

# Recognizing, Reporting, and Responding to Child Sexual Abuse in Kentucky An Update for 2025

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and

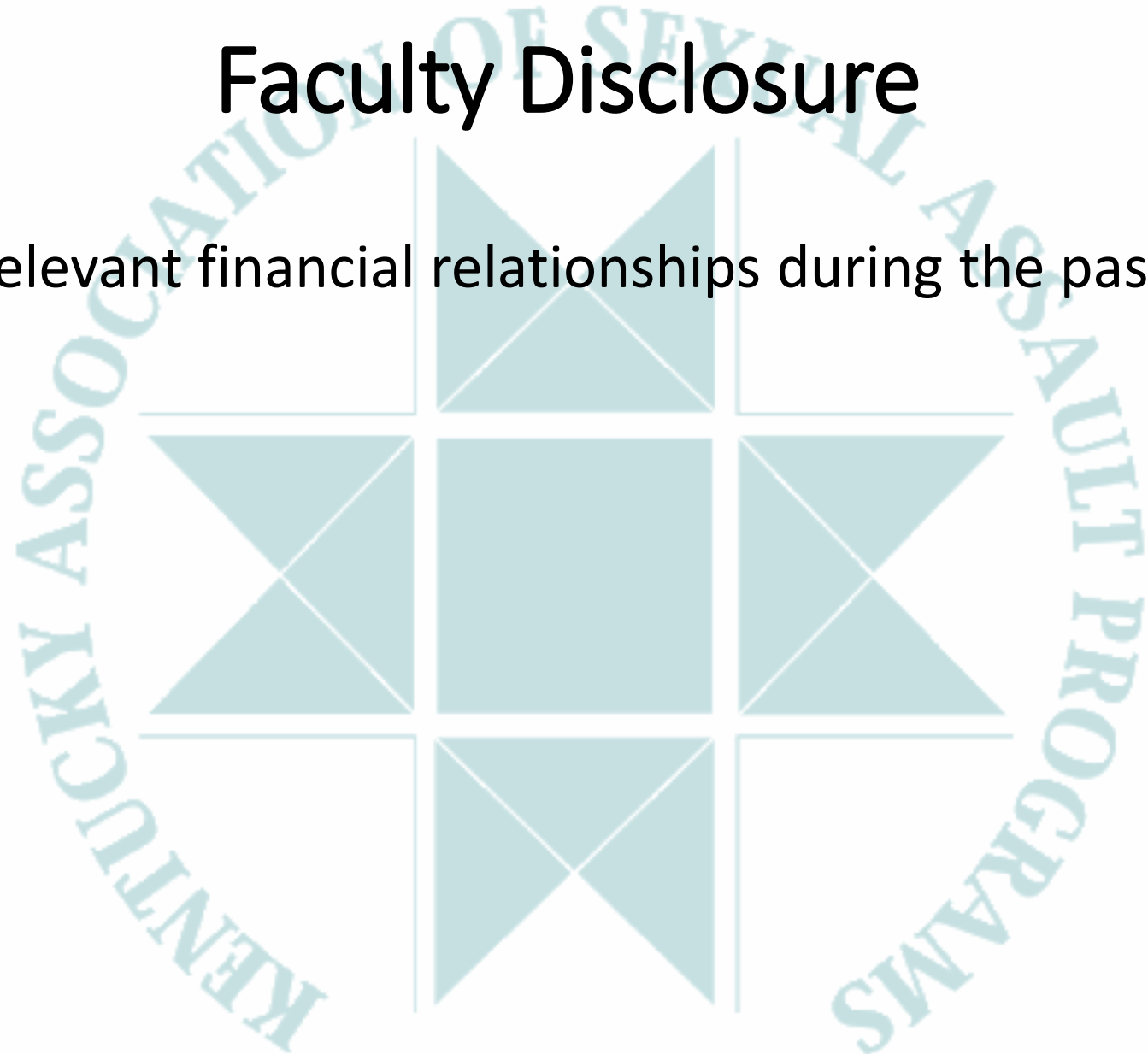
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# Objectives

- Define child sexual abuse
- Discuss the indications for making a mandatory child sexual abuse report
- Describe how to report suspected abuse
- Discuss how community partners respond to a child's report of sexual abuse
- Review the purpose of the medical exam when a child reports sexual abuse
- Explain why many children will have normal anogenital examinations
- Explain the rationale for STI testing and evidence collection
- Discuss resources available to aid in the evaluation of children and adolescents who report experiencing sexual abuse/assault
- Understand current Kentucky law on sexual assault evidence collection and examination
- Apply critical thinking strategies when caring for adolescent and pediatric sexual abuse in public health clinics

# Faculty Disclosure

We have no relevant financial relationships during the past 24 months.

