

Kentucky Laws Regarding Mandatory Reporting and Human Trafficking

Kentucky Family Planning Program



Kentucky Public Health
Prevent. Promote. Protect.



TEAM 
KENTUCKY®

CABINET FOR HEALTH
AND FAMILY SERVICES



Learning Objectives

Knowledge and understanding of who is required to report

Knowledge and understanding of what to report

Knowledge and understanding of how to make reports

Knowledge and understanding of penalties for failure to make a report



Public Law

To remain eligible for federal funding, states are required to have procedures for the reporting and investigation of abuse and neglect cases.



Kentucky Unified Juvenile Code

- A child's fundamental right to be safe and to be nurtured
- A child's basic right to be raised by his/her own parents, whenever possible.

Kentucky Mandatory Reporting Laws

Diagnosis and Treatment
of Minors
(KRS 214.185)

Outpatient Mental Health
Counseling of Minors
(KRS 214.185 &
KRS 202A.011)

New Legislation with
Definitions
(KRS 600.020 &
KRS 209.020)

Mandatory Reporting in
Kentucky
(KRS 620.030, KRS 209.030 &
KRS 209A.100)

Duty to Report Child
Dependency, Neglect and
Abuse
(KRS 620.030)

Duty to Report Adult
Abuse and Neglect
(KRS 209.030)

Domestic/Dating Violence
and Abuse
(KRS 209A.100)

Human Trafficking
(KRS 620.030 & KRS 529.120)

Refusal to Report
(KRS 620.030 &
KRS 209A.030)

Diagnosis and Treatment of Minors Without the Consent of Parent or Guardian

Any physician may make a diagnostic exam for a minor, with the minor's consent for:

Pregnancy

Substance use
disorder

Venereal
disease

Any physician may advise, prescribe or treat:

Childbirth

Contraception

Pregnancy

Substance use
disorder

Venereal
disease

Outpatient Mental Health Counseling of Minors Without the Consent of Parent or Guardian

- A qualified mental health professional may provide

Upon the request of the child

16 or 17 years of age

AND

Unaccompanied youth

Homeless or not in physical custody of a parent

- A physician may provide to 16 years of age or older



New Definition of Abused or Neglected Child

A child whose health or welfare is harmed or threatened with harm when his or her parent, guardian or other person supervising the child fails

Repeatedly to provide essential parental care and protection for the child, considering the age of the child

To make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining in foster care for 15 cumulative months out of 48 months

To provide the child with basic needs necessary for the child's well-being when financially able or offered financial means

Allows CHFS to get involved in cases sooner

(KRS 600.020, amended April 2022)



New Definition of Abused or Neglected Child (continued)

A child whose health or welfare is harmed or threatened with harm when his or her parent, guardian or other person supervising the child

Inflicts, allows to be inflicted, or creates or allows a risk of physical or emotional injury, sexual abuse, sexual exploitation or prostitution upon the child

Commits or allows female genital mutilation

Behaves in a way that makes them incapable of caring for the immediate and ongoing needs of the child (i.e., substance use disorder)

Abandons or exploits the child

A person 21 years of age or older commits or allows an act of sexual abuse, sexual exploitation, or prostitution upon a child less than 16 years of age



Dependency

“Dependent child” means any child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child



Exploitation

Obtain or use another person's resources, including but not limit to funds, assets and property by deception, intimidation or similar means

Duty to Report **Child** Abuse, Neglect and Dependence

Any person who knows or has reasonable cause to believe that a child (age 17 or younger) is dependent, neglected, abused, trafficked or a victim of female genital mutilation shall immediately cause an oral or written report to be made to

- Local law enforcement agency
- Kentucky State Police
- Cabinet for Health and Family Services
- Commonwealth's or County attorney





Signs of Child Abuse & Neglect

Unexplained injuries
(bruises, broken
bone, burns, etc.)

