

1 AN ACT relating to reporting dependency, neglect, or abuse.

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 ***or has***
5 ***been*** dependent, neglected, or abused shall immediately cause an oral or written
6 report to be made to a local law enforcement agency, ~~for to~~ the Department of
7 Kentucky State Police, ***or*** the cabinet or its designated representative~~, the~~
8 ~~Commonwealth's attorney, or the county attorney~~ by telephone or otherwise. Any
9 supervisor who receives from an employee a report of suspected dependency,
10 neglect, or abuse shall ***immediately***~~promptly~~ make a report to the proper
11 authorities for investigation. If the cabinet receives a report of abuse or neglect
12 allegedly committed by a person other than a parent, guardian, fictive kin, person in
13 a position of authority, person in a position of special trust, or person exercising
14 custodial control or supervision, the cabinet shall refer the matter to the
15 Commonwealth's attorney or the county attorney and the local law enforcement
16 agency or the Department of Kentucky State Police. Nothing in this section shall
17 relieve individuals of their obligations to report ***immediately***.
- 18 (2) Any person, including but not limited to a physician, osteopathic physician, nurse,
19 teacher, school personnel, social worker, coroner, medical examiner, child-caring
20 personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical
21 technician, paramedic, health professional, mental health professional, peace
22 officer, or any organization or agency for any of the above, who knows or has
23 reasonable cause to believe that a child is ***or has been*** dependent, neglected, or
24 abused, regardless of whether the person believed to have caused the dependency,
25 neglect, or abuse is a parent, guardian, fictive kin, person in a position of authority,
26 person in a position of special trust, person exercising custodial control or
27 supervision, or another person, or who has attended such child as a part of his or her

1 professional duties shall, if requested, in addition to the report required in
2 subsection (1) or ~~(4)~~~~(3)~~ of this section, file with the local law enforcement agency,
3 ~~for~~ the Department of Kentucky State Police, or the cabinet or its designated
4 representative~~, the Commonwealth's attorney, or county attorney~~ within forty-
5 eight (48) hours of the original report a written report containing:

- 6 (a) The names and addresses of the child and his or her parents or other persons
7 exercising custodial control or supervision;
- 8 (b) The child's age;
- 9 (c) The nature and extent of the child's alleged dependency, neglect, or abuse,
10 including any previous charges of dependency, neglect, or abuse, to this child
11 or his or her siblings;
- 12 (d) The name and address of the person allegedly responsible for the abuse or
13 neglect; and
- 14 (e) Any other information that the person making the report believes may be
15 helpful in the furtherance of the purpose of this section.

16 (3) **The report required by subsection (1) or (4) of this section shall be made prior to**
17 **school personnel or other persons listed in subsection (2) of this section**
18 **conducting an investigation.**

19 (4) Any person who knows or has reasonable cause to believe that a child is a victim of
20 human trafficking as defined in KRS 529.010 shall immediately cause an oral or
21 written report to be made to a local law enforcement agency or the Department of
22 Kentucky State Police; or the cabinet or its designated representative; or the
23 Commonwealth's attorney or the county attorney; by telephone or otherwise. This
24 subsection shall apply regardless of whether the person believed to have caused the
25 human trafficking of the child is a parent, guardian, fictive kin, person in a position
26 of authority, person in a position of special trust, or person exercising custodial
27 control or supervision.

1 ~~(5)~~~~(4)~~ Neither the husband-wife nor any professional-client/patient privilege, except
2 the attorney-client and clergy-penitent privilege, shall be a ground for refusing to
3 report under this section or for excluding evidence regarding a dependent,
4 neglected, or abused child or the cause thereof, in any judicial proceedings resulting
5 from a report pursuant to this section. This subsection shall also apply in any
6 criminal proceeding in District or Circuit Court regarding a dependent, neglected, or
7 abused child.

8 ~~(6)~~~~(5)~~ The cabinet upon request shall receive from any agency of the state or any
9 other agency, institution, or facility providing services to the child or his or her
10 family, such cooperation, assistance, and information as will enable the cabinet to
11 fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.

12 ~~(7)~~~~(6)~~ Nothing in this section shall limit the cabinet's investigatory authority under
13 KRS 620.050 or any other obligation imposed by law.

14 ~~(8)~~~~(7)~~ Any person who intentionally violates the provisions of this section shall be
15 guilty of a:

- 16 (a) Class B misdemeanor for the first offense;
- 17 (b) Class A misdemeanor for the second offense; and
- 18 (c) Class D felony for each subsequent offense.

