

2018 Kansas Statutes

75-723. Abuse, neglect and exploitation of persons unit; confidentiality of investigations; reports forwarded to unit; report to legislature; rules and regulations; prohibition on use of funds; contracting.

(a) There is hereby created in the office of the attorney general an abuse, neglect and exploitation of persons unit.

(b) Within the limits of available resources, the unit may, in the attorney general's discretion:

(1) Participate in the prevention, detection, review and prosecution of abuse, neglect and exploitation of persons, whether financial or physical;

(2) conduct investigations of suspected criminal abuse, neglect or exploitation of persons;

(3) coordinate with and assist other law enforcement agencies, or participate in task forces or joint operations, in the investigation of suspected criminal abuse, neglect or exploitation of persons;

(4) coordinate with and assist the medicaid fraud and abuse division established by K.S.A. 75-725, and amendments thereto, in the prevention, detection and investigation of abuse, neglect and exploitation of persons;

(5) work with or participate in the Kansas internet crimes against children task force, and work with any exploited and missing child investigators and any other child crime investigators;

(6) assist in any investigation of child abuse or neglect conducted by a law enforcement agency pursuant to K.S.A. 2018 Supp. 38-2226, and amendments thereto; and

(7) assist in any investigation of adult abuse, neglect, exploitation or fiduciary abuse conducted by a law enforcement agency pursuant to K.S.A. 2018 Supp. 39-1443, and amendments thereto.

(c) The unit shall give priority to preventing, detecting and investigating abuse, neglect or exploitation of adults who are senior citizens, disabled or otherwise vulnerable to abuse, neglect or exploitation.

(d) Except as provided by subsection (k), the information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law. Upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to substantiated or affirmed cases of abuse, neglect or exploitation of persons or cases in which the attorney general has reasonable suspicion to believe abuse, neglect or exploitation of persons has occurred which are received or generated by a state agency.

(e) Whenever a state agency reports a matter involving suspected abuse, neglect or exploitation of an adult to a law enforcement agency or a county or district attorney, such state agency shall simultaneously forward such report to the unit.

(f) Except for reports alleging only self-neglect, a state agency receiving reports of abuse, neglect or exploitation of adults shall forward to the unit:

(1) Within 10 days of substantiation, reports of findings concerning the substantiated abuse, neglect or exploitation of adults; and

(2) within 10 days of such denial, each report of an investigation in which such state agency was denied the opportunity or ability to conduct or complete a full investigation of abuse, neglect or exploitation of adults.

(g) On or before the first day of the regular legislative session each year, the unit shall submit to the legislature a written report of the unit's activities, investigations and findings for the preceding fiscal year.

(h) The attorney general shall adopt rules and regulations as deemed appropriate for the administration of this section.

(i) No state funds appropriated to support the provisions of the unit and expended to contract or enter into agreements with any third party shall be used by a third party to file any civil action against the state of Kansas or any agency of the state of Kansas. Nothing in this section shall prohibit the attorney general from initiating or participating in any civil action against any party.

(j) The attorney general may contract or enter into agreements with other agencies or organizations to provide services related to the attorney general's duties under this section or to the investigation or litigation of findings related to abuse, neglect or exploitation of persons.

(k) Notwithstanding any other provision of law, nothing shall prohibit the attorney general or the unit from distributing or utilizing only that information obtained pursuant to a confirmed case of abuse, neglect or exploitation or cases in which there is reasonable suspicion to believe abuse, neglect or exploitation has occurred pursuant to this section with any third party under contract or agreement with the attorney general to carry out the provisions of this section.

(l) As used in this section:

(1) "Adult" means any person 18 years of age or older; and

(2) "state agency" means the Kansas department for children and families, Kansas department for aging and disability services or Kansas department of health and environment.

History: L. 2006, ch. 181, § 1; L. 2014, ch. 115, § 313; L. 2016, ch. 53, § 3; July 1.