

MANDATED REPORTER TRAINING

A PRESENTATION BY THE
KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES



LEARNING OBJECTIVES

MANDATED REPORTERS

- Describe what to expect when calling the Kansas Protection Report Center
- Identify the difference between risk and safety
- Recognize decisions made regarding child safety at different points (when DCF involvement, and how risk and safety factors impact these decisions)
- Discuss how decisions are made for protective actions and safety recommendations



GUIDES SOCIAL WORK PRACTICE

MANDATED REPORTERS

Child Abuse Prevention and Treatment Act (CAPTA)

Kansas Statutes Annotated K.S.A.
(Kansas Code for the Care of Children)

Kansas Administrative
Regulation K.A.R.

DCF Policy
and Procedure
Manual PPM



AUTHORITY TO INVESTIGATE

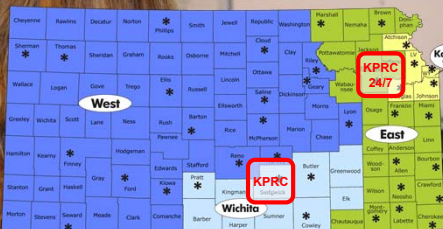
MANDATED REPORTERS

- **Kansas Statutes Annotated K.S.A.**
(Kansas Code for the Care of Children)
36-2219 Investigation for child abuse or neglect
The Secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of:
 - Determining whether the report is valid
 - Whether a study is required to protect the child



DUTY TO RECEIVE

KANSAS PROTECTION REPORT CENTER (KPRC)



HOW ARE REPORTS RECEIVED?

KANSAS PROTECTION REPORT CENTER

- Telephone: 1-800-922-5330
 - Operates 24/7, including weekends and holidays
- Online: www.dcf.ks.gov
 - Now compatible with all browsers
 - Quick Guide - How to make an online report is available on the DCF's website



DCF TRIVIA

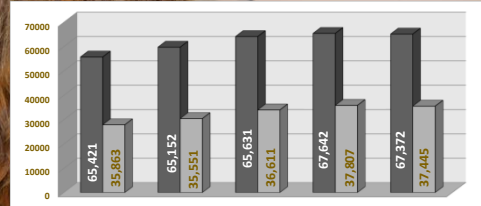
TRUE OR FALSE

DCF receives an average of 65,000 reports on children every year.



REPORTS RECEIVED AND ASSIGNED

CHILD ABUSE AND NEGLECT



STATE STATUTE

CHILD ABUSE AND NEGLECT

K.S.A. 38-2223

When any mandated reporter has reason to suspect that a person has been injured as a result of physical, mental or emotional abuse, neglect, or sexual abuse, the person shall report the matter promptly to DCF and/or law enforcement.



DO I NEED "PROOF" TO REPORT?

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- Anyone can make a report when they have a "reason to suspect" that child abuse or neglect has occurred.
- "Reason to suspect" may mean there is credible evidence or a discrepant or inconsistent history in explaining a child's injury.
- For example, if the caregiver indicates that bruising was due to an accidental fall, but the bruising appears on parts of the body that are inconsistent with the explanation.



WHO IS MANDATED TO REPORT?

CHILD ABUSE AND NEGLECT

- School employees
- Child care providers
- Law enforcement, firefighters, EMT
- J/KC adult services, community corrections
- Medical professionals
- Licensed mental health professionals
- Parents paying and services to pregnant teens



TIPS IF YOU SUSPECT ABUSE/NEGLECT

MANDATED REPORTERS

- Keep it mild, it is often difficult for a child to disclose situations of abuse/neglect. The child may be threatened not to tell. The child may feel ashamed, embarrassed, anxious or scared.
- Be respectful of the child's space by not leaning in too closely while he/she is talking.
- Maintain a calm expression. The child's story may be emotional. If expressions of anger or other emotions are displayed, the child may be reluctant to disclose.



TIPS IF YOU SUSPECT ABUSE/NEGLECT MANDATED REPORTERS

- Limit questions to obtain only the minimal information need to make a report. Remember "a reason to suspect" is the criteria to make a report.
- Do not put words in the child's mouth. Asking leading questions may unintentionally alter the facts of the case. A report may be made without asking for additional details.
- Leading question example: "Did your father hit you with a belt?"



TIPS IF YOU SUSPECT ABUSE/NEGLECT MANDATED REPORTERS

- Do not interview the child to gather specific details or facts. Allow the child to be interviewed by staff specifically trained in forensic interviewing of children.
- Do not promise the child to keep the disclosure a secret. Reassure the child, and explain you will call someone who can help.
- Reassure the child the information will not be shared with peers or anyone who does not need to know to keep him/her safe.



