



MANDATORY REPORTING QUICK SHEET

CHILDREN:

- if you have reasonable cause to believe a child is abused/neglected/dependent/victim of human trafficking
- report to local police/sheriff, KSP, prosecutor, CHFS
- abused/neglected = health/welfare harmed by parent/guardian/persons exercising custodial control or supervision/person in position of authority or special trust
- all sexual abuse/exploitation/prostitution where victim is less than 16 and perp is 21 or older
- inflicts or allows to be inflicted: physical or emotional injury; creates or allows to be created risk of physical/emotional injury; engages in pattern of conduct rendering them incapable of caring for child's needs; continuously or repeatedly fails or refuses to provide care/protection; commits or allows to be committed or creates risk of sexual abuse/exploitation; does not provide adequate care/supervision/food/clothing/shelter/education; fails to make sufficient progress in court ordered case plan
- **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, a holding facility as defined in KRS 600.020, 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
- **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.

VULNERABLE ADULT:

- 18 yrs or older who because of mental or physical dysfunctioning is unable to manage his/her own resources, carry out activity of daily life or protect him/herself from neglect/exploitation/hazardous/abusive situation
- report to CHFS (at the number above)
- abuse = infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment resulting in physical/mental pain or injury
- neglect = where the adult is unable to perform/obtain the goods/services necessary to maintain health/welfare or deprivation of same by a caretaker

- exploitation = obtaining/using the adult's resources by deception, intimidation or similar means

DUTY TO WARN:

- actual threat of physical violence against clearly identified/reasonably identifiable victim or some specific violent act
- made to a qualified mental health professional
- MD, psychiatrist, psychologist, psychiatric RN, LCSW w/3 yrs experience and currently employed by a mental health provider, marriage/family therapist, professional counselor
- Reasonable efforts to warn victim, police or seek civil commitment
- Juveniles – duty extends to those acting in counselor role

HIPPA allows for mandatory reporting 45 CFR 164.512(c)

Mandatory reporting is a “permitted disclosure” under HIPAA

- However, disclosures must be limited to those actually “required by law”

If not required by law, individual has the right to decide whether the report

- Need Authorization for Release of Information

Kentucky does NOT require reporting of all crimes of abuse or all rapes.

- Therefore, if you must be HIPAA Compliant, be sure to
 - determine whether reporting is mandatory or, if not
 - get authorization to release information prior to reporting.

Responding to information about abuse and neglect

- Listen and BELIEVE.
- Do not investigate, if it isn't your job to do so.
- Determine if reporting is required by law.
- Make the report immediately, if required by law or requested by the victim.
- Do so in the safest way possible for the victim/safety planning/referrals
- Identify resources, for the victim and yourself.
- Continue to interact with the victim as normally as possible and provide support.
- Reporting is often a beginning, not an end!
- Victims often need more support and advocacy after a report is made.

KY ABUSE HOTLINE: 1 877 597 2331