



NOTICE OF DEPARTMENT FINDINGS

Date of Mailing:		Event #:		DCF Office:	
TO:			FROM:		
ADDRESS:			TELEPHONE #:		
Street/P.O. Box _____			ADDRESS:		
City _____ State _____			Street/P.O. Box _____		
ZIP _____			City _____ State _____		
ZIP _____			ZIP _____		
The Kansas Department for Children and Families has completed an investigation of a report dated:					<i>("Report Date" on PPS 1001)</i>
The following decisions have been made:					
Child's Name/ Alleged Victim	Allegation	Finding	Unsubstantiated Alleged Perpetrator OR Affirmed or Substantiated Perpetrator *		
<p>*NOTE TO THE UNSUBSTANTIATED ALLEGED PERPETRATOR: An unsubstantiated finding is a determination the incident reported was not affirmed or substantiated.</p> <p>*NOTE TO THE AFFIRMED PERPETRATOR: An Affirmed case finding does not result in the perpetrator's name being placed on the Kansas Child Abuse/Neglect Central Registry. Affirmed Perpetrators have the opportunity to appeal the Kansas Department for Children and Families (DCF) findings. See reverse side for additional information.</p> <p>*NOTE TO SUBSTANTIATED PERPETRATORS: Substantiated Perpetrators have the opportunity to appeal agency findings. If a substantiated perpetrator does not appeal or the appeal is unsuccessful, the substantiated perpetrator's name will be placed on the Kansas Child Abuse/Neglect Central Registry. Persons whose names appear on the Central Registry are not permitted by law to work, reside, or regularly volunteer in child care homes or facilities licensed or regulated by the Kansas Department for Health and Environment (KDHE) or the Kansas Department for Children and Families (DCF) Foster Care and Residential Facility Licensing. A substantiated finding may affect a substantiated perpetrator's current employment status in a childcare or residential facility licensed or regulated by the KDHE or DCF Foster Care and Residential Facility Licensing and such person's ability to obtain employment in the future. See reverse side for additional important information regarding appeal and expungement processes.</p>					
Recommendations:	<input type="checkbox"/> NO	<input type="checkbox"/> YES	Document Recommendations:		
Is case finding substantiated or affirmed with a child under the age of three?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>YES If yes, a referral to Infant-Toddler Services shall be completed.</p>		
Basis of Decision:					
Distribution/copies:	An * in the box indicates persons receiving a copy of this notice.			<input type="checkbox"/>	File
<input type="checkbox"/> Parents/Care giver of child	<input type="checkbox"/>	Alleged Perpetrator	<input type="checkbox"/>	<input type="checkbox"/>	Child
<input type="checkbox"/> Contractor providing services	<input type="checkbox"/>	Director of Facility	<input type="checkbox"/>	<input type="checkbox"/>	Child Placing Agency of foster home
<input type="checkbox"/> KDHE	<input type="checkbox"/>	Regional Mental Health Field Staff	<input type="checkbox"/>	<input type="checkbox"/>	KDADS
<input type="checkbox"/> KDOC-JS	<input type="checkbox"/>	DCF Foster Care and Residential Facility Licensing	<input type="checkbox"/>	<input type="checkbox"/>	DCF Child Care Provider Manager
<input type="checkbox"/> County/District Attorney (SB/AF)				<input type="checkbox"/>	

Important Information

What do the terms “unsubstantiated,” “affirmed” and “substantiated” mean?

A report of alleged or suspected child abuse or neglect is determined to be “unsubstantiated” if a reasonable person would conclude it is more likely than not (preponderance of the evidence) the facts or circumstances do not result in a finding of abuse and/or neglect per applicable Kansas Statutes Annotated (K.S.A.) and Kansas Administrative Regulations (K.A.R.) definition.

A report of alleged or suspected child abuse or neglect is determined to be “affirmed” if 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 K.S.A. and K.A.R.

A report of alleged or suspected child abuse or neglect is determined to be “substantiated” if 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 K.S.A. and K.A.R. and criterion for a substantiated case finding is met. A substantiated case finding results in the perpetrator’s name being placed on the Kansas Child Abuse/Neglect Central Registry. The perpetrator is then prohibited from residing, working, or regularly volunteering in a childcare facility licensed or regulated by KDHE or Kansas Department for Children and Families Foster Care and Residential and Facility Licensing.

Information regarding unsubstantiated, affirmed, or substantiated findings is restricted by law and is not available to the general public (K.S.A. 38-2209 et seq). The information retained by DCF for the purpose of assisting the department if additional reports are received involving the same children or adults. The information is available to other agencies with a legal responsibility to protect children, or as otherwise provided by law.

Substantiated Perpetrator

Substantiated perpetrators are those persons who have been substantiated as having committed an act of child abuse or neglect, as defined by Kansas Statutes Annotated 38-2202 and Kansas Administrative Regulations (30-46-10), and are then prohibited from residing, working, or regularly volunteering in a child care facility pursuant to K.S.A. 65-516, and amendment thereto. DCF has established criteria for determining when a perpetrator has been substantiated. A person who meets the criteria is substantiated and their name entered in the Kansas child abuse and neglect central registry. The Kansas Child Abuse Central Registry is a listing of persons who have been confirmed, validated or substantiated for child abuse or neglect.

Kansas law (K.S.A. 65-516) states no person shall knowingly maintain a licensed childcare or residential facility if there resides, works or regularly volunteers any person who is listed in the child abuse registry as confirmed, validated or substantiated for child abuse or neglect.

Notice of a substantiation will be provided to the Kansas Department of Health and Environment, the Kansas Department for Children and Families Foster Care and Residential Facility Licensing, and to the childcare or residential facility.

Release of Information

Information about reports or findings regarding child abuse and neglect is not available to the general public. The information is retained by DCF for the purpose of assisting the department if additional reports are received involving the same children or adults. The information is available to other agencies with a legal responsibility to protect children, or as otherwise provided by law (K.S.A. 38-2209 et seq). Information regarding a substantiated perpetrator will be released as required by law or upon a written release of information by the person whose name is listed on the registry.

Right to Appeal Decision

An affirmed or substantiated perpetrator may appeal a decision of substantiation for child abuse and/or neglect by filing a written request for fair hearing pursuant to K.A.R. 30-7-68 *et seq.* with the Office of Administrative Hearings, 1020 S. Kansas, Topeka, Kansas 66612-1327 within 30 days from the date of the mailing of this Notice of Department Finding. An additional 3 days shall be allowed if this Notice of Department Finding is mailed. Additional information or fair hearing request forms may be obtained from any DCF office or on-line at <https://oah.ks.gov/Home/FilingMethods>. The person against whom an affirmed or substantiated finding decision has been made may have legal counsel or others to represent said person at the hearing. If the affirmed or substantiated person is dissatisfied with the hearing decision, said person with the affirmed or substantiated finding may request in writing a review of the decision by the State Appeals Committee. The decision of the State Appeals Committee may be appealed to the district court.

Expungement from the Central Registry

If a substantiated perpetrator’s name is placed on the Kansas child abuse and neglect central registry, said person may apply to the Secretary of DCF to have his or her name expunged from the central registry when three years have passed since the most recent entry of the substantiated person’s name on the registry and when there has been a change in his or her circumstances or there is new information for the panel to consider. The application for expungement shall be in writing and shall be directed to the Secretary of the Department for Children and Families, Attention: Prevention and Protection Services, 555 S. Kansas Ave., 4th floor, Topeka, KS 66603.