



[KANSAS STATUTES ANNOTATED](#)
[CHAPTER 38.--MINORS](#)
[ARTICLE 15.--KANSAS CODE FOR CARE OF CHILDREN](#)
[MATTERS PRIOR TO FILING PETITION](#)

38-1522. Reporting of certain abuse or neglect of children; persons reporting; reports, made to whom; penalties for failure to report or interference with making of a report.

- (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed masters level psychologists; licensed clinical psychotherapists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; licensed marriage and family therapists; licensed clinical marriage and family therapists; licensed professional counselors; licensed clinical professional counselors; registered alcohol and drug abuse counselors; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under [K.S.A. 23-602](#) and amendments thereto; juvenile intake and assessment workers; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if known, the names and addresses of the child and the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the child's injury (including any evidence of previous injuries) and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the persons responsible for the injuries.
- (b) Any other person who has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse may report the matter as provided in subsection (c) or (e).
- (c) Except as provided by subsection (e), reports made pursuant to this section shall be made to the state department of social and rehabilitation services. When the department is not open for business, the reports shall be made to the appropriate law enforcement agency. On the next day that the state department of social and rehabilitation services is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to subsection (a) of [K.S.A. 38-1524](#) and amendments thereto. The reports may be made orally or, on request of the department, in writing.
- (d) Any person who is required by this section to report an injury to a child and who knows of the death of a child shall notify immediately the coroner as provided by [K.S.A. 22a-242](#), and amendments thereto.
- (e) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services or the juvenile justice authority shall be made to the appropriate law enforcement agency.
- (f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.
- (g) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

History: L. 1982, ch. 182, § 19; L. 1983, ch. 140, § 19; L. 1985, ch. 147, § 8; L. 1986, ch. 299, § 4; L. 1987, ch. 152, § 1; L. 1988, ch. 140, § 2; [L. 1991, ch. 114, § 13](#); [L. 1992, ch. 312, § 38](#); [L. 1996, ch. 229, § 36](#); [L. 1997, ch. 156, § 43](#); [L. 2001, ch. 154, § 2](#); July 1.

<General Materials (GM) - References, Annotations, or Tables>

REVISOR'S NOTES

1993 Main Volume REVISOR'S NOTES

Section was amended twice in 1986 Session, see also 38-1522a.

LAW REVIEW AND BAR JOURNAL REFERENCES:

2004 Pocket Part LAW REVIEW AND BAR JOURNAL REFERENCES:

'2001 Legislative Wrap-Up,' Paul T. Davis, 70 J.K.B.A. No. 7, 14 (2001).

1993 Main Volume LAW REVIEW AND BAR JOURNAL REFERENCES:

"Kansas Enacts New Provisions for Child Support Enforcement--Mandatory Wage Withholding," Yvonne C. Anderson, Richard A. Forster, 25 W.L.J. 91, 115 (1985).

"Keeping the Family Out of Court: Court-Ordered Mediation of Custody Disputes Under the Kansas Statutes," Nancy G. Maxwell, 25 W.L.J. 203, 221, 230, 231 (1986).

"Court-Ordered Mediation: New Opportunities in Family Practice," Brian Moline, 54 J.K.B.A. 97, 104 (1985).

"CASA: A Voice for Children," Derenda Mitchell, 58 J.K.B.A. No. 5, 28, 29 (1989).

"A Law Teacher Looks at the Good Samaritan Story," Paul B. Rasor, 31 W.L.J. 71, 76 (1991).

ATTORNEY GENERAL'S OPINIONS

2004 Pocket Part ATTORNEY GENERAL'S OPINIONS

Conflicting duties of attorney and social worker regarding confidentiality and **reporting** suspected **child abuse**. 2001-28.

Abortion providers required to report minor child under 16 years of age seeking abortion as evidence of sexual abuse. 2003-17.

1993 Main Volume ATTORNEY GENERAL'S OPINIONS

Investigation of reports of suspected child abuse or neglect. 85-150.

Reporting of certain abuse or neglect of a child; pregnancy. 92-48.

Health services; consent for medical treatment by parents with certain religious beliefs. 93-66.

Code for care of **children**; mandatory **abuse reporting** statute. 93-90.

Reporting abuse or neglect of children; persons reporting; duty to report; confidentiality. 94-67.

CASE ANNOTATIONS

1993 Main Volume CASE ANNOTATIONS

1. No private right of action provided by statute for failure to report suspicions of child abuse. [Kansas State Bank & Tr. Co. v. Specialized Transportation Services, Inc., 249 K. 348, 372, 819 P.2d 587 \(1991\).](#)
2. Child in need of care proceedings discussed generally, with emphasis on roles of respective parties thereto. [In re D.D.P., Jr., 249 K. 529, 531, 819 P.2d 1212 \(1991\).](#)
3. Defendant immune from liability for report of possible sexual abuse of child regarding intentional infliction of emotional distress claim. [Clevenger v. Catholic Social Services of the Archdiocese of Kansas City, 21 K.A.2d 521, 529, 901 P.2d 529 \(1995\).](#)
4. Adjudication hearing is required when interested party files CINC (38-1510) petition and no stipulation has been entered into. [In re K.W., 24 K.A.2d 724, 726, 953 P.2d 229 \(1998\).](#)

CASE ANNOTATIONS

2004 Pocket Part CASE ANNOTATIONS

5. School employee defendants were not negligent for failure to protect student from sexual abuse. [Doe v. Unified School District, 255 F.Supp.2d 1239, 1249 \(2003\).](#)

K. S. A. § 38-1522, KS ST § 38-1522

Current through the 2004 Regular Session

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