

## Applicable State Regulatory definition K.A.R. 30-46-10

- (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.
- (j) "**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.
- (l) "**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.

The complete list of Kansas Administrative Regulations is located at this website: [Kansas Secretary of State - KAR \(ks.gov\)](https://www.ks.gov/government/kansas-secretary-of-state).

## Referenced State Statute definition K.S.A. 38-2202

- **“Physical, mental or emotional abuse”** means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.
- **Neglect** is defined as acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child’s parents or other custodian. This term may include but shall not be limited to failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child. failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or (3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall, not for that reason, be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2021 Supp. 38-2217(a)(2), and amendments thereto. (K.S.A. 38-2202)

The complete list of Kansas Statutes Annotated is located at this website: [Kansas Statutes Annotated \(ksrevisor.org\)](https://ksrevisor.org)