

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) Any person who knows or has reasonable cause to believe that a child is dependent,  
5 neglected, or abused shall immediately cause an oral or written report to be made to  
6 a local law enforcement agency or to the Department of Kentucky State Police, the  
7 cabinet or its designated representative, the Commonwealth's attorney, or the  
8 county attorney by telephone or otherwise. If the cabinet receives a report of abuse  
9 or neglect allegedly committed by a person other than a parent, guardian, fictive  
10 kin, person in a position of authority, person in a position of special trust, or person  
11 exercising custodial control or supervision, **or if the report is related to a licensed**  
12 **facility**, the cabinet shall refer the matter to the Commonwealth's attorney or the  
13 county attorney and the local law enforcement agency or the Department of  
14 Kentucky State Police. Nothing in this section shall relieve individuals of their  
15 obligations to report. **The person or entity that receives the oral or written report**  
16 **required by this section shall:**

17 **(a) Retain and store any information received;**

18 **(b) If receiving an oral report, notify the person making the report of the**  
19 **following information:**

20 **1. The report is being recorded;**

21 **2. The person's identity will be kept confidential; and**

22 **3. There is a penalty for knowingly and intentionally making a false**  
23 **report;**

24 **(c) Request and obtain the specific facts that gave rise to the reasonable**  
25 **suspicion of child dependency, neglect, or abuse and the source or sources**  
26 **of that information; and**

27 **(d) If a person is reporting conduct related to a licensed facility, request and**

1                   obtain the name, telephone number, and address of the person making the  
2                   report and his or her relationship to the facility.

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

- 14               1.   Immediately make an oral report in accordance with subsection (1) of  
15                   this section;
- 16               2.   Immediately notify the supervisor of the institution, school, facility,  
17                   agency, or designated agent of the person in charge; and
- 18               3.   If requested, in addition to the report required in subsection (1) or (3) of  
19                   this section, file with the local law enforcement agency or the  
20                   Department of Kentucky State Police, the cabinet or its designated  
21                   representative, the Commonwealth's attorney, or county attorney within  
22                   forty-eight (48) hours of the original report a written report containing:
  - 23                   a.   The names and addresses of the child and his or her parents or  
24                       other persons exercising custodial control or supervision;
  - 25                   b.   The child's age;
  - 26                   c.   The nature and extent of the child's alleged dependency, neglect,  
27                       or abuse, including any previous charges of dependency, neglect,

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

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

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

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

14 (7) ~~Nothing in this section shall limit the cabinet's investigatory authority under KRS~~  
15 ~~620.050 or any other obligation imposed by law.~~

16 ~~(8) Any person who is aware of potential harm to a child, but who reasonably~~  
17 ~~believes it is not a result of abuse, neglect, or dependency, is under no obligation~~  
18 ~~to report.~~

19 **(8)** Any person who intentionally violates the provisions of this section shall be guilty  
20 of a:

- 21 (a) Class B misdemeanor for the first offense;
- 22 (b) Class A misdemeanor for the second offense; and
- 23 (c) Class D felony for each subsequent offense.