



# Mandatory Abuse Reporting in Kentucky

## Protections for Children, Spouses & Adults with Disabilities

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Mandatory reporting laws were created to protect people who are especially vulnerable. The purpose of reporting is to trigger state protections when those who should be protecting vulnerable people are causing or allowing harm to occur. Kentucky laws require that abuse, neglect, and exploitation be reported when the victim is (1) a child, (2) the spouse of the offender, or (3) an adult with a disability who is unable to protect him or herself.

### **Child Abuse & Neglect**

Kentucky law requires that a report be made when a child is abused or neglected. Both physical and sexual abuse must be reported. Any sexual activity involving a child and an adult is considered abuse, including:

- Intimate touching, fondling, masturbation, or penetration
- Exposure to pornography
- Genital exposure, including via “sexting” or other use of technology
- Sexual exploitation, including acts related to pornography and prostitution

In 2012, Kentucky law was changed to clarify that the following types of child abuse must be reported:

- Abuse or neglect by a person in any position of authority or special trust
- Anytime a person 21 years old (or older) commits or allows an act of sexual abuse, sexual exploitation, or prostitution upon a child less than 16 years old.

### **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...” 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 that abuse or neglect has occurred.
- Also, if the report was made “in good faith,” the person who reported is immune from legal liability.

### **Where to Report Child Abuse**

You can make a report to any of the following:

- Statewide Abuse Reporting Hotline, 1-877-KYSAFE1 or 1-877-597-2331
- Cabinet for Health & Family Services, Division of Protection & Permanency (local office or regional intake)
- Kentucky State Police or any local law enforcement agency
- Local Commonwealth’s Attorney or County Attorney

### **What information does the intake worker need from the reporter?**

- The child’s name, gender and approximate age
- The name of the person believed to be responsible for the abuse or neglect
- A description of the injury, neglect or threatened harm to the child
- The current location of the child; day care or school; home address
- Any immediate risk to the child OR a worker going out to ensure the child’s safety (i.e., guns)
- The name of the person making the report and identifying information IF the caller wishes to give that information; anonymous reports are accepted and investigated.

## **Abuse of Adults**

In most cases, there is no law that requires that a report be made when an adult is abused. Furthermore, state and federal laws protect the rights of adults to seek abuse-related services confidentially. Therefore, victim service providers and health care professionals should take special care to understand mandatory reporting laws and confidentiality rights.

If the victim is an adult (18 years old or older), mandatory reporting laws only apply if the victim is:

- (1) [Married to the offender](#) or
- (2) Has a disability that limits his or her ability to care for and/or protect himself (or herself).

## **Where to Report Abuse if the Victim is an Adult**

If mandatory reporting laws apply, a report must be made to the Cabinet for Health and Family Services. Reports can be made to:

- Statewide Abuse Reporting Hotline, 1-877-KYSAFE1 or 1-877-597-2331
- Cabinet for Health & Family Services (CHFS), Division of Protection & Permanency ([local office](#) or [regional intake](#))

## **What about Law Enforcement Involvement**

- Reporting to law enforcement does not fulfill the duty to report. The law requires that these cases be reported to CHFS.
- In many cases, CHFS will notify local or state law enforcement officials.
- Even though law enforcement officials may become involved, service providers governed by HIPAA and/or VAWA should be very careful about releasing information to law enforcement. Both HIPAA and VAWA protect individuals' privacy rights when seeking abuse-related services. Essentially, they prohibit release of information to law enforcement unless (1) the victim authorizes the release in writing or (2) a court has ordered the release.

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

- In Kentucky, the duty to report applies to all people, not just certain professionals.
- 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.
- 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 it is ordered to be released by a court.
- Kentucky's mandatory reporting laws are codified in: (child abuse) [KRS 600.020](#) and [KRS 620](#); (adults with disabilities) [KRS 209](#); and (spouse abuse) [KRS 209A](#).