REQUIREMENTS/PROTECTIONS MANDATED REPORTERS

K.S.A. 26-2223 (a)(1) and (2)

Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is **not** a defense that another mandatory reporter made the report.

Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.



LOCAL "POLICIES" VS. STATUTE MANDATED REPORTERS

K.S.A. 26-2223 (a)(1)

Some agencies expect staff to discuss abuse before reporting. However, if a mandated reporter has "reason to suspect" abuse/neglect, it is his/her responsibility to report, whether or not the supervisor is in agreement.



PROTECTIONS MANDATED REPORTERS

K.S.A. 26-2224 (a) and (b)—for suspected Child Abuse or Neglect

No employer shall terminate the employment of, prevent or impair the practice or occupation of, or impose any other sanction on, any employee because the employee failed to file or make a report to, or cooperated with an investigation by, law enforcement or the secretary relating to harm inflicted upon a child which was substantiated by the employee or being resulted from the physical, mental or emotional abuse or neglect or sexual abuse of a child.

Violations of this section is a class B misdemeanor.



PROTECTIONS MANDATED REPORTERS

For Suspected Child Abuse or Neglect

- Any person who willfully and knowingly makes a false report pursuant to this section or makes report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

Kansas law provides reporters immunity from civil liability if a report is made without malice and in good faith (K.S.A. 26-2225).



CONFIDENTIALITY

MANDATED REPORTERS

Specific to Suspected Child Abuse or Neglect

- DCF policy provides that the identity of the reporter of suspected child/adult abuse/neglect not be disclosed.
- This protection is not absolute:
 - If a case is heard in court, and DCF is ordered by a judge to release the name of the reporter.
 - If a DCF finding is appealed and heard in a DCF administrative hearing, there is a possibility that the reporter's name may be disclosed in these proceedings.



ADDITIONAL CONTACT

MANDATED REPORTERS

It is important for reporters to leave contact information, so the KPRC Specialist will be able to connect with them to ask additional questions and gather additional information that may be essential in determining the safety of the child/adult.



INFORMATION YOU WILL NEED

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- Name
- Address
- Phone numbers
- Date of birth and Social Security number
- Race and ethnicity



QUESTIONS YOU WILL BE ASKED

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- Extent of the situation
- Circumstances
- Child functioning
- Discipline practices
- General parenting
- Caregiver functioning



IT MAY BE USEFUL TO KNOW

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K.S.A. 38-2213

The reporter shall disclose protected health information (PHI) freely and cooperate fully with DCF and law enforcement throughout the investigation and any subsequent legal processes.



MAKING AN ONLINE REPORT

MANDATED REPORTERS

www.dcf.ks.gov

Tips

- Please have all information prior to submitting the report. The website will time out at 60 minutes.
- Attachments may be added to the web intake.



MAKING AN ONLINE REPORT

MANDATED REPORTERS



MAKING AN ONLINE REPORT

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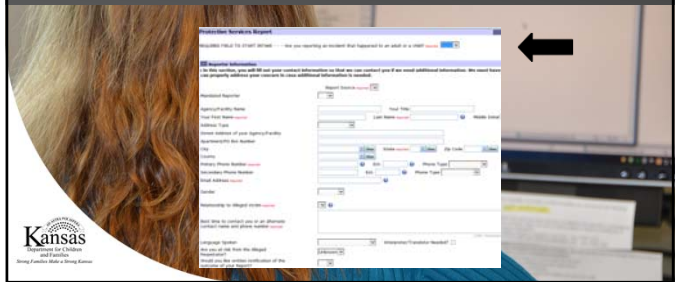
MAKING AN ONLINE REPORT

MANDATED REPORTERS



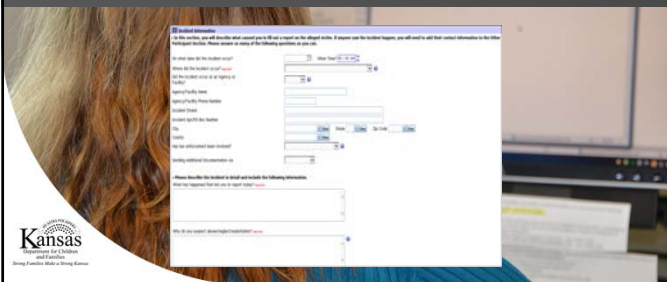
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MANDATED REPORTERS