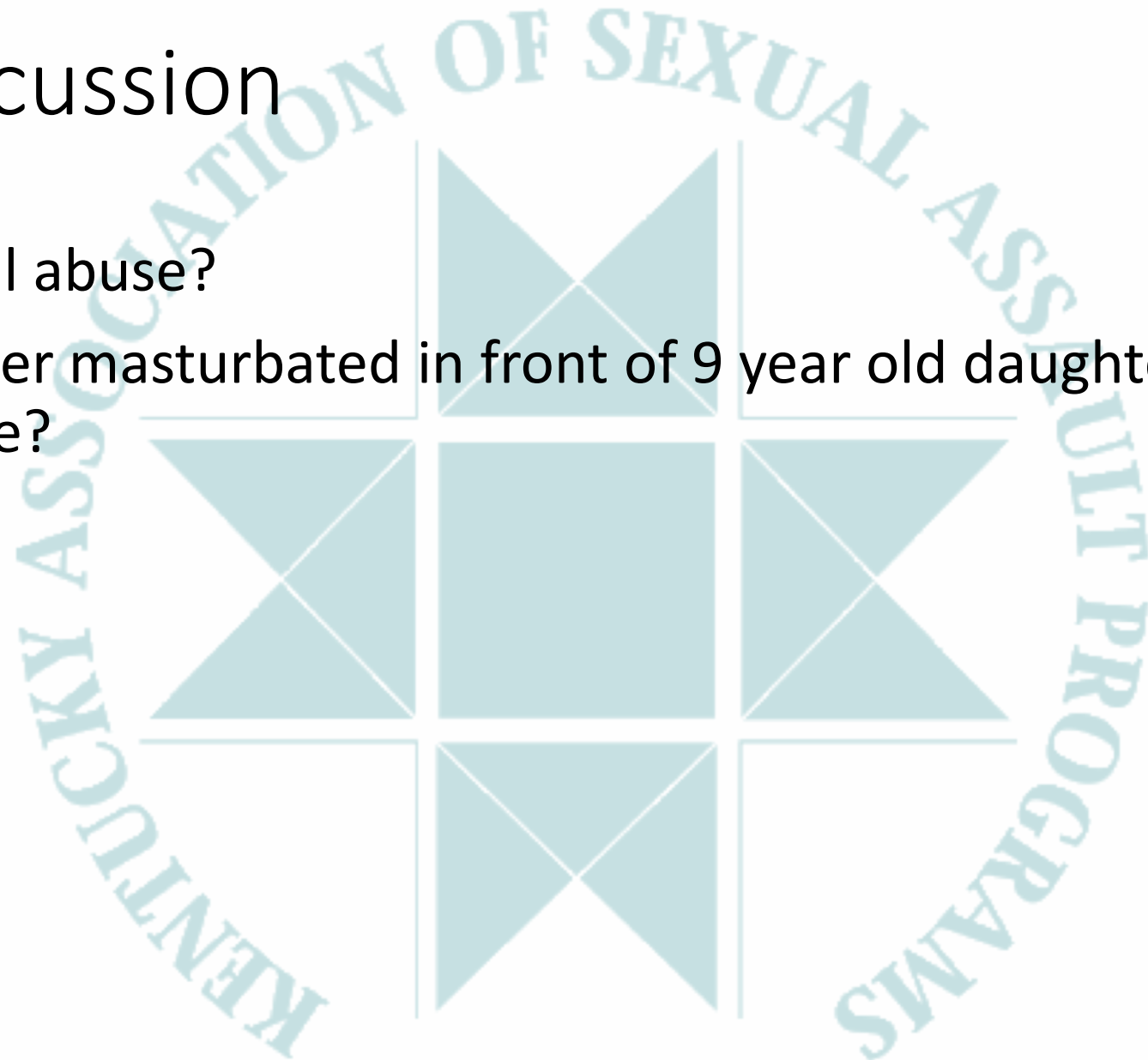


# Obvious case example: Mandatory report of “child abuse”

- Mom receives a call from her 9 year old daughter’s father. He confessed that he has been touching their daughter inappropriately.
- Mom asks her daughter, and her daughter discloses that she has experienced penile vaginal penetration on more than one occasion by her father.
- She brings the child to the clinic.
- The last incident was a little more than one week ago.
- Mom says that child never told her about the abuse previously and she saw no signs to indicate that the child was abused.

# Case Discussion

- Is this sexual abuse?
- What if father masturbated in front of 9 year old daughter? Is that sexual abuse?