19 ➔Section 2. KRS 620.029 is amended to read as follows:

20 (1) In order to provide the most effective treatment for children who are victims of
21 human trafficking, as defined in KRS 529.010, the cabinet shall:

- 22 (a) Investigate a report alleging a child is a victim of human trafficking pursuant
23 to subsection (4) of Section 1 of this Act~~[KRS 620.030(3)]~~;
- 24 (b) Provide or ensure the provision of appropriate treatment, housing, and
25 services consistent with the status of the child as a victim of human
26 trafficking; and
- 27 (c) Proceed in the case in accordance with applicable statutes governing cases

1 involving dependency, neglect, or abuse regardless of whether the person
2 believed to have caused the human trafficking of the child is a parent,
3 guardian, or person exercising custodial control or supervision.

4 (2) In order to effectuate the requirements of this section, the cabinet shall:

5 (a) Consult with agencies serving victims of human trafficking to promulgate
6 administrative regulations for the treatment of children who are reported to be
7 victims of human trafficking as dependent, neglected, or abused children,
8 including providing for appropriate screening, assessment, treatment, services,
9 temporary and long-term placement of these children, training of staff, the
10 designation of specific staff, and collaboration with service providers and law
11 enforcement; and

12 (b) By November 1 of each year, beginning in 2013, submit to the Legislative
13 Research Commission a comprehensive report detailing the number of reports
14 the cabinet has received regarding child victims of human trafficking, the
15 number of reports in which the cabinet has investigated and determined that a
16 child is the victim of human trafficking, and the number of cases in which
17 services were provided.

18 ➔Section 3. KRS 620.040 is amended to read as follows:

19 (1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, fictive
20 kin, person in a position of authority, person in a position of special trust, or
21 person exercising custodial control or supervision, pursuant to KRS
22 620.030(1) or (2), or a report alleging a child is a victim of human trafficking
23 pursuant to subsection (4) of Section 1 of this Act~~[KRS 620.030(3)]~~, the
24 recipient of the report shall immediately notify the cabinet or its designated
25 representative, the local law enforcement agency or the Department of
26 Kentucky State Police, and the Commonwealth's or county attorney of the
27 receipt of the report unless they are the reporting source.

- 1 (b) Based upon the allegation in the report, the cabinet shall immediately make an
2 initial determination as to the risk of harm and immediate safety of the child.
3 Based upon the level of risk determined, the cabinet shall investigate the
4 allegation or accept the report for an assessment of family needs and, if
5 appropriate, may provide or make referral to any community-based services
6 necessary to reduce risk to the child and to provide family support. A report of
7 sexual abuse or human trafficking of a child shall be considered high risk and
8 shall not be referred to any other community agency.
- 9 (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and
10 holidays, make a written report to the Commonwealth's or county attorney and
11 the local enforcement agency or the Department of Kentucky State Police
12 concerning the action that has been taken on the investigation.
- 13 (d) If the report alleges abuse or neglect by someone other than a parent, guardian,
14 fictive kin, person in a position of authority, person in a position of special
15 trust, or person exercising custodial control or supervision, or the human
16 trafficking of a child, the cabinet shall immediately notify the
17 Commonwealth's or county attorney and the local law enforcement agency or
18 the Department of Kentucky State Police.
- 19 (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and
20 (2), the recipient shall immediately notify the cabinet or its designated
21 representative.
- 22 (b) Based upon the allegation in the report, the cabinet shall immediately make an
23 initial determination as to the risk of harm and immediate safety of the child.
24 Based upon the level of risk, the cabinet shall investigate the allegation or
25 accept the report for an assessment of family needs and, if appropriate, may
26 provide or make referral to any community-based services necessary to reduce
27 risk to the child and to provide family support. A report of sexual abuse or

1 human trafficking of a child shall be considered high risk and shall not be
2 referred to any other community agency.

3 (c) The cabinet need not notify the local law enforcement agency or the
4 Department of Kentucky State Police or county attorney or Commonwealth's
5 attorney of reports made under this subsection unless the report involves the
6 human trafficking of a child, in which case the notification shall be required.

7 (3) If the cabinet or its designated representative receives a report of abuse by a person
8 other than a parent, guardian, fictive kin, person in a position of authority, person in
9 a position of special trust, or other person exercising custodial control or
10 supervision of a child, it shall immediately notify the local law enforcement agency
11 or the Department of Kentucky State Police and the Commonwealth's or county
12 attorney of the receipt of the report and its contents, and they shall investigate the
13 matter. The cabinet or its designated representative shall participate in an
14 investigation of noncustodial physical abuse or neglect at the request of the local
15 law enforcement agency or the Department of Kentucky State Police. The cabinet
16 shall participate in all investigations of reported or suspected sexual abuse or human
17 trafficking of a child.

