



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**KRIS W. KOBACH**  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.AG.KS.GOV

August 14, 2024

Beth Lange  
Kansas Department for Children and Families  
555 S. Kansas Ave., 6th Floor  
Topeka, KS 66603

RE: **K.A.R. 30-46-10, K.A.R. 30-46-13, and K.A.R. 30-46-15**

Dear Ms. Lange:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulations for legality. Finding no issues of concern, we have approved them. The stamped original regulations are enclosed.

Sincerely,

Paul M. Keithley  
Assistant Attorney General  
Legal Oversight and Government Counsel Section

PMK:sb

Enclosures

cc: Sen. Kellie Warren, Chair, Joint Committee on Rules and Regulations  
Rep. Barbara Wasinger, Vice Chair, Joint Committee on Rules and Regulations  
Sen. Oletha Faust-Goudeau, Ranking Minority Member, Joint Committee on  
Rules and Regulations  
Jill Shelley, Legislative Research, State Capitol, Room 68-W  
Jenna Moyer, Office of Revisor, State Capitol, Room 24-E

**30-46-10. Definitions.** For the purpose of the child abuse and neglect central registry, the following definitions shall apply:

(a) "Abandon" and "abandonment" have the meaning specified in K.S.A. 38-2202, and amendments thereto.

(b) "Abuse" means "physical, mental or emotional abuse" or "sexual abuse," as these two terms are defined in K.S.A. 38-2202, and amendments thereto, and as "sexual abuse" is further defined in this regulation, involving a child who resides in Kansas or is found in Kansas, regardless of where the act occurred. The term "abuse" shall include any act that occurred in Kansas, regardless of where the child is found or resides. The term "abuse" may include the following:

(1) Terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child;

(2) emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no attachment to the child, or failing to provide adequate nurturance of the child; and

(3) corrupting a child, by teaching or rewarding the child for unlawful, antisocial, or sexually mature behavior.

~~(c) "Affirmed perpetrator" means a person who has been determined by the secretary or the secretary's designee, by a preponderance of evidence, to have committed an act of abuse or neglect, regardless of where the person resides, but has not been substantiated so the affirmed perpetrator's name is not placed on the child abuse and neglect central registry.~~

APPROVED

MAY 28 2024

APPROVED

AUG 14 2024

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL *sl*

~~(d)~~(c) "Alleged perpetrator" means the person identified in the initial report or during the investigation as the person suspected of perpetrating an act of abuse or neglect.

~~(e)~~(d) "Child" means anyone under the age of 18 or anyone under the age of 21 and in the custody of the secretary pursuant to K.S.A. 38-2255, and amendments thereto.

~~(f)~~(e) "Child abuse and neglect central registry" means the list of names for individuals identified by the department as substantiated perpetrators.

~~(g)~~(f) "Child care facility" has the meaning specified in K.S.A. 65-503, and amendments thereto.

~~(h)~~(g) "Department" means Kansas department for children and families.

~~(i)~~(h) "Investigation" means the gathering and assessing of information to determine if a child has been harmed, as defined in K.S.A. 38-2202, and amendments thereto, as the result of abuse or neglect, to identify the individual or individuals responsible, and to determine if the incident perpetrated by the individual or individuals should be ~~affirmed or~~ substantiated.

~~(j)~~(i) "Neglect" has the meaning specified in K.S.A. 38-2202, and amendments thereto, involving a child who resides in Kansas or is found in Kansas, regardless of where the act or failure to act occurred. ~~The term "neglect" may include the following:~~

~~(1) The birth of an infant who is identified as being affected by or having withdrawal symptoms resulting from prenatal exposure to a legal or an illegal substance; and~~

~~(2) failure of the parent or caregiver to meet that individual's responsibilities to provide for the child's education as required by law.~~

~~(k)~~(j) "Sexual abuse" has the meaning specified in K.S.A. 38-2202, and amendments thereto. With respect to the determination by the department for children and families of an

APPROVED

MAY 28 2024

DEPT. OF ADMINISTRATION

APPROVED

AUG 14 2024

ATTORNEY GENERAL

~~affirmed or~~ a substantiated finding of sexual abuse, difference in age and maturity between the perpetrator and victim and issues of force or coercion may be considered.

