

KRS § 620.030



Baldwin's Kentucky Revised Statutes Annotated [Currentness](#)

Title LI. Unified Juvenile Code

 [Chapter 620](#). Dependency, Neglect, and Abuse ([Refs & Annos](#))

→ **620.030 Duty to report dependency, neglect or abuse**

- (1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Kentucky State Police; the cabinet or its designated representative; the Commonwealth's attorney or the county attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect or abuse shall promptly make a report to the proper authorities for investigation. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report.
- (2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected or abused, regardless of whether the person believed to have caused the dependency, neglect or abuse is a parent, guardian, person exercising custodial control or supervision or another person, or who has attended such child as a part of his professional duties shall, if requested, in addition to the report required in subsection (1) of this section, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or county attorney, the cabinet or its designated representative within forty-eight (48) hours of the original report a written report containing:
- (a) The names and addresses of the child and his parents or other persons exercising custodial control or supervision;
 - (b) The child's age;
 - (c) The nature and extent of the child's alleged dependency, neglect or abuse (including any previous charges of dependency, neglect or abuse) to this child or his siblings;
 - (d) The name and address of the person allegedly responsible for the abuse or neglect; and
 - (e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.
- (3) The cabinet upon request shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his family, such cooperation, assistance and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, [620.040](#), and [620.050](#).

HISTORY: 1988 c 350, § 43, eff. 4-10-88; 1988 c 258, § 2, eff. 7-15-88; 1986 c 423, § 64

Legislative Research Commission Note: This section was amended by two 1988 Acts which do not appear to be in conflict and have been compiled together.

Legislative Research Commission Note: The 1988 amendments to this section are effective April 10, 1988, except

KRS § 620.030

for the second sentence of subsection (1), which is effective July 15, 1988.

HISTORICAL AND STATUTORY NOTES

2005 Main Volume Historical and Statutory Notes

Note: 620.030 contains provisions analogous to former 199.335, repealed by 1986 c 423, § 198, eff. 7-1-87.

CROSS REFERENCES

2005 Main Volume Cross References

Penalty: [620.990\(1\)](#)

Prohibition: [620.040\(2\)](#)

Domestic violence, treatment standards must comply with procedures for dependency, neglect, and abuse, [403.7505](#)

Endangering welfare of a minor, [530.060](#)

KENTUCKY ADMINISTRATIVE CODE REFERENCES

"Baby Doe" administrative regulation, [922 KAR 1:150](#)

Certification of family child care homes, [922 KAR 2:100](#)

Child protective services, [922 KAR 1:330](#)

Domestic violence offender treatment certification standards, [908 KAR 2:210](#)

Health and safety standards for child day care facilities, [922 KAR 2:120](#)

Investigation of child fatalities and near fatalities, [922 KAR 1:420](#)

Managed behavioral health care initiative (1915b waiver), [907 KAR 1:710](#)

Protocol for operation of local multidisciplinary teams on child sexual abuse, [40 KAR 3:020](#)

Standards for child caring facilities, [922 KAR 1:300](#)

Standards for child day care facilities, [922 KAR 2:110](#)

Standards for child placing agencies, [922 KAR 1:310](#)

LIBRARY REFERENCES

2005 Main Volume Library References

Infants k13.5.

Westlaw Topic No. 211.

RESEARCH REFERENCES

KRS § 620.030

2005 Main Volume Research References

ALR Library

[73 ALR 4th 782](#), Validity, Construction, and Application of State Statute Requiring Doctor or Other Person to Report Child Abuse.

Encyclopedias

[38 Am. Jur. Trials 1](#), Professional Liability for Failure to Report Child Abuse.

Treatises and Practice Aids

[Graham & Keller, 15 Kentucky Practice Series, Domestic Relations Law § 6.10](#), Protective Services-Duty to Report Child Abuse and Neglect.

[Graham & Keller, 15 Kentucky Practice Series, Domestic Relations Law § 6.25](#), Protective Services-Permanency Planning for Committed Children.

[Graham & Keller, 16 Kentucky Practice Series, Domestic Relations Law § 21.36](#), Motion for Hearing to Modify Previous Custody Decree-Form.

[Bardenwerper, 5 Kentucky Practice Series, Methods of Practice § 72.12](#), Child Custody.

Abramson, 10 Kentucky Practice Series, Substantive Criminal Law § 8:63, Juvenile Code-Dependency, Neglect and Abuse.

[Leibson, 13 Kentucky Practice Series, Tort Law § 10.41](#), Defenses-Statute of Limitations-Discovery-Sexual Abuse.

[Leibson, 13 Kentucky Practice Series, Tort Law § 10.54.1](#), Defenses-Statutory Immunity.

[Weiss & Browning, 14 Kentucky Practice Series, Trial Practice § 15:17](#), Appendix: Alternative Dispute Resolution Rules, Jefferson County.

LAW REVIEW AND JOURNAL COMMENTARIES

2005 Main Volume Law Review and Journal Commentaries

[Abused Children: The Supreme Court Considers The Due Process Right To Protection, Note. 29 J Fam L 679 \(May 1991\).](#)

Are [Kentucky's Children "At Risk" as a Result of J.H. v. Commonwealth?](#) 86 Ky L J 999 (1997-98).

Between A Rock And A Hard Place: Michigan Social Worker Liability For Child Abuse Investigations After *Achterhof v. Selvaggio*, Note. 22 U Tol L Rev 455 (Winter 1991).

Brodie v. Summit County Children Services Board: A Statutory Duty Exception to the Public Duty Rule for Children Service Agencies, Note. 18 Ohio N U L Rev 711 (1991).

Fetal Abuse: Culpable Behavior by Pregnant Women or Parental Immunity?, George P. Smith II. 3 J L & Health 223 (1988-89).

[Children And Cults: A Practical Guide, Susan Linda. 29 J Fam L 591 \(May 1991\).](#)

[Commonwealth v. Allen: An Eye-Opener for Kentucky's Teachers, Note. 27 N Ky L Rev 447 \(2000\).](#)

KRS § 620.030

In [Search of Affirmative Duties Toward Children Under a Post-Deshaney Constitution, Comment.](#) 139 U Pa L Rev 227 (November 1990).

Kentucky Tort Liability for Failure to Report Family Violence, James T. R. Jones. [26 N Ky L Rev 43 \(Spring 1999\)](#).

"Let the Master Answer": Holding Schools Vicariously Liable When Employees Sexually Abuse Children, Richard Fossey and Todd A. Demitchell. [25 J L & Educ 575 \(Fall 1996\)](#).

School Personnel & Mandated Reporting of Child Maltreatment, Kevin S. Mahoney. 24 J L & Educ 227 (Spring 1995).

[Spare the rod, spoil the child? Legal framework for recent corporal punishment proposals.](#) 25 Golden Gate U L Rev 361 (1995).

The Development and Organization of Domestic Relations Mediation in a Multi-Function Mediation Center in Kentucky, Gary W. Paquin. [81 Ky L J 1133 \(1992-93\)](#).

The Violent Family and the Ambivalent State: Developing a Coherent Policy for State Aid to Victims of Family Violence, Lowell F. Schechter. 20 J Fam L 1 (1981-82).

Therapists' Liability to the Falsely Accused for Inducing Illusory Memories of Childhood Sexual Abuse--Current Remedies and a Proposed Statute, Joel Jay Finer. [11 J L & Health 45 \(1996-97\)](#).

[Understanding Faith: When Religious Parents Decline Conventional Medical Treatment for Their Children, Note.](#) 45 Case W Res L Rev 891 (Spring 1995).

[Will The § 1983 Equal Protection Claim Solve The Equal Protection Problem Faced By Victims Of Domestic Violence? A Review Of Balistreri, Watson, Hynson, And McKee, Note.](#) 29 J Fam L 635 (May 1991).

NOTES OF DECISIONS

- In general** [1](#)
- Physicians** [4](#)
- Religious exception** [5](#)
- School personnel** [2](#)
- Social workers** [3](#)
- Trial court** [6](#)

[1.](#) In general

Clear and unambiguous statutory language imposes mandatory duty on all individuals with firsthand knowledge or reasonable cause to believe that a child is abused to report such abuse, and imposes dual responsibility on supervisors not only to report in their individual capacity, but also to relay to authorities any reports they receive from their subordinates. [Com. v. Allen \(Ky. 1998\) 980 S.W.2d 278](#). Infants  13

[2.](#) School personnel

Reporting of suspected **child abuse** to principal by teacher and counselor did not relieve them of their statutory obligation to report to state authorities, even though principal as supervisor also had independent statutory obligation of his own to relay any reports he received to state authorities. [Com. v. Allen \(Ky. 1998\) 980 S.W.2d 278](#). Infants  13

KRS § 620.030

Reporting of suspected **child abuse** to principal by teacher and school counselor based upon school protocol, but not to state authorities as required by statute, was not sufficient "report" of abuse to trigger statutory immunity from criminal liability for failure to inform state authorities. [Com. v. Allen \(Ky. 1998\) 980 S.W.2d 278](#). Infants  13

School officials are not legally required to report a student's possession of drugs or alcohol on school property to law enforcement agencies, but have discretion to do so; the school district should enact procedures for the destruction of drugs found on students. OAG 93-32.

3. Social workers

Whether county social workers who receive complaints of child abuse, yet take no steps to remove the child from the custody of a parent who eventually injures him severely, have violated a duty of protection owed to the child is a question to be answered by each state's law of torts, not by the federal constitution. [DeShaney v. Winnebago County Dept. of Social Services \(U.S.Wis. 1989\) 109 S.Ct. 998, 489 U.S. 189, 103 L.Ed.2d 249](#).

Acts of child protection agency employees were not intimately associated with the judicial process, and thus employees were not entitled to absolute immunity in 1983 suit brought by father as result of their investigation of allegations made by estranged wife who worked for child protection agency that father had improper sexual contact with child, where agency's investigatory work was mandated by state statute and investigation did not lead to criminal prosecution of father. [Edwards v. Williams \(E.D.Ky. 2001\) 170 F.Supp.2d 727](#). Civil Rights  1376(8)

Pursuant to KRS 620.030(3), a school must allow a human resources cabinet social worker to interview a student on school premises regarding allegations of abuse, neglect, or dependency. OAG 92-138.

[KRS 199.335](#) requires Kentucky school boards, administrators, and teachers to allow the department for social services or its delegated representative to come onto the school grounds to interview students suspected of being abused or neglected children. The school should consult with the department and obtain permission prior to informing the parent of the interview. If the department directs that the school should not inform the parent, then pursuant to its mandate to cooperate, as stated in [KRS 199.335\(3\)](#), the school must comply with that directive. If the school is not the reporter of the suspected abuse, the immunities granted by [KRS 199.335\(6\)](#) do not expressly apply; however, immunity should be found to apply to a school if the interview with the child takes place on school grounds, as such cooperation is mandated by statute. (Annotation from former KRS 199.335.) OAG 85-134.

Kentucky law permits compliance by the Commonwealth with the 1984 amendments to the federal **Child Abuse and Neglect Act** and the regulations promulgated thereunder regarding the **reporting** and investigation of alleged medical neglect or withholding of medical care for infants in federally funded hospitals, requiring that the child protection agency be able to obtain necessary medical records from hospitals and requiring a provision for court intervention where necessary. (Annotation from former KRS 199.335 and 208.160.) OAG 85-102.

Department for human resources' workers may examine children at school in regard to child abuse or neglect reports without first obtaining the consent of the parents of the child. (Annotation from former KRS 199.335.) OAG 80-50.

4. Physicians

Under Kentucky and West Virginia law, issue of whether physician has reasonable cause to believe or suspect child abuse has occurred, such that physician would be subject to misdemeanor charge if he failed to report such suspected abuse, is question of law for court to decide. [Hazlett v. Evans \(E.D.Ky. 1996\) 943 F.Supp. 785](#). Infants  13.5(1)

5. Religious exception

A child who does not receive necessary medical care due to his parents' religious beliefs may be considered an abused or neglected child; the reporting requirements of KRS 620.030(1) and the investigation requirements of

KRS § 620.030

[KRS 620.050\(3\)](#) are mandatory and must be followed in cases involving the religious exception contained in [KRS 600.020\(1\)](#). OAG 93-84.

6. Trial court

Trial court was required to report possible neglect or abuse of child who was subject of motion to modify custody decree to authorities before ruling on motion where testimony at hearing on motion was undisputed that four-year-old child had unexplained bruises on or about her buttocks on several occasions and had on another occasion been burned with cigarette and there was persuasive testimony that custodial mother had sexual relations in front of child and that mother's living conditions were far less than adequate. [Fugate v. Fugate \(Ky.App. 1995\) 896 S.W.2d 621](#).
Infants  13

Nothing in statute which requires any person who knows or has reasonable cause to believe that child is being neglected or abused to report matter to authorities exempts trial judge of duty to report dependency, neglect, or abuse of which he is aware. [Fugate v. Fugate \(Ky.App. 1995\) 896 S.W.2d 621](#). Infants  13

Trial court is required to report suspected abuse or neglect of child to proper authorities when it has reason to believe that abuse or neglect has occurred and where proper authorities or investigating agency have not been notified. [Fugate v. Fugate \(Ky.App. 1995\) 896 S.W.2d 621](#). Infants  13

In cases involving alleged abuse of children where there is reason to believe abuse has occurred, trial court must take active role in assuring that child's physical and emotional well-being have been protected. [Fugate v. Fugate \(Ky.App. 1995\) 896 S.W.2d 621](#). Infants  156

KRS § 620.030, KY ST § 620.030

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