18 (4) School personnel or other persons listed in KRS 620.030(2) **shall make the report**
19 **required by subsection (1) or (4) of Section 1 of this Act prior to conducting an**
20 **investigation and** do not have the authority to conduct internal investigations in lieu
21 of the official investigations outlined in this section.

22 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its
23 designated representative cannot gain admission to the location of the child, a
24 search warrant shall be requested from, and may be issued by, the judge to the
25 appropriate law enforcement official upon probable cause that the child is
26 dependent, neglected, or abused. If, pursuant to a search under a warrant, a
27 child is discovered and appears to be in imminent danger, the child may be

1 removed by the law enforcement officer.

2 (b) If a child who is in a hospital or under the immediate care of a physician
3 appears to be in imminent danger if he or she is returned to the persons having
4 custody of him or her, the physician or hospital administrator may hold the
5 child without court order, provided that a request is made to the court for an
6 emergency custody order at the earliest practicable time, not to exceed
7 seventy-two (72) hours.

8 (c) Any appropriate law enforcement officer may take a child into protective
9 custody and may hold that child in protective custody without the consent of
10 the parent or other person exercising custodial control or supervision if there
11 exist reasonable grounds for the officer to believe that the child is in danger of
12 imminent death or serious physical injury, is being sexually abused, or is a
13 victim of human trafficking and that the parents or other person exercising
14 custodial control or supervision are unable or unwilling to protect the child.
15 The officer or the person to whom the officer entrusts the child shall, within
16 twelve (12) hours of taking the child into protective custody, request the court
17 to issue an emergency custody order.

18 (d) When a law enforcement officer, hospital administrator, or physician takes a
19 child into custody without the consent of the parent or other person exercising
20 custodial control or supervision, he or she shall provide written notice to the
21 parent or other person stating the reasons for removal of the child. Failure of
22 the parent or other person to receive notice shall not, by itself, be cause for
23 civil or criminal liability.

24 (6) To the extent practicable and when in the best interest of a child alleged to have
25 been abused, interviews with the child shall be conducted at a children's advocacy
26 center.

27 (7) (a) One (1) or more multidisciplinary teams may be established in every county or

1 group of contiguous counties.

2 (b) Membership of the multidisciplinary team shall include but shall not be
3 limited to social service workers employed by the Cabinet for Health and
4 Family Services and law enforcement officers. Additional team members may
5 include Commonwealth's and county attorneys, children's advocacy center
6 staff, mental health professionals, medical professionals, victim advocates
7 including advocates for victims of human trafficking, educators, and other
8 related professionals, as deemed appropriate.

9 (c) The multidisciplinary team shall review child sexual abuse cases and child
10 human trafficking cases involving commercial sexual activity referred by
11 participating professionals, including those in which the alleged perpetrator
12 does not have custodial control or supervision of the child or is not
13 responsible for the child's welfare. The purpose of the multidisciplinary team
14 shall be to review investigations, assess service delivery, and to facilitate
15 efficient and appropriate disposition of cases through the criminal justice
16 system.

17 (d) The team shall hold regularly scheduled meetings if new reports of sexual
18 abuse or child human trafficking cases involving commercial sexual activity
19 are received or if active cases exist. At each meeting, each active case shall be
20 presented and the agencies' responses assessed.

21 (e) The multidisciplinary team shall provide an annual report to the public of
22 nonidentifying case information to allow assessment of the processing and
23 disposition of child sexual abuse cases and child human trafficking cases
24 involving commercial sexual activity.

25 (f) Multidisciplinary team members and anyone invited by the multidisciplinary
26 team to participate in a meeting shall not divulge case information, including
27 information regarding the identity of the victim or source of the report. Team

1 members and others attending meetings shall sign a confidentiality statement
2 that is consistent with statutory prohibitions on disclosure of this information.

3 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,
4 develop a local protocol consistent with the model protocol issued by the
5 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local
6 team shall submit the protocol to the commission for review and approval.

7 (h) The multidisciplinary team review of a case may include information from
8 reports generated by agencies, organizations, or individuals that are
9 responsible for investigation, prosecution, or treatment in the case, KRS
10 610.320 to KRS 610.340 notwithstanding.

11 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local
12 children's advocacy center.

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