

**620.030 Duty to report dependency, neglect, abuse, human trafficking, or female genital mutilation -- Husband-wife and professional-client/patient privileges not grounds for refusal to report -- Exceptions -- Penalties.**

- (1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or to the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or the county attorney by telephone or otherwise. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Department of Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report.
- (2) (a) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer, or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, regardless of whether the person believed to have caused the dependency, neglect, or abuse is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, person exercising custodial control or supervision, or another person, or who has attended such child as a part of his or her professional duties, shall:
  1. Immediately make an oral report in accordance with subsection (1) of this section;
  2. Immediately notify the supervisor of the institution, school, facility, agency, or designated agent of the person in charge; and
  3. If requested, in addition to the report required in subsection (1) or (3) of this section, file with the local law enforcement agency or the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or county attorney within forty-eight (48) hours of the original report a written report containing:
    - a. The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision;
    - b. The child's age;
    - c. The nature and extent of the child's alleged dependency, neglect, or abuse, including any previous charges of dependency, neglect, or abuse, to this child or his or her siblings;
    - d. The name and address of the person allegedly responsible for the abuse or neglect; and
    - e. Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.

- (b) Upon notification, the supervisor or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility, or agency with the investigation of the report.
  - (c) Any person who knowingly causes intimidation, retaliation, or obstruction in the investigation of the report shall be guilty of a Class A misdemeanor.
  - (d) This section shall not require more than one (1) report from any institution, school, facility, or agency.
- (3) Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking as defined in KRS 529.010 shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; or the cabinet or its designated representative; or the Commonwealth's attorney or the county attorney; by telephone or otherwise. This subsection shall apply regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision.
- (4) Any person who knows or has reasonable cause to believe that a child is a victim of female genital mutilation as defined in KRS 508.125 shall immediately cause an oral or written report to be made by telephone or otherwise to:
- (a) A local law enforcement agency or the Department of Kentucky State Police;
  - (b) The cabinet or its designated representative; or
  - (c) The Commonwealth's attorney or the county attorney.
- This subsection shall apply regardless of whether the person believed to have caused the female genital mutilation of the child is a parent, guardian, or person exercising custodial control or supervision.
- (5) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.
- (6) The cabinet upon request shall receive from any agency of the state or any other agency, institution, or facility providing services to the child or his or her family, such cooperation, assistance, and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.
- (7) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.
- (8) Any person who intentionally violates the provisions of this section shall be guilty of a:
- (a) Class B misdemeanor for the first offense;
  - (b) Class A misdemeanor for the second offense; and
  - (c) Class D felony for each subsequent offense.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 107, sec. 2, effective June 29, 2023. -- Amended 2020 Ky. Acts ch. 74, sec. 7, effective April 2, 2020. -- Amended 2019 Ky. Acts ch. 33, sec. 9, effective June 27, 2019. -- Amended 2013 Ky. Acts ch. 25, sec. 2, effective June 25, 2013. -- Amended 2008 Ky. Acts ch. 72, sec. 4, effective July 15, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 330, effective June 26, 2007. -- Amended 1988 Ky. Acts ch. 258, sec. 2, effective July 15, 1988; and ch. 350, sec. 43, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 64, effective July 1, 1987.

**Legislative Research Commission Note.** The 1988 amendments to this section are effective April 10, 1988, except for the second sentence of subsection (1), which is effective July 15, 1988.