(~~h~~)(k) "Substantiated perpetrator" and "perpetrator" mean a person, regardless of where the person resides, who has been substantiated by the secretary or the secretary's designee, by a preponderance of evidence, to have either intentionally committed an act of abuse or neglect or failed or refused to protect a child when a reasonable person would have anticipated that the act of abuse or neglect would result in or create a likelihood of serious harm, injury, or deterioration to the child. The substantiated perpetrator's name is placed on the Kansas child abuse and neglect central registry, and the person is thereby prohibited from residing, working, or volunteering in a child care facility pursuant to K.S.A. 65-516, and amendments thereto.

(~~m~~)(l) "Unsubstantiated alleged perpetrator" means a person who has been determined by the secretary or the secretary's designee, by a preponderance of evidence, to have not committed an alleged act of abuse or neglect. (Authorized by K.S.A. ~~2018 Supp.~~ 38-2225 and 39-708c; implementing K.S.A. ~~2018~~ 2023 Supp. 38-2226 and K.S.A. 38-2230; effective Jan. 2, 1989; amended Jan. 2, 1990; amended Oct. 1, 1993; amended Jan. 1, 1997; amended Oct. 3, 1997; amended July 9, 2004; amended July 6, 2009; amended, T-30-6-1-12, June 1, 2012; amended Sept. 14, 2012; amended July 1, 2016; amended, T-30-11-15-18; Nov. 15, 2018; amended Feb. 22, 2019; amended P-\_\_\_\_\_.)

APPROVED

MAY 28 2024

DEPT. OF ADMINISTRATION

APPROVED

AUG 14 2024

ATTORNEY GENERAL

**30-46-13. Right to interview.** Each alleged perpetrator shall have an opportunity to be interviewed before a finding ~~affirming~~ or substantiating the perpetrator under K.A.R. 30-46-15 is issued. (Authorized by K.S.A. ~~2018 Supp.~~ 39-708c; implementing K.S.A. ~~2018~~ 2023 Supp. 38-2226, K.S.A. ~~2018 Supp.~~ 39-708c, and K.S.A. 2023 Supp. 65-516, as amended by L., 2024, ch. 15, sec. 45; effective Jan. 2, 1989; amended Oct. 28, 1991; amended July 1, 1997; amended July 9, 2004; amended, T-30-11-15-18; Nov. 15, 2018; amended Feb. 22, 2019; amended P-\_\_\_\_\_.)

APPROVED

AUG 09 2024

DEPT. OF ADMINISTRATION

APPROVED

AUG 14 2024

ATTORNEY GENERAL

**30-46-15. Notice of decision.** ~~(a) Each affirmed perpetrator shall be notified in writing of the secretary's decision to affirm the perpetrator for an incident of child abuse or neglect. The notice shall specify the reasons for the finding and shall inform the affirmed perpetrator of the perpetrator's right to appeal the decision.~~

~~(b)~~(a) Each substantiated perpetrator shall be notified in writing of the secretary's decision to substantiate the perpetrator for the purpose of placing the name of the perpetrator in the child abuse and neglect central registry. The notice shall specify the reasons for the finding and shall inform the substantiated perpetrator of the perpetrator's right to appeal the decision.

~~(e)~~(b) Each unsubstantiated alleged perpetrator shall be notified in writing of the secretary's decision that based on a preponderance of evidence, the alleged perpetrator has not committed an alleged act of abuse or neglect. (Authorized by K.S.A. ~~2018 Supp.~~ 39-708c; implementing K.S.A. ~~2018~~ 2023 Supp. 38-2226, K.S.A. ~~2018 Supp.~~ 39-708c, and K.S.A. 2023 Supp. 65-516, as amended by L., 2024, ch. 15, sec. 45; effective Jan. 2, 1989; amended Oct. 28, 1991; amended July 1, 1997; amended July 9, 2004; amended, T-30-11-15-18; Nov. 15, 2018; amended Feb. 22, 2019; amended P-\_\_\_\_\_.)

APPROVED

AUG 09 2024

APPROVED

AUG 14 2024

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL