

2023 Kansas Statutes

39-1433. Same; duties of Kansas department for children and families; face-to-face visit; investigation and evaluation; findings referred to appropriate regulating authority, when; information provided to certain persons. (a) The Kansas department for children and families, upon receiving a report that an adult is being or has been harmed as a result of abuse, neglect or financial exploitation, shall:

- (1) Immediately notify, in writing, the appropriate law enforcement agency when a criminal act has occurred or appears to have occurred;
 - (2) make a face-to-face visit with the involved adult:
 - (A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved adult;
 - (B) within three working days for all reports of suspected abuse, when the information from the reporter indicates no imminent danger; and
 - (C) within five working days for all reports of neglect or financial exploitation when the information from the reporter indicates no imminent danger;
 - (3) complete, within 30 working days of receiving a report of abuse or neglect and 60 working days of receiving a report of financial exploitation, a thorough investigation and evaluation to determine the situation relative to the condition of the involved adult and what action and services, if any, are required. The evaluation shall include, but not be limited to, consultation with those individuals having knowledge of the facts of the particular case. If conducting the investigation within the corresponding 30 or 60 working days would interfere with an ongoing criminal investigation, the time period for the investigation shall be extended, but the investigation and evaluation shall be completed within 90 working days. If a finding is made prior to the conclusion of the criminal investigation, the investigation and evaluation may be reopened and a new finding made based on any additional evidence provided as a result of the criminal investigation. If the alleged perpetrator is licensed, registered or otherwise regulated by a state agency, such state agency shall be notified upon completion of the investigation or sooner if such notification does not compromise the investigation; and
 - (4) prepare, upon completion of the investigation of each case, a written assessment that shall include an analysis of whether there is or has been abuse, neglect or financial exploitation, recommended action, a determination of whether protective services are needed and any follow-up.
- (b) The secretary for children and families shall forward any finding of abuse, neglect or financial exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state regulatory authority that regulates such provider.
- (c) The secretary for children and families shall forward any substantiated finding of abuse, neglect or financial exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state regulatory authority, and such authority may consider the finding in any disciplinary action taken with respect to such provider under the jurisdiction of such authority.
- (d) The Kansas department for children and families shall inform the complainant, upon request of the complainant, that an investigation has been initiated.
- (e) The Kansas department for children and families shall inform the chief administrative officers of community facilities licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, and nursing facilities, nursing facilities for mental health, intermediate care facilities for people with intellectual disability, assisted living facilities, residential healthcare facilities and home plus as defined in K.S.A. 39-923, and amendments thereto, of substantiated findings of resident abuse, neglect or financial exploitation.

History: L. 1989, ch. 129, § 4; L. 1998, ch. 200, § 10; L. 2003, ch. 91, § 14; L. 2005, ch. 30, § 1; L. 2014, ch. 115, § 170; L. 2018, ch. 71, § 9; L. 2021, ch. 81, § 5; July 1.