

SPECIAL NOTICE: Adult Abuse and Neglect Cases

Distributed at the request of the Office of the KS Attorney General

From Ed Klumpp,

Legislative Liaison, KS Sheriffs Assoc.; KS Assoc. of Chiefs of Police; KS Peace Officers Assoc.

Reports of Adult Neglect and Abuse can come to law enforcement from numerous sources, both indirectly through Kansas Department of Aging and Disability Services (KDADS) or Department of Children and Families (DCF) and directly from reporting parties or law enforcement observation.

PURPOSE OF NOTICE

The main purpose of this notice is to improve the law enforcement response with information the Attorney General's Office requires to carry out their statutory duties. The secondary purpose is to provide information on statutory requirements for these cases. This notice is posted at the request of the Office of the Attorney General.

REPORTS FROM KDADS AND DCF

When reports are received by KDADS or DCF, they are required to forward the report to local law enforcement for investigation and follow-up when it is determined a crime has occurred or has appeared to have occurred [KSA 39-1404(a)(1); KSA 39-1433(a)(1); KSA 39-1435]. This is accomplished by sending an E-MAIL or FAX to the local law enforcement agency. **In every case, the law enforcement agency receiving such an e-mail or fax should record the incident in a formal report with a case number or other identifying file number assigned by the receiving agency. The receipt of the faxed information from DCF or KDADS is not an advisory message, it is the report of an alleged crime.** You can see a sample of the cover FAX you might receive at these links:

[SAMPLE FAX COVER FROM KDADS](#)

[SAMPLE FAX COVER FROM DCF](#)

Each of the forms has a provision at the bottom for you to enter the assigned case or file number and other basic information with directions to fax the completed Fax Cover Sheet to the Attorney General's Office. Similarly, a report received by e-mail designates the case number and other information the AG's office needs and directs the information be sent to them by using "return-all" or faxing it to the number in the e-mail. If responding from an e-mail from KDADS or DCF, the word "ENCRYPT" must be removed from the subject line and the requested information should be typed in the reply section of the e-mail, NOT in the body of the original e-mail or in the attached documents. Otherwise, it will encrypt your response and the AG's Office and DCF will not be able to open it.

The reason for notification to the Attorney General's Office is they are charged by statute with tracking these cases, conducting certain investigations, and reporting annual activity to the legislature.

REPORTS DIRECTLY RECEIVED BY LAW ENFORCEMENT

When law enforcement receives a report of abuse, neglect or exploitation, or need of protective services from someone other than DCF or KDADS, law enforcement is required to notify DCF by the close of the following DCF business day. [KSA 39-1431(a)] Failure to do so is a B misdemeanor.

INVESTIGATION COOPERATION AND ASSISTANCE

If needed, the Attorney General's Abuse, Neglect and Exploitation of Persons Unit may be able to assist in some investigations. KSA 39-1443 requires law enforcement and DCF to jointly investigate these complaints and to cooperate in follow-up action. The local county or district attorney is required to take charge in coordination of these investigations if a dispute develops between agencies.

Relevant Statutes:

- KSA [39-1404](#) Reporting abuse, neglect or exploitation, or need of protective services to KDADS
- KSA [39-1406](#) Access to records by investigating law enforcement
- KSA [39-1431](#) Reporting abuse, neglect or exploitation, or need of protective services to DCF
- KSA [39-1433](#) Duties of DCF
- KSA [39-1435](#) Law enforcement assistance
- KSA [39-1443](#) Investigation of adult abuse or neglect; coordination and cooperation between agencies.
- KSA [38-2226](#) Investigation of child abuse or neglect; coordination and cooperation between agencies.
- KSA [75-723](#) Duties of Attorney General, Creation of the Attorney General's Abuse, Neglect and Exploitation of Persons Unit, Requirement to forward reports.

Within the limits of available resources, the AG's Abuse, Neglect and Exploitation of Persons Unit is authorized to perform the following, among other tasks listed in the statute:

1. coordinate with and assist other law enforcement agencies. . .in the investigation of suspected criminal abuse, neglect or exploitation of persons;
2. assist in any investigation of child abuse or neglect conducted by a law enforcement agency pursuant to KSA [38-2226](#);
3. assist in any investigation of adult abuse, neglect, exploitation or fiduciary abuse conducted by a law enforcement agency pursuant to KSA [39-1443](#).

You may contact Deputy Attorney General Steven Karrer at (785)291-3873 or Steven.Karrer@ag.ks.gov with any questions or concerns.

This information is also posted at www.KsLawEnforcementInfo.com.

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<http://www.kslawenforcementinfo.com/emailsignup.html>