# Sexual abuse involves a wide spectrum of offenses, including both contact and noncontact

- Exposing perpetrator genitalia to the victim
- Masturbation and other sexual acts in front of the victim
- Digital creation of child sexual abuse material (CSAM)
- Contact including rape, sodomy, or other physical touching for purposes of sexual gratification
- Sexual trafficking
- Sexual exploitation

# Who reports child maltreatment?

- In KY, every adult has a duty
- For 2019, individuals who came into contact with alleged child maltreatment victims as a result of their jobs submitted 68.6 percent of reports alleging child abuse and neglect.
  - Education personnel (21.0%)
  - Legal and law enforcement personnel (19.1%)
  - Medical personnel (11.0%)

# Key Acronyms

**LE = Law Enforcement**

**CHFS = Cabinet for Health and Family Services**

**CPS = Child Protective Services**

**APS = Adult Protective Services**

**RCC = Rape Crisis Center**

**KRS = Kentucky Revised Statutes**

**KAR = Kentucky Administrative Regulations**

**SAFE = Sexual Assault Forensic Exam**

**SANE = Sexual Assault Nurse Examiner**



KENTUCKY ASSOCIATION  
OF SEXUAL ASSAULT  
PROGRAMS



# Key Understandings

1. “Child abuse” as defined under mandatory reporting laws requires attention to the child’s relationship to the abuser and/or ages of the child and the abuser, the setting where the abuse took place, and the type of abuse inflicted.
2. There is no general duty to report sexual violence.
3. KY law does not single out a specific age as the “age of consent”.
4. Under KY criminal code, sexual intercourse and deviate sexual intercourse includes penetration by body parts or foreign objects, however slight.
5. There is no general duty to report domestic violence. Report when a child is in the crossfire.
6. Mandatory reporting laws require a coordinated response and investigation timelines for joint cabinet and law enforcement investigation.
7. Mandatory reports do not always lead to criminal charges.
8. No contact orders are an available protection for victims of child sexual abuse.

## 600.020 Definitions

**(1) “Abused or neglected child” means a child whose health or welfare is harmed or threatened with harm when (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:**

1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in [KRS 222.005](#);
4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
7. Abandons or exploits the child;
8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being when financially able to do so or offered financial or other means to do so. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;
9. Fails 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 committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
10. Commits or allows female genital mutilation as defined in [KRS 508.125](#) to be committed; or

**(b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;**

# 1. Key Understanding: “Child abuse” as defined under mandatory reporting laws requires attention to the child’s relationship to the abuser and/or ages of the child and the abuser, the setting where the abuse took place, and the type of abuse inflicted.

- CHILD ABUSE = [KRS 600.020](#) AND [KRS 620.030](#)
- KY law mandates that you (anyone – not just professionals) must make a report if you have **reasonable cause to believe** that:
  - A **child** is being neglected or abused as defined in statute
  - And that the abuse is by a parent, caretaker, etc. (long list! Refer to statute)
  - Or the caretaker *created the risk*

When in doubt... report! You are immune from liability if done so in good faith. Failure to report is a crime.

Ultimately, CHFS intake decides!

# RELATIONSHIP

Duty to report child abuse of any minor who is • dependent • neglected • abused **by a parent, guardian, person in a position of authority or special trust, or other person exercising custodial control or supervision of the child**

[KRS 600.020](#) defining “abused or neglected child”

## KRS 532.045(1)(a)&(b)

- (a) "Position of authority" means but is not limited to the position occupied by a biological parent, adoptive parent, stepparent, foster parent, relative, household member, adult youth leader, recreational staff, or volunteer who is an adult, adult athletic manager, adult coach, teacher, classified school employee, certified school employee, counselor, staff, or volunteer for either a residential treatment facility or a detention facility as defined in KRS 520.010(4), staff or volunteer with a youth services organization, religious leader, health-care provider, or employer;
- (b) "Position of special trust" means a position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the minor; a

# POSITION OF AUTHORITY

- ✓ PARENT (biological, adoptive, step, foster)
- ✓ RELATIVE
- ✓ HOUSEHOLD MEMBER
- ✓ ADULT YOUTH LEADER
- ✓ RECREATIONAL STAFF
- ✓ ADULT VOLUNTEER
- ✓ ADULT ATHLETIC MANAGER
- ✓ ADULT COACH
- ✓ TEACHER OR SCHOOL STAFF OR VOLUNTEER
- ✓ COUNSELOR
- ✓ RESIDENTIAL TREATMENT FACILITY STAFF OR VOLUNTEER
- ✓ DETENTION FACILITATION FACILITY STAFF OR VOLUNTEER
- ✓ YOUTH SERVICES STAFF OR VOLUNTEER
- ✓ RELIGIOUS LEADER
- ✓ HEALTHCARE PROVIDER
- ✓ EMPLOYER