Sexual behavior or
knowledge that's
inappropriate for the
child's age

Inappropriate sexual
behavior with other
children

Pregnancy or a
sexually transmitted
infection

Loss of self-confidence

Depression

Delayed or
inappropriate
emotional
development

Decrease in school
performance

Social withdrawal

Poor growth

Poor personal
cleanliness

Hoarding or stealing
food

<https://www.mayoclinic.org/diseases-conditions/child-abuse/symptoms-causes/syc-20370864>

(Vulnerable) 'Adult'

Chapter 209 defines as persons 18 or older who, because of mental or physical dysfunctions, are unable to manage resources, carry out daily living activity, or protect self from harm



Duty to Report **Adult** Abuse, Neglect or Exploitation

- Any person that has reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation shall report, either oral or written, immediately to the
 - Cabinet of Health and Family Services



Signs of Adult Abuse, Neglect & Exploitation

Bruises, broken bones, cuts, etc.

Caregiver's refusal to allow visitor to see a vulnerable adult alone

Unexplained injury around the genital area or breasts

Extremely withdrawn, non-communicative or non-responsive

Nervousness around certain people

Sudden changes in bank account or banking practice

Abrupt changes in a will or other financial documents

Unexplained disappearance of funds or valuable possessions

Dehydration, malnutrition, untreated bed sore, poor personal hygiene

Unattended or untreated health problems

Hazardous or unsafe living conditions

Unsanitary and unclean living conditions

<https://www.safv.org/vulnerable-adult-abuse>



Domestic and Dating Violence

Physical injury, stalking, sexual abuse, strangulation, or assault between family members or members of an unmarried couple

Domestic/Dating Violence and Abuse

Reports

- When to report
 - Upon the request of the victim, a professional shall report to a law enforcement officer (KRS 209A.100)
 - An act of domestic violence and abuse
 - An act of dating violence and abuse
 - Must have victim's permission prior to contact of law enforcement
- When **NOT** to report
 - Reasonable cause of domestic/dating violence
 - The victim does not give permission





Signs of Dating Violence

Using insults, intimidation, or humiliation

Extreme jealousy, insecurity or controlling behavior

Isolation from friends and family

Explosive temper or unusual moodiness

Invasion of privacy; showing up unannounced

Leaving unwanted items, gifts or flowers

Abusing alcohol or drugs

Threatening or causing physical violence; scratches, bruises, etc

Constantly monitoring social media activities or location

<https://publichealth.gmu.edu/news/2022-02/10-warning-signs-teen-dating-violence>



Signs of Domestic Violence

Extreme jealousy and possessiveness

Unpredictability

Bad temper, verbal abuse

Extremely controlling behavior

Forces sex or disregard for their partner's unwillingness to have sex

Blaming victim for anything bad that happens

Sabotage or obstruction of victims ability to work or attend school

Controls finances

Demeaning victim either privately or publicly

<https://ncadv.org/signs-of-abuse>



Professional Responsibility with Domestic/Dating Violence and Abuse Victims

If a professional has reasonable cause to believe that an individual with whom he or she has had professional interaction with has experienced domestic violence and abuse or dating violence and abuse, they must provide them with

- Educational materials related to domestic/dating violence and abuse
- Information about how he or she may access regional domestic violence programs
- Information about how to access protective orders

Resources for Professional Compliance

Kentucky Coalition Against Domestic Violence website

(www.kcadv.org)

- Educational materials related to domestic/dating violence and abuse
- Information about how a victim can access regional domestic violence programs
- Information about how to access protective orders

S: Stress/Safety

What stresses do you experience in your relationship?

Do you feel safe in your relationship?

A: Afraid/abuse

What happens when you and your partner disagree? Have you ever felt afraid?

Have you been physically hurt or threatened by your partner?

Has your partner forced you to engage in sexual activities that you didn't want?

F: Family/friends

Are your family and friends aware of what's going on?

E: Emergency

Do you have a safe place to go in an emergency?



