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September 6, 2022

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Dr. Steve Miracle
Superintendent
Marshall County Schools
86 High School Road
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IN RE: *Reporting Abuse and Neglect under KRS 620.030*

Dear Dr. Miracle

You have asked that I provide you with guidance on a school administrator's duty to report suspected child abuse or neglect under KRS 620.030 and should school administrators conduct an investigation of the facts leading to suspected abuse or neglect before reporting the matter to the appropriate authorities. You have indicated that _____, the representative of Cabinet for Health and Family Services that investigated those students' complaints against _____, the _____ at _____ was highly critical of the administration at _____ for their failure to recognize that the complaints made by four (4) members of the _____ team against _____ constituted sufficient evidence of abuse and "reasonable cause" existed and _____ was required to report those complaints to the authorities.

KRS 620.030 directs that any persons who knows or has "reasonable cause" to believe a child has been abused must report that abuse to the appropriate authorities. The Kentucky Supreme Court has indicated in Ritchie v. Turner, 559 S. W. 3d 822 (2018 Ky.) that anyone not having actual or personal knowledge of abuse must make a reasonable inquiry into the facts, weigh the credibility of the witnesses and use their own judgment and experience to reach a decision on the facts and the need to report.

Since _____ did not actually observe the incidents given rise to the allegations made by the students against _____, she was obligated to investigate those allegations and make an actual determination of whether reasonable cause existed to believe that _____ had abused those students making the complaints. She was required to use her personal judgment of the situation, the allegations made, and she concluded that there was no reasonable cause to believe that those students on the _____ team had been or were being abused by _____. Had she concluded that reasonable cause existed, she would have had a mandatory reporting requirement under KRS 620.030.

The CHFS may disagree with the determination made by _____ regarding the "abuse" of those students that made the complaints, but if this determination was made by _____ in a good

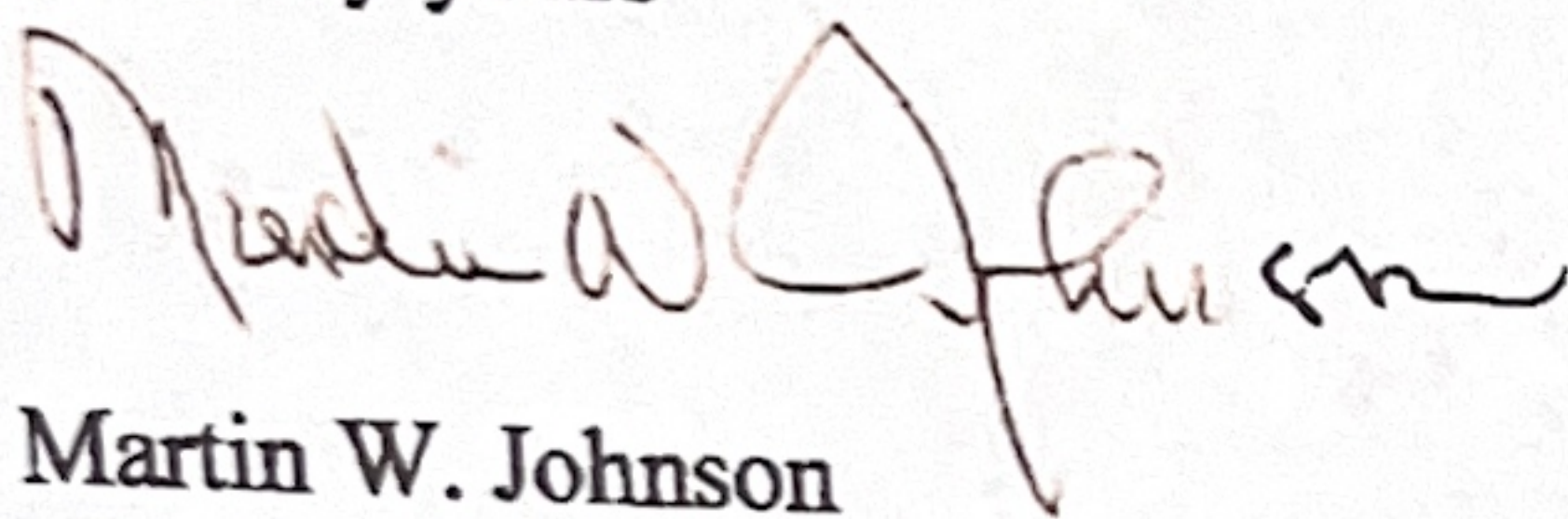
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faith exercise of her own judgment, she will not be held personally liable for not reporting the complaints against

I am enclosing a copy of the Kentucky Supreme Court's decision in Ritchie v. Turner, 559 S. W. 3d 822 (2018 Ky.) which establishes the base line requirements for reporting suspected child abuse under KRS 620.030. Since it involves an investigation made by school administrators, you will find it of interest, and you might want to share it with others that might be faced with a need to investigate suspected abuse or neglect of a student in our schools.

Sincerely yours



Martin W. Johnson

MWJ:acd

Enclosures