

## Kentucky General Mandatory Reporting

WHAT?	WHO must report?	WHEN?	TO WHOM?
<b>Harm to Children Abuse, Dependency, Neglect; Human Trafficking; and Female Genital Mutilation<sup>1</sup></b>	Everyone,  except when the communication is made within the attorney-client or clergy-penitent relationship	<b><u>If harm/abuse/neglect is caused or allowed by:</u></b> <ul style="list-style-type: none"> <li>• Parent or other caregiver</li> <li>• person in position of authority or special trust<sup>2</sup></li> <li>• person 21 y.o. or older <u>when</u> victim &lt;16 y.o. for sexual abuse/exploitation</li> <li>• any person for human trafficking (labor and sex trafficking)</li> <li>• any person for female genital mutilation<sup>3</sup></li> </ul>	Must report to one of the following: <ul style="list-style-type: none"> <li>• Cabinet<sup>4</sup> – Child Protective Services,</li> <li>• Local law enforcement,</li> <li>• Kentucky State Police, <b>OR</b></li> <li>• County or Commonwealth Attorney</li> </ul>
<b><u>Vulnerable Adult</u> Abuse or Neglect<sup>5</sup></b>	Everyone,  no exceptions	<b><u>If any person harms/neglects</u> an individual who is <b>18 y.o. or older</b> who has a <b>mental or physical disability that limits ability to care and/or protect themselves.</b></b>	Must report to: <ul style="list-style-type: none"> <li>• Cabinet<sup>6</sup> – Adult Protective Services</li> </ul>

\*The chart above is applicable to the general population, however, there are additional mandates for reporting or providing information based on certain professions. For the KY *Profession-Specific Mandatory Information and Reporting Laws* chart, please contact KASAP.

<sup>1</sup> Ky. Rev. Stat. §600.020 and §620

<sup>2</sup> Ky. Rev. Stat. §532.045

<sup>3</sup> Ky. Rev. Stat. §508.125

<sup>4</sup> Statewide Abuse Reporting Hotline, 1-877-KYSAFE1 or 1-877-597-2331

<sup>5</sup> Ky. Rev. Stat. §209

<sup>6</sup> Statewide Abuse Reporting Hotline, 1-877-KYSAFE1 or 1-877-597-2331

### **What if I am not sure?**

- The law requires reporting when [“any person knows or has reasonable cause to believe that a child is dependent, neglected, or abused...”](#) and [“any person...having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation...”](#) So, you don't have to be sure.
- Furthermore, [“failure to report”](#) is a crime. Therefore, reporting is the safest thing to do if you suspect abuse or neglect.
- Also, if the report was made [“in good faith,”](#) the person who reported is immune from legal liability.

### **Tips for Fulfilling Your Duty to Report**

- When reporting is required, it should be done immediately.
- You should not investigate prior to making a report.
- The [duty to report abuse overrides most professional “privileges”](#) that generally protect confidential communications. So, when you have a duty to report, you must do so regardless of privilege. The only exceptions to child abuse reporting are when the communication is made within the attorney-client or clergy-penitent relationship.
- Since the duty to report applies to individuals, you should make all reports directly to appropriate government officials, even if you are told that a report has already been made. Though your institution's policies and procedures may require you to tell someone inside your organization, internal reporting does not fulfill your legal duty to report.
- In many cases, it is difficult to "substantiate" reports of abuse, especially sexual abuse. Therefore, it can be critical to file additional reports if you learn of violence that occurred after a report was made. You may also ask to speak directly with a supervisor and/or contact the Office of Ombudsman at 1-800-372-2973.
- Reports can be made anonymously. However, if you do not give your name, it may be especially important to document the reporting in your own records.
- [The law requires that the source of a report of abuse, neglect or exploitation is kept confidential](#) unless court ordered to be released.
- Kentucky's mandatory reporting laws are codified in: [KRS 600.020](#) and [KRS 620](#) for child abuse and [KRS 209](#) for adults with disabilities.

**NOTE: DO NOT report all sexual assaults** based on the fact that a sexual assault occurred. Reporting sexual assaults follows the same reporting guidelines as above. Remember, reporting without client/patient/victim consent, except where the law requires, is a violation of Kentucky state law as well as federal laws such as HIPAA and VAWA.

\*Outside of mandatory reporting, anytime a victim consents to contacting police or others for services, it is best practice to have them sign a consent/release form.

*This document is not legal advice and should only be used for guidance.*