**AGE** of abuser and victim \*only in narrow circumstance and only when the harm is sexual in nature\*

- Duty to report child abuse of a **minor under 16** who is a victim of • sexual abuse • sexual exploitation • prostitution **by any person 21 or older** ([KRS 600.020](#) defining “abused or neglected child” )

# it's not just the actual commission of “child abuse and neglect” KRS 600.020

...inflicts, commits, **creates a risk of, or allows**

Remember: Reasonable cause to believe...

e.g. a teenager raped by another teenager, and parents allow that person to regularly spend the night at the home  
Mandatory report to CHFS because of the parents' lack of protective capacity, not because of the act of rape itself



# SETTING

- Assess the time/place/manner where the abuser had the opportunity to offend.
- Where did the abuse take place?
- Why/how did the abuser gain access to the child?
- Was this child isolated with the adult?

# **TYPE OF ABUSE** • dependent • neglected • abused = KRS 600.020 defining “abused or neglected child”

- **“Child abuse”** as defined under mandatory reporting laws includes physical and sexual harm, trafficking, maltreatment, and neglect
  - Physical harm – e.g. pushing a child down the stairs
  - Sexual harm – e.g. masturbating in their presence
  - Sexual harm – e.g. forcing siblings to engage in sex acts
  - Maltreatment – e.g. driving drunk with a child
  - Neglect – e.g. leaving a child home alone overnight
  - Neglect – e.g. undernourished child
  - Neglect – i.e. deprivation of a basic need
- Trafficking – labor or sexual
- Female Genital Mutilation

**Sally is 15 and was raped by a stranger who broke into her home. Her parents bring her into the clinic. They are very upset and show no signs of abusive or neglectful behavior. Is this a mandatory report to CHFS?**

## 2. Key Understanding: There is no general duty to report sexual violence.

- Sexual violence against a child **might not** be a mandatory report **if**:
  - The perpetrator is another child
  - The perpetrator is less than 21 years-old
  - The perpetrator is a stranger and the caretaker is without fault/did not cause or create the risk of harm
- **Usually**, child-on-child violence outside the home is not a mandatory report
  - Age difference and relationship matters
  - Caretaker's knowledge/neglect matters
- Sexual violence against a child under 16 by an adult is **usually but not always** a mandatory report
  - Perp 21 or older: always
  - Young kiddos: any adult they are alone with is probably in a position of authority/supervisory role
- When a child is being trafficked or has suffered female genital mutilation, you **ALWAYS** have a duty to report

**Reporting a crime of sexual violence is *optional*.**  
**Reporting child abuse is not.**

- **Sally and her parents can decide whether to report the stranger to police.**
- **Your duty strictly relates to whether this falls within the legal definition of “child abuse” for purposes of CHFS intervention.**

# Trafficking and FMG must be reported without regard to the abuser's relationship to the child

- Duty to report child abuse of any minor who is • trafficked • a victim of female genital mutilation  
**by any perpetrator** ([KRS 620.030](#))
- Trafficking ([KRS 529.010](#)): A person is subjected to...
  - Forced labor
  - Commercial sexual activity
    - Force, fraud, coercion not necessary when the trafficked person is a minor
- Female Genital Mutilation (FGM) ([KRS 508.125](#)): partial or total removal of the external female genitalia or any procedure harmful to the female genitalia
- Anytime you have reasonable cause to believe FGM or trafficking happened OR the child is at risk of FGM or trafficking, regardless of who the perpetrator is, you must make a report
- Note: Only CHILD (not in adult abuse statute)

**Sally is 15 and was raped by a stranger who broke into her home while her parents were smoking meth.**

**Why is this a mandatory report to CHFS? What details to include in this report?**

**Your duty is triggered by the parent's lack of protective capacity/creating exposure to risk of harm, not the stranger's crime.**

# Questions to consider when you encounter a child who has been harmed (to determine whether the abuse is a mandatory report to CHFS)

- What is the relationship between the child and the adult?
- What is the developmental and cognitive capacity of the child?
- Does this child rely on this person for their basic needs? (long term or temporarily)
- Does this child want to please this person?
- Is the adult 21 or older? (child less than 16)
- Was this person supervising the child?
- Does the child trust this adult?
- How young is the child?
- What degree of isolation?
- Where was the caretaker during the incident?
- Is this child being trafficked or a victim of female genital mutilation?