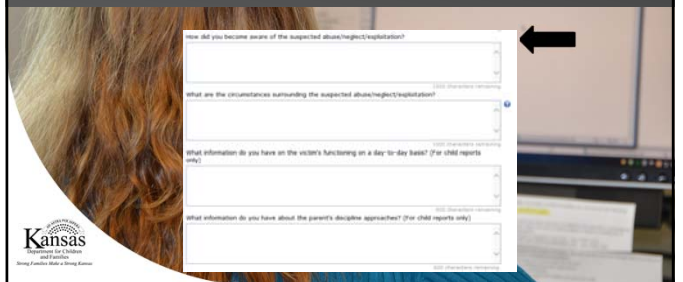
MAKING AN ONLINE REPORT

MANDATED REPORTERS



MAKING AN ONLINE REPORT

MANDATED REPORTERS



MAKING AN ONLINE REPORT

MANDATED REPORTERS

What information do you have about how the caregiver functions on a day-to-day basis? (For child reports only)

Do you think there is risk to our investigator? If Yes, please explain.

- Alleged Victim Information
- Alleged Perpetrator Information
- Other Possible Participant Information
- Attachments

MAKING AN ONLINE REPORT

MANDATED REPORTERS

Protective Services Report

Mandated Reporter

Alleged Victim

Alleged Perpetrator

INITIAL ASSESSMENT

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- Completed by Child Protection Specialists and Intake Protection Specialists
- Assess risk and safety factors
- Apply abuse/neglect definitions

FACTORS TO CONSIDER

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- Child's age
- Perpetrator's access to children
- Physical/mental condition of caregiver
- Location of the injury
- Seriousness of incident
- Medical needs of the child
- Child's ability to protect self

FACTORS TO CONSIDER

MANDATED REPORTERS

- Others' ability to protect child
- Severity of an injury
- Current condition/behavior of the child
- Agency action needed to protect children from harm
- Action needed to preserve evidence
- Pro/Department involvement

DCF ASSIGNMENT TYPES

MANDATED REPORTERS

DCF Assignment Types

- Abuse/Neglect
- NAN/FINA
- Pregnant Woman Using Substances

DCF TRIVIA

TRUE OR FALSE

Physical Neglect is the most common allegation type of abuse/neglect reports assigned for investigation in Kansas?



DCF TRIVIA

TRUE OR FALSE

False:

Physical abuse is the most common type of abuse/neglect assigned for investigation in Kansas.

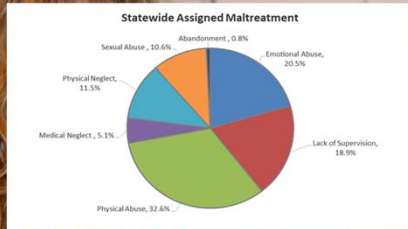
In FY 2017:

- 22.6 percent assigned as physical abuse
- 26.3 percent assigned as emotional abuse



CHILD MALTREATMENT TYPES

MANDATED REPORTERS



RESPONSE TIMES

MANDATED REPORTERS

DCF Assignment Types and Response Times

Abuse/Neglect

NAN/FINA

Pregnant Women Using Substances

Same Day

Same Day

72 Hour

72 Hour

72 Hour

20 Working Day



CRITERIA FOR SAME-DAY ASSIGNMENT

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- The alleged victim is under 1 year of age
- Any child with current marks or bruises
- Life-threatening situation for a child of any age
- Sexual abuse of a child, and the alleged perpetrator resides in the home
- Child without minimal care to prevent loss of life or serious injury
- Child in Prime Protective Custody



SAFETY DETERMINATION

MANDATED REPORTERS

- **Same Day**—Safety must be determined by the assigned DCF Specialist, or at least appropriately attended by the end of that work day.
- **72 Hour**—Safety must be determined within 72 hours. This excludes weekends and State holidays.



DETERMINING CHILD SAFETY

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- In person contacts with the alleged victim(s)
- Neutral setting—school (K.S.A. 28-2226 (g))
- Consider safety factors, such as:
 - Severity of harm to the child
 - Imminent danger types
 - Child vulnerability
 - Caregiver protective factors
 - Non-abusing caregiver willing and able to protect
 - History of abuse/neglect



INTERVIEWS

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- Alleged victim
- Primary caregiver of alleged victim
- Siblings residing in the home, facility or placement
- Alleged perpetrator
- Siblings not residing in same home
- Adult sibling(s) living in same home
- Persons identified as having relevant information



SAFETY AND RISK ASSESSMENTS

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Risk leads to decisions for services.

