a power of attorney
- owner or operator of a residential care facility

- independent living counselor
- chief administrative officer of a licensed home health agency
- chief administrative officer of an adult family home
- chief administrative officer of a provider of community services and affiliates thereof operated or funded by the DCF or licensed under K.S.A. 75-3307b and amendments thereto.

Under the law, an employer is prohibited from imposing sanctions against an employee who makes a formal complaint.

## What to Report

1. Name and location of the person who is alleged to be abused, neglected, exploited, or fiduciarily abused.
2. Information regarding the nature of the abuse, neglect, exploitation or fiduciary abuse, including:
  - What the person saw.
  - Why the reporter considers it to be abuse, neglect, exploitation or fiduciary abuse.
  - Whether the reporter considers the person to be in immediate danger.
  - Any information that might be helpful in the investigation and protection of the adult.
  - Specific addresses and/or phone numbers, if known, for caretakers, next of kin, collateral contacts and alleged perpetrators.
  - Name and how to contact the person making the report. This is confidential information and cannot be disclosed without the reporter's permission or through a court order.