

Kentucky State Law**KRS Chapters 600-645: Abused or Neglected Child**

A child whose health or welfare is harmed or threatened with harm when:

His or her parent, guardian, person in a position of authority or special trust or other person exercising custodial control or supervision of the child:

1. Inflicts or allows to be inflicted upon the child physical or emotional injury, *by other than accidental means*;
2. Creates or allows to be created a risk of physical or emotional injury *by other than accidental means*;
3. Engages in a pattern of conduct *that renders the parent incapable of caring for the immediate and ongoing needs of the child* including, but not limited to, parental incapacity due to alcohol and other drug abuse
4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
7. Abandons or exploits the child;
8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being (Except in the case of legitimate practice of religion)
9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for 15 of the most recent 22 months

A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;

- **Physical Abuse:** when a person in a caretaking role causes a non-accidental injury and in certain cases when there is no observable injury if the caretaker's behavior could have resulted in physical injury.
- **Neglect:** when a caretaker has failed to protect a child, or has by lack of action, placed a child at risk of harm.
- **Sexual Abuse:** when the parent, guardian, or other person having custodial control or supervision of a child, uses, allows, permits, or encourages the use of the child for the purposes of sexual stimulation of the perpetrator or another person.
- **Dependency:** when a child is under improper care, custody, control or supervision that is not due to an intentional act or lack of action by the caretaker.

Should I make a report?**KRS 260.030 - Duty to report dependency, neglect, abuse, or human trafficking**

- 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 the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's attorney or the county attorney; by telephone or otherwise.

By Kentucky state law all adults are **required** to call in reports of suspected abuse and neglect. When in doubt, call it in – Let DCBS take the responsibility of determining whether it meets criteria. Call it in to the intake department not to the individual worker.

You are a mandated reporter!