RISK VS. SAFETY

Safety leads to decisions for protective action.



SAFETY ASSESSMENT

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- Evaluate imminent danger to a child
- Considers:
 - Safety factors
 - Immediate medical concerns
 - Protective action
 - Perpetrator access
- Assist the CPS Specialist in determining the need for protection action



SAFETY DECISIONS

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- Safe
- Conditionally Safe
- Unsafe



PROTECTIVE ACTION

CONDITIONALLY SAFE

Conditionally Safe

- Safety plan
- Removal of the alleged perpetrator



UNSAFE DECISION

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The answer to the following is “yes”:

- Is the child abandoned?

Or, all three of the following must be “yes”:

- Is the child in imminent danger?
- Does the perpetrator have access to the child?
- Is the non-abusing caregiver unable to protect the child?



PROTECTIVE ACTION

UNSAFE

Can DCF remove a child from his/her home?



PROTECTIVE ACTION

UNSAFE

No.

Only law enforcement, a court services officer, or the Court can remove children from their home.

K.S.A 38-2231



PROTECTIVE ACTION

UNSAFE

- Request police protective custody
- Request an ex parte or temporary custody order from the county or district attorney



TEMPORARY CUSTODY HEARING

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When a child is placed in PPC or temporary DCF custody, a hearing must be held within 72 hours to determine if the children can safely return home, or if out-of-home placement is needed.



RISK ASSESSMENTS

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- Research-based tool
- Likelihood of future maltreatment
- Statistically correlated to future maltreatment
- All significant risk factors are considered
- Assists families
- Assists workers in making service action decisions



SERVICE ACTION DECISIONS

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May include:

- Referrals to community services and supports
- Family Services
- Family Preservation Services



FAMILY PRESERVATION

MANDATED REPORTERS

Family Preservation provides:

- 24/7 availability to the family
- Crisis stabilization and ongoing intervention
- Aftercare services for 365 days after referral



DCF CASE FINDING PURPOSE

MANDATED REPORTERS

The purpose of the case finding is to inform:

- When abuse/neglect has occurred; and
- Whether the identified perpetrator should be permitted to reside, work or regularly volunteer in a child care facility.



DCF CASE FINDING

MANDATED REPORTERS

Possible DCF case findings are:

- Unsubstantiated
- Affirmed
- Substantiated



UNSUBSTANTIATED

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A reasonable person weighing the facts or circumstances would conclude it is more likely than not (**preponderance of the evidence**) the alleged perpetrator's actions or inactions do not meet the abuse and/or neglect definitions per applicable Kansas Statutes Annotated (K.S.A) and Kansas Administrative Regulations (K.A.R).



AFFIRMED

MANDATED REPORTERS

A reasonable person weighing the facts and circumstances would conclude it is more likely than not (**preponderance of the evidence**) the alleged perpetrator's actions or inactions meet the abuse and/or neglect definition per applicable Kansas Statutes Annotated (K.S.A) and Kansas Administrative Regulations (K.A.R).



SUBSTANTIATED

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Meet each of the following criteria:

- Affirmed for abuse/neglect
- Perpetrator's actions, behaviors, omissions meet one of the following:
 - Intent to commit the act that resulted in harm; and/or
 - Reasonable person would have anticipated harm would occur to the child; and/or
 - Harm was the result of failure or refusal to protect the child; and



SUBSTANTIATED

MANDATED REPORTERS

Meet each of the following criteria:

- There was serious harm, injury or deterioration to the child; or there was a likelihood of, or endangerment of serious harm, injury or deterioration to the child.



SUBSTANTIATED

MANDATED REPORTERS

A substantiated case finding results in the **perpetrator's name being placed on the Kansas Child Abuse/Neglect Central Registry**. The perpetrator is not permitted to reside, work or regularly volunteer in a Kansas Department of Health and Environment or DCF Foster Care and Residential Licensing regulated child care or residential facility.



CENTRAL REGISTRY

MANDATED REPORTERS

Purpose of the Central Registry:

- Prevent anyone substantiated from working, residing or regularly volunteering in a facility licensed by KDHE or DCF Foster Care and Residential Licensing



AGENCY GOAL

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DCF's goal is always to keep families together, whenever this is safely possible.



WEBSITES OF INTEREST

MANDATED REPORTERS

DCF Policy and Procedure Manual

www.dcf.ks.gov/services/PPS/Pages/CPSReports.aspx

Kansas Statutes Annotated (definitions)

www.kslegislature.org



THANK YOU
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Kansas
Department for Children
and Families
Strong Families Make a Strong Kansas