



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

February 24, 1977

ATTORNEY GENERAL OPINION NO. 77- 68

Mr. Michael E. Francis  
County Attorney  
Geary County Courthouse  
Junction City, Kansas 66441

RE: Infants - Crimes Affecting Children - Reporting  
of Certain Physical or Mental Abuse of Children

SYNOPSIS: Cases of child abuse or neglect must be promptly reported to the statutorily designated court or agency and such reports made to other agencies or organizations not specified by statute are not substitutes for the statutorily required reporting and there is no statutory immunity from liability arising out of reports made to agencies or organizations not specified by statute.

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Dear Mr. Francis:

You inquire whether persons reporting a case of child abuse must first report the case to the designated court or agency specified within K.S.A. 1976 Supp. 38-717, or whether they may first report the case to an organization created for child abuse cases and promptly thereafter report to the designated court or agency without incurring any liability.

K.S.A. 1976 Supp. 38-717 provides that every person designated within the statute, i.e. persons licensed to practice the healing arts, school teachers, law enforcement officers, and certain others " . . . having reason to believe that such child has had injury or injuries inflicted upon him or her as a result of physical or mental abuse or neglect, shall report . . . the matter promptly to the district court . . . , or to the department of social and rehabilitation services." It is within the discretion of all other persons not specified in the statute to report child abuse cases to the district court or to the department of social and rehabilitation services.

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K.S.A. 1976 Supp. 38-718 provides immunity from civil or criminal liability to "anyone participating without malice in the making of an oral or written report to the district court or department of social and rehabilitation services." K.S.A. 1976 Supp. 38-720 states that "anyone knowingly and wilfully violating the provisions of the Kansas Child Abuse and Neglect Reporting Act shall be guilty of a class B misdemeanor."

The statutory provisions do not specify whether the district court or the department of social and rehabilitation services must be contacted first before any other organization is contacted. The purpose of the Kansas Abuse and Neglect Reporting Act is to require persons to report such cases promptly so that immediate steps may be taken to protect the health and welfare of the abused or neglected child. As long as the district court or department of social and rehabilitation services is notified promptly of such child abuse it is irrelevant whether they or some other organization, is contacted first.

While a person is not prohibited from reporting such cases to agencies or organizations other than the district court or department of social and rehabilitation services, it should be noted that K.S.A. 1976 Supp. 38-718 only grants immunity from civil or criminal liability to persons making such reports when they are made to the district court or to the department of social and rehabilitation services. Reports made to other organizations would not be a substitute for the statutory requirement that such reports be made promptly to the district court or to the department of social and rehabilitation services nor would persons making reports to other organizations be protected with the immunity granted under K.S.A. 1976 Supp. 38-718.

Very truly yours,



CURT T. SCHNEIDER  
Attorney General

CTS:DLW:kb