

Release of Records Relevant to Adult Protective Services Investigation

DATE:

TO: (Agency Name & Address)

To Whom It May Concern,

Adult Protective Services, (APS) within the State agency Department for Children and Families that 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 as listed 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.

I, (APS Protection Specialist Name), 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.

Name: Click or tap here to enter text.

DOB: Click or tap here to enter text.

SSN: Click or tap here to enter text.

The records requested are: Click or tap here to enter text.

Due to time sensitivity of this investigation, it is desired that you send the records on or before (mo/dd/yyyy). Please provide 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 Statute K.S.A. 39-1434 & 39-1436

K.S.A. 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.