# Report made. Intake evaluates for whether the facts meet cabinet criteria (reference statute). Situations Where DCBS Does Not Investigate

- Concerns, but no specific allegations are reported
- The reported offender was not in a caretaking role
  - Human trafficking or female genital mutilation are exceptions
  - These reports are forwarded to local law enforcement, Kentucky State Police, as well as the commonwealth's attorney or county attorney
- The reported abuse occurred in another state.
  - If reported victim resides in KY they may be linked to services that could mitigate potential safety threats.
  - Report is forwarded to the child protective services agency of competent jurisdiction.

# Where to report child abuse

- Report child abuse to • Local law enforcement agency • Kentucky State Police • CHFS • Commonwealth's or County attorney
- Cabinet hotline #1-877-KYSAFE1 or Website <https://prd.webapps.chfs.ky.gov/reportabuse/home.aspx>
- Online form.
- Note: often long wait-times when you call

## **Do you have a duty to report?**

Amy's mom finds out that Amy and her "boyfriend" are having sex. Amy is 13 and her boyfriend is 16. Amy's mom brings her to the clinic for an exam. She is irate and wants the boy arrested. Do you have a duty to report??

### **3. Key Understanding: Kentucky does not single out a specific age as the “age of consent”.**

Myth: the “age of consent” in KY is 16.

Reality: Children under 16 can have consensual sex under the law.

KRS Chapter 510 sets out a variety of age brackets.

Child abuse report – age of under 16 and over 21

# Is this rape under KY criminal law?

- Mom receives a call from her 9 year old daughter's father. He confessed that he has been touching their daughter inappropriately.
- Mom asks her daughter, and her daughter discloses that she has experienced **digital** vaginal penetration on more than one occasion by her father.
- She brings the child to the clinic
- The last incident was a little more than one week ago.
- Mom says that child never told her about the abuse previously and she saw no signs to indicate that the child was abused.

## **4. Key Understanding: Under KY criminal code, sexual intercourse and deviate sexual intercourse includes penetration by body parts or foreign objects, however slight.**

“Sexual intercourse” means sexual intercourse in its ordinary sense and includes penetration of the sex organs of one person by any body part or a foreign object manipulated by another person.

"Deviate sexual intercourse" means any act of sexual gratification involving the sex organs of one person and the mouth or anus of another; or penetration of the anus of one person by any body part or a foreign object manipulated by another person.

- Amy's mom finds out that Amy and her "boyfriend" are having sex.
- Amy is 25 and suffers from severe cognitive delays. Her boyfriend is their adult neighbor.
- Amy's mom brings her to the clinic for an exam. She is irate and wants the boy arrested.
- Do you have a duty to report?**
  - Assess for whether Amy is a vulnerable adult:** Is she is someone who cannot take care of their own basic needs due to physical or cognitive disability, is abused or neglected?

## KRS 209.020 AND KRS 209.030

### **Abuse of a vulnerable adult (adult abuse)**

- *"Adult" means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services;*



# TYPE OF HARM

## KRS 209.020

- "Deception" means but is not limited to: (a) Creating or reinforcing a false impression, including a false impression as to law, value, intention, or other state of mind; (b) Preventing another from acquiring information that would affect his or her judgment of a transaction; or (c) Failing to correct a false impression that the deceiver previously created or reinforced, or that the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship;
- "Abuse" means the infliction of injury, **sexual abuse**, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury;
- "Exploitation" means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources;

# How to make a report of abuse of a vulnerable adult

- Include details about why the adult is considered a vulnerable adult
  - Details about their mental or physical capacity
  - How or why they cannot care or provide for themselves

**Include what you know about the abuse – remember, it must meet the statutory definition of “vulnerable adult” to satisfy cabinet criteria for APS intervention**

# Where to report vulnerable adult abuse

- Report abuse of vulnerable adult to • CHFS
- Cabinet hotline #1-877-KYSAFE1 or 1-877-597-2331
- Website <https://prd.webapps.chfs.ky.gov/reportabuse/home.aspx>
- Online form or call. Note: long wait times
- Intake screens reports for whether the case meets criteria of adult abuse.

# Do you have a duty to report domestic violence?

- Mom receives a call from her 9 year old daughter's father. He confessed that he thinks he has been touching their daughter inappropriately. Mom asks her daughter, and her daughter discloses that she has experienced penile vaginal penetration on more than one occasion by her father.
- **Mother also tells you that the father is physically and sexually abusive toward her.**

# 5. Key Understanding: There is no general duty to report domestic violence. Report when a child is in the crossfire.

- Assess for whether this is child abuse under mandatory reporting:
  - To what extent has the child been exposed to the abuse?
  - Is the abuse creating a risk maltreatment or neglect?
  - Does the child appear afraid of his/her parent?

Sally is 3 told her mom that dad put something in her butt. You file a mandatory report. LE and the cabinet do a joint investigation. The cabinet “substantiates” the case.

