

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 46.—Child Abuse and Neglect

30-46-12. Standards for determining abuse, neglect or sexual abuse in a child care facility or institution.

(a) An incident may involve abuse, neglect or sexual abuse, as defined in K.A.R. 30-46-10, if, without investigation, it is more likely than not that:

- (1) A child has suffered an unexplained or non-accidental injury due to an act or omission of an employee or volunteer in the facility or institution;
- (2) an employee or volunteer has had sexual contact with a child;
- (3) an employee or volunteer demonstrates a pattern of interaction which impairs the child's social, emotional or intellectual functioning to an observable and material degree;
- (4) an employee or volunteer has failed to make a reasonable effort to prevent a child or other person from causing harm or the substantial risk of harm;
- (5) an employee or volunteer has failed to make a reasonable effort to remove a child from or supervise a child in a situation that requires judgment or actions beyond the child's level of maturity, physical condition or mental ability and that results in harm or substantial risk of harm to the child;
- (6) an employee or volunteer has failed to obtain or follow through with prescribed medical care for a child and such failure resulted in death, disfigurement, serious physical or emotional injury or substantial risk of same to the child; or
- (7) an employee or volunteer has failed to provide a child with food, shelter or clothing necessary to sustain the life or health of the child.

(b) An incident does not necessarily involve abuse, neglect or sexual abuse, as defined in K.A.R. 30-46-10, if, without investigation, it is more likely than not that:

- (1) Harm to a child resulted from an accident and was not due to wanton disregard for the welfare of the child;
- (2) care provided to a child failed to meet minimum regulatory standards but did not result in harm or substantial risk of harm;

(3) the inappropriate use of language by an employee or volunteer did not result in emotional harm to the child;

(4) the use of inappropriate disciplinary action contrary to agency policy by an employee or volunteer has not resulted in harm or substantial risk of harm;

(5) any harm to a child resulted from the appropriate use of restraint practices approved by SRS or the department of health and environment;

(6) a child was denied privileges;

(7) harm to a child resulted from conflict with another child; or

(8) the child eloped from a facility or institution.

(Authorized by and implementing K.S.A. 39-708c, K.S.A. 1987 Supp. 65-516, as amended by L. 1988, Ch. 232, Sec. 10, L. 1988, Ch. 140; effective Jan. 2, 1989.)

***** Authenticated Kansas Administrative Regulation *****