

Release of Financial Records Relevant to
Adult Protective Services Investigation

DATE:

TO: (Financial Institution Name)
(Address)

Dear Financial Manager,

Adult Protective Services (APS) within the State agency Department for Children and Families investigates reports regarding the health, welfare, and safety of vulnerable adults. Pursuant to K.S.A. 39-1436, The Kansas Department for Children and Families Adult Protective Services Division is requesting records per the applicable law cited below.

K.S.A. 39-1436 requires that any person or agency who maintains records relating to an involved adult which are relevant to the investigation being conducted by DCF or Law Enforcement be released to DCF or Law Enforcement upon receipt of a written request for information, written notice that an investigation is being conducted by the department, and certification that written notice has been sent to the involved adult or the involved adult's guardian. An involved adult is the adult who is the subject of a report of abuse, neglect or exploitation.

15 USC 6802 – Obligations with respect to disclosures of personal information

(e) General Exceptions

Subsections (a) and (b) of this section shall not prohibit the disclosure of nonpublic personal information

(3) (B) to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability;

(8) to comply with Federal, State, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities; or to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes authorized by law.

I, (APS Worker), an APS Protection Specialist, employed by DCF in the APS Division certify that an investigation is being conducted by DCF regarding the involved adult listed below. I certify that APS provided the involved adult or the involved adult's guardian written notice of the investigation on (mo/dd/yyyy). The records received will be subject to the confidentiality requirements listed in K.S.A. 39-1434.

APS received a report with allegations of financial exploitation of (Involved Adult Name), (DOB mo/dd/yyyy; SSN). I am requesting records for (Involved Adult Name), for the period of (mo/dd/yyyy to mo/dd/yyyy) for all accounts including but not limited to:

- ☐ Bank statements for any and ALL accounts, including checking, savings, money market, & CDs
- ☐ Copies of all checks and withdrawals from the account(s) (front & back) including offsets
- ☐ Copies of all deposits and deposit items (front & back)
- ☐ Customer Profile showing all accounts, including opening and/or closing dates and signature cards
- ☐ Statements for any loans, lines of credit, or credit cards and copies of any cash advances
- ☐ Any and all Power of Attorney documents and/or other legal documents
- ☐ ATM photographs/video for the last 45 days
- ☐ Other: Mortgages, IRAs, Any and all information regarding reports of fraud

This information is critical for the purpose of conducting an investigation of financial exploitation and is needed as soon as possible. **Please provide these records on or before (mo/dd/yyyy)**

Due to time sensitivity of this investigation, it is desired that you send the documentation by: Encrypted CD, encrypted flash drives, encrypted email (**email address**), fax (**fax Number**) or mail: (**Mailing address, Attn: (Adult Protective Services APS Worker Name)**).

If you have any questions or concerns, you may contact me at (**phone number/email**)

Sincerely,

_____, APS Protection Specialist

Included below: Kansas State Statutes K.S.A 39-1434 & 39-1436

CC: (**Involved Adult or Guardian**)

39-1434. Statewide register; report, assessment or written evaluation not public record; disclosure of certain individuals prohibited. (a) The secretary for children and families shall maintain a statewide register of the reports, assessments received and the analyses, evaluations and the actions recommended. The register shall be available for inspection by personnel of the Kansas department for children and families and as provided in K.S.A. 65-6205, and amendments thereto.

(b) Neither the report, assessment or the written evaluation analysis shall be deemed a public record or be subject to the provisions of the open records act. The name of the person making the original report or any person mentioned in such report shall not be disclosed unless the person making the original report specifically requests or agrees in writing to such disclosure or unless a judicial proceeding results therefrom. No information contained in the statewide register shall be made available to the public in such a manner as to identify individuals.

History: L. 1989, ch. 129, § 5; L. 1997, ch. 161, § 7; L. 2014, ch. 115, § 171; July 1.

39-1436. Same; access to relevant records; confidentiality requirements. (a) As provided in this section, any person or agency which maintains records relating to the involved adult which are relevant to any investigation conducted by the Kansas department for children and families or a law enforcement agency under this act shall provide the Kansas department for children and families or a law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the Kansas department for children and families:

(1) A written request for information;
(2) a written notice that an investigation is being conducted by the department; and
(3) certification or confirmation that the department has sent written notice to the involved adult or the involved adult's guardian. Any such information shall be subject to the confidentiality requirements of K.S.A. 39-1434, and amendments thereto.

(b) The Kansas department for children and families or a law enforcement agency shall have access to all relevant records in accordance with the provisions of subsection (a).

History: L. 1989, ch. 129, § 7; L. 2003, ch. 91, § 15; L. 2004, ch. 153, § 2; L. 2014, ch. 115, § 173; July 1.

