

1 AN ACT relating to child welfare investigations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 620.030 is amended to read as follows:

4 (1) **(a)** Any person who knows or has reasonable cause to believe that a child is
5 dependent, neglected, or abused shall immediately cause an oral or written
6 report, including but not limited to electronic submissions, to be made to a
7 local law enforcement agency or to the Department of Kentucky State Police,
8 the cabinet or its designated representative, the Commonwealth's attorney, or
9 the county attorney by telephone or otherwise. If the cabinet receives a report
10 of abuse or neglect allegedly committed by a person other than a parent,
11 guardian, fictive kin, person in a position of authority, person in a position of
12 special trust, or person exercising custodial control or supervision, **or if the**
13 **report is related to a licensed facility**, the cabinet shall refer the matter to the
14 Commonwealth's attorney or the county attorney and the local law
15 enforcement agency or the Department of Kentucky State Police. Nothing in
16 this section shall relieve individuals of their obligations to report.

17 **(b) The person or entity that receives the oral or written report required by this**
18 **section shall:**

19 **1. Retain and store any information received;**

20 **2. If receiving an oral report, notify the person making the report of the**
21 **following information:**

22 **a. The report is being recorded;**

23 **b. The person's identity will be kept confidential; and**

24 **c. There is a penalty for knowingly and intentionally making a**
25 **false report;**

26 **3. Request and obtain the specific facts that gave rise to the reasonable**
27 **suspicion of child dependency, neglect, or abuse and the source or**

1 *sources of that information; and*

2 *4. If a person is reporting conduct related to a licensed facility, request*
3 *and obtain the name, telephone number, and address of the person*
4 *making the report and his or her relationship to the facility.*

5 (2) (a) Any person, including but not limited to a physician, osteopathic physician,
6 nurse, teacher, school personnel, social worker, coroner, medical examiner,
7 child-caring personnel, resident, intern, chiropractor, dentist, optometrist,
8 emergency medical technician, paramedic, health professional, mental health
9 professional, peace officer, or any organization or agency for any of the
10 above, who knows or has reasonable cause to believe that a child is
11 dependent, neglected, or abused, regardless of whether the person believed to
12 have caused the dependency, neglect, or abuse is a parent, guardian, fictive
13 kin, person in a position of authority, person in a position of special trust,
14 person exercising custodial control or supervision, or another person, or who
15 has attended such child as a part of his or her professional duties, shall:

- 16 1. Immediately make an oral or written report, including but not limited to
17 electronic submissions, in accordance with subsection (1) of this section;
18 2. Immediately notify the supervisor of the institution, school, facility,
19 agency, or designated agent of the person in charge; and
20 3. If requested, in addition to the report required in subsection (1) or (3) of
21 this section, file with the local law enforcement agency or the
22 Department of Kentucky State Police, the cabinet or its designated
23 representative, the Commonwealth's attorney, or county attorney within
24 forty-eight (48) hours of the original report a written report, including
25 but not limited to electronic submissions, containing:
26 a. The names and addresses of the child and his or her parents or
27 other persons exercising custodial control or supervision;

- 1 b. The child's age;
- 2 c. The nature and extent of the child's alleged dependency, neglect,
- 3 or abuse, including any previous charges of dependency, neglect,
- 4 or abuse, to this child or his or her siblings;
- 5 d. The name and address of the person allegedly responsible for the
- 6 abuse or neglect; and
- 7 e. Any other information that the person making the report believes
- 8 may be helpful in the furtherance of the purpose of this section.
- 9 (b) Upon notification, the supervisor or the designated agent, if any, shall
- 10 facilitate the cooperation of the institution, school, facility, or agency with the
- 11 investigation of the report.
- 12 (c) Any person who knowingly causes intimidation, retaliation, or obstruction in
- 13 the investigation of the report shall be guilty of a Class A misdemeanor.
- 14 (d) This section shall not require more than one (1) report from any institution,
- 15 school, facility, or agency.
- 16 (3) Any person who knows or has reasonable cause to believe that a child is a victim of
- 17 human trafficking as defined in KRS 529.010 shall immediately cause an oral or
- 18 written report, including but not limited to electronic submissions, to be made to a
- 19 local law enforcement agency or the Department of Kentucky State Police; or the
- 20 cabinet or its designated representative; or the Commonwealth's attorney or the
- 21 county attorney; by telephone or otherwise. This subsection shall apply regardless
- 22 of whether the person believed to have caused the human trafficking of the child is
- 23 a parent, guardian, fictive kin, person in a position of authority, person in a position
- 24 of special trust, or person exercising custodial control or supervision.
- 25 (4) Any person who knows or has reasonable cause to believe that a child is a victim of
- 26 female genital mutilation as defined in KRS 508.125 shall immediately cause an
- 27 oral or written report, including but not limited to electronic submissions, to be

1 made by telephone or otherwise to:

- 2 (a) A local law enforcement agency or the Department of Kentucky State Police;
3 (b) The cabinet or its designated representative; or
4 (c) The Commonwealth's attorney or the county attorney.

5 This subsection shall apply regardless of whether the person believed to have
6 caused the female genital mutilation of the child is a parent, guardian, or person
7 exercising custodial control or supervision.

8 (5) Neither the husband-wife nor any professional-client/patient privilege, except the
9 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report
10 under this section or for excluding evidence regarding a dependent, neglected, or
11 abused child or the cause thereof, in any judicial proceedings resulting from a report
12 pursuant to this section. This subsection shall also apply in any criminal proceeding
13 in District or Circuit Court regarding a dependent, neglected, or abused child.

14 (6) The cabinet shall establish and operate a statewide reporting system for the public
15 to make reports of child dependency, neglect, and abuse via telephone call or
16 written report, including but not limited to electronic submissions. The statewide
17 reporting system shall operate a twenty-four (24) hour, seven (7) days a week on-
18 call response system that includes but is not limited to a child abuse hotline for the
19 receipt of emergency and nonemergency reports of child dependency, neglect, and
20 abuse during and after normal office hours. The cabinet may use contract
21 employees to operate the system.

22 (7) The cabinet upon request shall receive from any agency of the state or any other
23 agency, institution, or facility providing services to the child or his or her family,
24 such cooperation, assistance, and information as will enable the cabinet to fulfill its
25 responsibilities under KRS 620.030, 620.040, and 620.050.

26 (8) Any person who is aware of potential harm to a child, but who reasonably
27 believes it is not a result of dependency, neglect, or abuse, is under no obligation

1 to report ~~[Nothing in this section shall limit the cabinet's investigatory authority~~
2 ~~under KRS 620.050 or any other obligation imposed by law].~~

3 (9) Any person who intentionally violates the provisions of this section shall be guilty
4 of a:

- 5 (a) Class B misdemeanor for the first offense;
6 (b) Class A misdemeanor for the second offense; and
7 (c) Class D felony for each subsequent offense.