Does that mean the police will file criminal charges?  
115 filed, joint investigation. Does not necessarily mean charges will be filed.

DNA court adjudicates for neglect or abuse (substantiate/unsubstantiate).

## **6. Key Understanding: Mandatory reporting laws require a coordinated response and specific timelines for a joint cabinet and law enforcement investigation.**

- Report is made
- Screened in or out
- Screened in – timeframe for a response
  - 4 hour response: Sexual abuse allegations, and alleged perpetrator is unknown or may have access to child within the next 4 hours
  - 4 hour response: Human trafficking or female genital mutilation is suspected, and alleged perpetrator may have access within the next 4 hours
  - Accelerate response time to 4 hours: Forensic evidence may be compromised, law enforcement is requesting immediate assistance, there is reason to believe the family may flee
- **Referral to the CAC by CHFS or police → MDT**

# Child abuse multidisciplinary team (MDT)

- Prosecutors
- Police
- CHFS
- CAC
- RCC
- System advocates
- Healthcare workers
- School staff





# CHFS Child Abuse Investigations: Dependency, Neglect, and Abuse (DNA)

- CHFS is concerned with child welfare as it relates to their daily care and wellbeing
  - CHFS investigates reports of child abuse
  - CHFS may operate in partnership with law enforcement, but their investigations are independent and their goals are different
- Likewise, APS is concerned with whether a vulnerable adult is being taken advantage of or abused

# RECAP: HOW TO MAKE A REPORT OF CHILD OR ADULT ABUSE

## Kentucky General Mandatory Reporting

WHAT?	WHO must report?	WHEN?	TO WHOM?
<b>Harm to Children: Abuse, Dependency, Neglect</b>  <b>Human Trafficking</b>  <b>Female Genital Mutilation</b>	Everyone.  (All healthcare providers are mandated to report).	<b>If harm/abuse/neglect is caused or allowed by:</b> <ul style="list-style-type: none"> <li>• Parent or other caregiver</li> <li>• person in position of authority or special trust</li> <li>• person 21 y.o. or older when a child &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</li> </ul>	<b>Must report to at least one of the following:</b> <ul style="list-style-type: none"> <li>• Cabinet – Child Protective Services,</li> <li>• Local law enforcement,</li> <li>• Kentucky State Police, County or Commonwealth Attorney</li> </ul>
<b><u>Vulnerable</u> Adult Abuse or Neglect</b>	Everyone.  (All healthcare providers are mandated to report).	<b>If any person harms/neglects an individual who is <u>18 y.o. or older</u> who has a mental or physical disability that limits ability to care and/or protect themselves.</b>	Must report to: Cabinet – Adult Protective Services
Ky. Rev. Stat. §600.020 and §620 Ky. Rev. Stat. §532.045 Ky. Rev. Stat. §508.125			

## 7. Key Understanding: Mandatory reports do not always lead to criminal charges.

- Duty to report is motivated by the Cabinet's interest in protecting children – it is not for the purpose of holding criminals to account
- Law enforcement may *also* investigate and criminal charges may be brought; this is a separate proceeding and charging decisions vary case by case.

# CRIMINAL LAW AND CHILD SEXUAL ABUSE

Contact sex offenses → KRS  
Chapter 510

Sexual exploitation → KRS  
Chapter 531

Rape, sodomy, sexual abuse

Possession/distribution/manufacturing of child sexual abuse material (CSAM)

# CRIMINAL LAW AND CHILD SEXUAL ABUSE

Class A Misdemeanor	90 days-12 months
Class B Misdemeanor	Max 90 days
Class D Felony	1-5 years
Class C Felony	5-10 years
Class B Felony	10-20 years
Class A Felony	20-50 yrs or life
Capital offense, punishment may be fixed as death, imprisonment for life without the benefit of probation or parole for 25 years, life imprisonment or imprisonment for not less than 20 years	