Adult Human Trafficking



- Criminal activity where by one or more persons are subjected to engaging in: forced labor or services, commercial sexual activity through force, fraud, or coercion
- Suspected cases of trafficking should be reported to CHFS, intervening directly can put the victim at an increased risk
 - Two Kentucky laws that pertain to the duties of the cabinet (CHFS) are KRS 620.040 and 620.029



Child Human Trafficking

Does not have to involve force, fraud or coercion if the individual is under 18

- Children comprise 60% of all human trafficking victims
- Suspected cases of trafficking should be reported to CHFS, intervening directly can put the child at an increased risk
- The child should be treated as an abused child, and cannot be prosecuted for prostitution





Signs of Human Trafficking

Appears disconnected from family, friends, or community organizations

Appears timid, fearful, or submissive

Defers to companion or another person in their presence

Stops attending school

Unstable living conditions

Signs of mental or physical abuse (disoriented, confused, bruises in various stages of healing)

(<https://www.dhs.gov/blue-campaign/indicators-human-trafficking>)



Failure to Report

Child or adult: abuse, neglect, dependence, and trafficking

- Class B misdemeanor – first offense
- Class A misdemeanor – second offense
- Class D felony – each subsequent offense

Domestic and dating violence and abuse

- Class B misdemeanor

*Attorney-client and clergy-penitent privilege are the only exceptions for child abuse, neglect and dependence

Mandatory Reporting in Kentucky

	Child Abuse, Neglect, and Dependency	Adult Abuse, Neglect, or Exploitation	Human Trafficking	Domestic or Dating Violence and Abuse
Who is required to report	Anyone who has reason to believe it is occurring, including healthcare professionals **Exception: attorney client or clergy-penitent relationship	Anyone who has reason to believe it is occurring, including healthcare professionals	Anyone who has reason to believe it is occurring, including healthcare professionals	Professional , upon the request of the victim
What to report	<ul style="list-style-type: none"> Names and addresses of the child and their parent(s) or guardian(s) Child's age Nature and extent of the alleged dependency, neglect or abuse, including any previous charges to this child or his or her siblings Name and address of the person allegedly responsible for the abuse or neglect Any other information that may be helpful 	<ul style="list-style-type: none"> Name and address of the adult, or anyone responsible for their care Adult's age Nature and extent of the abuse, neglect, or exploitation, including any evidence of previous abuse, neglect or exploitation Identity of the perpetrator and complainant, if possible Any other information that may be helpful 		Contents of report determined after discussion with the victim
How to report	Oral or written report to a local law enforcement agency, the Department of KY State Police, CHFS, the Commonwealth's attorney or the county attorney Adult/Child Protective Services Reporting: 1-877-KYSAFE1 (or 1-877-597-2331)	Oral or written report to CHFS Adult/Child Protective Services Reporting: 1-877-KYSAFE1 (or 1-877-597-2331)	Oral or written report to a local law enforcement agency, the Department of KY State Police, CHFS, the Commonwealth's attorney or the county attorney	Report to a law enforcement officer, with permission of the victim
Law	KRS 620.030	KRS 209.030	KRS 620.030	KRS 209A.100

Our duty is to report; CHFS duty is to investigate

Reporting

- **Kentucky Child/Adult Protective Services Reporting System:**
- 1-877-597-2331 (1-877-KYSAFE1)
- 1-800-752-6200 (Business hours)
- **National Domestic Violence Hotline:**
- 1-800-799-7233 (1-800-799-SAFE)
- **Kentucky Domestic Violence Association**
- 1-502-209-5382
- **The National Human Trafficking Hotline:**
- 1-888-373-7888



References

- <https://www.dhs.gov/blue-campaign/indicators-human-trafficking>
- <https://education.ky.gov/school/sdfs/Pages/Human-Trafficking.aspx>
- <https://domesticabuse.stanford.edu/screening/how.html>
- “From Report to Court”, CHFS, DCBS PowerPoint as presented by Child Protection Branch
- “Recognizing and Reporting Maltreatment” Appalachian Kentucky Healthcare Access Network
- Kentucky Revised Statutes Database <https://apps.legislature.ky.gov>
- <https://ncadv.org/signs-of-abuse>
- <https://publichealth.gmu.edu/news/2022-02/10-warning-signs-teen-dating-violence>
- <https://www.safv.org/vulnerable-adult-abuse>
- <https://www.mayoclinic.org/diseases-conditions/child-abuse/symptoms-causes/syc-20370864>

Contact

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FamilyPlanning@ky.gov



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