

1 AN ACT relating to child 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 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, the cabinet shall refer the matter to the
12 Commonwealth's attorney or the county attorney and the local law enforcement
13 agency or the Department of Kentucky State Police. Nothing in this section shall
14 relieve individuals of their obligations to report.

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

26 1. Immediately make an oral **or written** report in accordance with
27 subsection (1) of this section;

- 1 2. Immediately notify the supervisor of the institution, school, facility,
2 agency, or designated agent of the person in charge; and
- 3 3. If requested, in addition to the report required in subsection (1) or (3) of
4 this section, file with the local law enforcement agency or the
5 Department of Kentucky State Police, the cabinet or its designated
6 representative, the Commonwealth's attorney, or county attorney within
7 forty-eight (48) hours of the original report a written report containing:
- 8 a. The names and addresses of the child and his or her parents or
9 other persons exercising custodial control or supervision;
- 10 b. The child's age;
- 11 c. The nature and extent of the child's alleged dependency, neglect,
12 or abuse, including any previous charges of dependency, neglect,
13 or abuse, to this child or his or her siblings;
- 14 d. The name and address of the person allegedly responsible for the
15 abuse or neglect; and
- 16 e. Any other information that the person making the report believes
17 may be helpful in the furtherance of the purpose of this section.
- 18 (b) Upon notification, the supervisor or the designated agent, if any, shall
19 facilitate the cooperation of the institution, school, facility, or agency with the
20 investigation of the report.
- 21 (c) Any person who knowingly causes intimidation, retaliation, or obstruction in
22 the investigation of the report shall be guilty of a Class A misdemeanor.
- 23 (d) This section shall not require more than one (1) report from any institution,
24 school, facility, or agency.
- 25 (3) Any person who knows or has reasonable cause to believe that a child is a victim of
26 human trafficking as defined in KRS 529.010 shall immediately cause an oral or
27 written report to be made to a local law enforcement agency or the Department of

1 Kentucky State Police; or the cabinet or its designated representative; or the
2 Commonwealth's attorney or the county attorney; by telephone or otherwise. This
3 subsection shall apply regardless of whether the person believed to have caused the
4 human trafficking of the child is a parent, guardian, fictive kin, person in a position
5 of authority, person in a position of special trust, or person exercising custodial
6 control or supervision.

- 7 (4) Any person who knows or has reasonable cause to believe that a child is a victim of
8 female genital mutilation as defined in KRS 508.125 shall immediately cause an
9 oral or written report to be made by telephone or otherwise to:
- 10 (a) A local law enforcement agency or the Department of Kentucky State Police;
 - 11 (b) The cabinet or its designated representative; or
 - 12 (c) The Commonwealth's attorney or the county attorney.

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

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

- 22 (6) 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 (7) Nothing in this section shall limit the cabinet's investigatory authority under KRS
27 620.050 or any other obligation imposed by law.

- 1 (8) Any person who intentionally violates the provisions of this section shall be guilty
2 of a:
- 3 (a) Class B misdemeanor for the first offense;
 - 4 (b) Class A misdemeanor for the second offense; and
 - 5 (c) Class D felony for each subsequent offense.