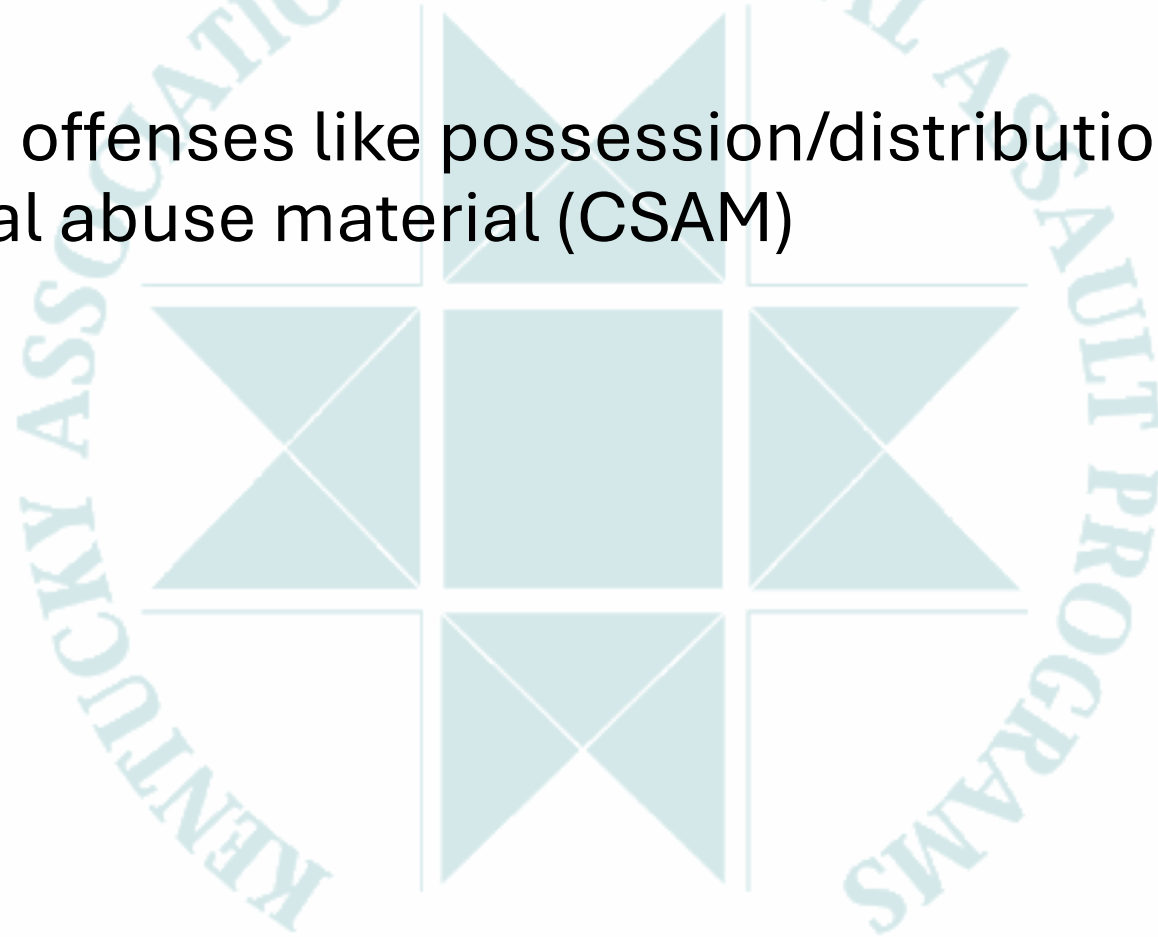
**Most child abuse and child sexual abuse crimes are felony offenses. Some are misdemeanors. And in circumstances where the child suffers extreme injury and/or the child is very young, the case may qualify for capital punishment.**

# KRS Ch. 510: Rape, Sodomy, Sexual Assault

- Contact sex offenses
- Incest and some other offenses against minors are also found in KRS Ch. 530
- Refer to KRS 510.010 for definitions of this chapter

# KRS Ch. 531: Sexual Exploitation

- This includes offenses like possession/distribution/manufacturing of child sexual abuse material (CSAM)



# KRS Ch. 508: Physical abuse

- “Criminal Abuse” is the felony crime of child physical abuse in KY
- “Assault” is the crime of other forms of physical abuse in KY
- KRS Ch. 508 is also where you will find crimes like stalking, strangulation, and female genital mutilation



# Legal protections for victims

- Cabinet intervention and court orders (best interest of the child)
- Criminal charges and no contact orders (only throughout the life of the criminal case)
- Civil protective orders (individuals can petition for a no contact order independent of a cabinet or criminal case)



## 8. Key Understanding: No contact orders are an available protection for victims of child sexual abuse.

- EPO/DVO
  - Family members (spouses, ex-spouses, parents, children, grandparents, grandchildren, adult siblings)
  - Members of an unmarried couple (people who have lived together as a couple or people who have a child together)
- TIPO/IPO
  - Partners of a dating relationship.
  - Survivors of SV and stalking
- Where to file? Varies by jurisdiction. Call your RCC.

# Child abuse KRS 600.020

As used in KRS Chapters 600 to 645, unless the context otherwise requires: (1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when: (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child: 1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means; 2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means; 3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005; 4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child; 5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child; 6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;

7. Abandons or exploits the child; 8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being when financially able to do so or offered financial or other means to do so. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child; 9. Fails 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 committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or 10. Commits or allows female genital mutilation as defined in KRS 508.125 to be committed; or (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;

# KRS 510.010 Definitions

- (1) "Deviate sexual intercourse" means any act of sexual gratification involving the sex organs of one person and the mouth or anus of another; or penetration of the anus of one person by any body part or a foreign object manipulated by another person. "Deviate sexual intercourse" does not include penetration of the anus by any body part or a foreign object in the course of the performance of generally recognized health-care practices;
- (2) "Forcible compulsion" means physical force or threat of physical force, express or implied, which places a person in fear of immediate death, physical injury to self or another person, fear of the immediate kidnap of self or another person, or fear of any offense under this chapter. Physical resistance on the part of the victim shall not be necessary to meet this definition;
- (3) "Mental illness" means a diagnostic term that covers many clinical categories, typically including behavioral or psychological symptoms, or both, along with impairment of personal and social function, and specifically defined and clinically interpreted through reference to criteria contained in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition) and any subsequent revision thereto, of the American Psychiatric Association;
- (4) "Individual with an intellectual disability" means a person with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, as defined in KRS Chapter 202B;
- (5) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of an intoxicating substance administered to him or her without his or her consent or as a result of any other act committed upon him or her without his or her consent;
- (6) "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act. "Physically helpless" also includes a person who has been rendered unconscious or for any other reason is physically unable to communicate an unwillingness to an act as a result of the influence of a controlled substance or legend drug;
- (7) "Sexual contact" means the touching of a person's intimate parts or the touching of the clothing or other material intended to cover the immediate area of a person's intimate parts, if that touching can be construed by a reasonable person as being done:
- (a) For the purpose of sexual arousal or gratification of either party;
  - (b) For a sexual purpose; or
  - (c) In a sexual manner for the purpose of:
    - 1. Exacting revenge or retribution;
    - 2. Humiliating or degrading; or
    - 3. Punishment;
- (8) "Sexual intercourse" means sexual intercourse in its ordinary sense and includes penetration of the sex organs of one person by any body part or a foreign object manipulated by another person. Sexual intercourse occurs upon any penetration, however slight; emission is not required. "Sexual intercourse" does not include penetration of the sex organ by any body part or a foreign object in the course of the performance of generally recognized health-care practices;
- (9) "Foreign object" means anything used in commission of a sexual act other than the person of the actor;
- (10) "Registrant" has the same meaning as in [KRS 17.500](#); and
- (11) "Adult intermediary" means a person who is age eighteen (18) years or older, who communicates with another for the purpose of procuring or promoting the use of a minor in violation of [KRS 510.155](#).

# KRS 531.010 Definitions

- (1) "Child sex doll" means an anatomically correct or anatomically precise doll, mannequin, or robot that may consist of an entire body, pelvis, or any other body part, with features of, or with features that resemble, those of a minor and intended for use in sexual acts;
- (2) "Computer" means electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, including but not limited to personal computers, laptops, computer software, computer servers, processors, coprocessors, memory devices, storage devices, and input and output devices;
- (3) "Computer-generated image" means any visual depiction, including any photograph, film, video, or picture, where the depiction has been created, adapted, or modified by a computer to appear to be an identifiable person;
- (4) "Distribute" means to transfer possession of, whether with or without consideration;
- (5) "Identifiable person" means a person who is recognizable by the person's face, likeness, or other distinguishing characteristic;
- (6) "Matter" means any:
  - (a) Book, magazine, newspaper, or other printed or written material;
  - (b) Picture, drawing, photograph, motion picture, live image transmitted over the internet or other electronic network, other pictorial representation, or computer-generated image;
  - (c) Statue, child sex doll, or other figure; or
  - (d) Recording, transcription, or mechanical, chemical, or electrical reproduction, or any other articles, equipment, machines, or materials;
- (7) "Obscene" means:
  - (a) To the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct;
  - (b) The matter depicts or describes the sexual conduct in a patently offensive way; and
  - (c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value;
- (8) "Private erotic matter" means an obscene visual image, including a photograph, film, video recording, computer-generated image, or digital reproduction, of an identifiable person, depicting sexual conduct or the exposure of uncovered human genitals, buttocks, or nipple of the female breast. A person may be identifiable from the image itself or from information distributed in connection with the visual image; and
- (9) "Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviate sexual intercourse; or physical contact with the genitals, flagellation, or excretion for the purpose of sexual stimulation or gratification

The logo for the Kentucky Association of Sexual Assault Programs is a circular emblem. It features a central eight-pointed star with a grid pattern. The text "KENTUCKY ASSOCIATION OF SEXUAL ASSAULT PROGRAMS" is written in a circular path around the star.

# Thank you!

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