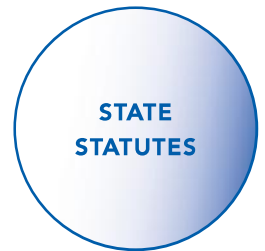




Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES



Current Through
August 2012

Mandatory Reporters of Child Abuse and Neglect

All States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have statutes identifying persons who are required to report child maltreatment under specific circumstances.

To find statute information for a particular State, go to http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm



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Professionals Required to Report

Approximately 48 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands designate professions whose members are mandated by law to report child maltreatment.¹ Individuals designated as mandatory reporters typically have frequent contact with children. Such individuals may include:

- Social workers
- Teachers, principals, and other school personnel
- Physicians, nurses, and other health-care workers
- Counselors, therapists, and other mental health professionals
- Child care providers
- Medical examiners or coroners
- Law enforcement officers

Some other professions frequently mandated across the States include commercial film or photograph processors (in 12 States, Guam, and Puerto Rico), substance abuse counselors (in 14 States), and probation or parole officers (in 17 States).² Directors, employees, and volunteers at entities that provide organized activities for children, such as camps, day camps, youth centers, and recreation centers, are required to report in 11 States.³ Seven States and the District of Columbia include domestic violence workers on the list of mandated reporters, while seven States and the District of Columbia include animal control or humane officers.⁴ Court-appointed special advocates are

¹ The word “approximately” is used to stress the fact that States frequently amend their laws. This information is current only through June 2012. At that time, New Jersey and Wyoming were the only two States that did not enumerate specific professional groups as mandated reporters but required all persons to report.

² Film processors are mandated reporters in Alaska, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Maine, Missouri, Oklahoma, South Carolina, and West Virginia. Substance abuse counselors are required to report in Alaska, California, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Nevada, New York, North Dakota, Oregon, South Carolina, South Dakota, and Wisconsin. Probation or parole officers are mandated reporters in Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nevada, North Dakota, South Dakota, Texas, Vermont, Virginia, and Washington.

³ California, Hawaii, Louisiana, Maine, Nevada, New York, Ohio, Oregon, Vermont, Virginia, and West Virginia.

⁴ Domestic violence workers are mandated reporters in Alaska, Arizona, Arkansas, Connecticut, Illinois, Maine, and South Dakota. Humane officers are mandated reporters in California, Colorado, Illinois, Maine, Ohio, Virginia, and West Virginia.

mandatory reporters in 10 States.⁵ Members of the clergy now are required to report in 27 States and Guam.⁶

Four States now have designated as mandatory reporters faculty, administrators, athletics staff, and other employees and volunteers at institutions of higher learning, including public and private colleges and universities and vocational and technical schools.⁷

Reporting by Other Persons

In approximately 18 States and Puerto Rico, any person who suspects child abuse or neglect is required to report. Of these 18 States, 16 States and Puerto Rico specify certain professionals who must report but also require all persons to report suspected abuse or neglect, regardless of profession.⁸ New Jersey and Wyoming require all persons to report without specifying any professions. In all other States, territories, and the District of Columbia, any person is permitted to report. These voluntary reporters of abuse are often referred to as “permissive reporters.”

Standards for Making a Report

The circumstances under which a mandatory reporter must make a report vary from State to State. Typically, a report must be made when the reporter, in his or her official capacity, *suspects or has reasons to believe* that a child has been abused or neglected. Another standard frequently used is in situations in which the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child. Permissive reporters follow the same standards when electing to make a report.

⁵ Arkansas, California, Louisiana, Maine, Montana, Oregon, South Carolina, Virginia, Washington, and Wisconsin.

⁶ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, West Virginia, and Wisconsin. For more information, see Child Welfare Information Gateway’s *Clergy as Mandatory Reporters of Child Abuse and Neglect* at http://www.childwelfare.gov/systemwide/laws_policies/statutes/clergymandated.cfm

⁷ Louisiana, Oregon, Virginia, and Washington.

⁸ Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, and Utah.

Privileged Communications

Mandatory reporting statutes also may specify when a communication is privileged. "Privileged communications" is the statutory recognition of the right to maintain confidential communications between professionals and their clients, patients, or congregants. To enable States to provide protection to maltreated children, the reporting laws in most States and territories restrict this privilege for mandated reporters. All but three States and Puerto Rico currently address the issue of privileged communications within their reporting laws, either affirming the privilege or denying it (i.e., not allowing privilege to be grounds for failing to report).⁹ For instance:

- The physician-patient and husband-wife privileges are the most common to be denied by States.
- The attorney-client privilege is most commonly affirmed.
- The clergy-penitent privilege is also widely affirmed, although that privilege usually is limited to confessional communications and, in some States, denied altogether.¹⁰

Inclusion of the Reporter's Name in the Report

Most States maintain toll-free telephone numbers for receiving reports of abuse or neglect.¹¹ Reports may be made anonymously to most of these reporting numbers, but States find it helpful to their investigations to know the identity of reporters. Approximately 18 States, the District of Columbia, American Samoa, Guam, and the Virgin Islands currently require mandatory reporters to provide their names and contact information, either at the time of the initial oral report or as part of a written report.¹² The laws in Connecticut, Delaware,

⁹ Connecticut, Mississippi, and New Jersey do not currently address the issue of privileged communications within their reporting laws. The issue of privilege may be addressed elsewhere in the statutes of these States, such as rules of evidence.

¹⁰ New Hampshire, North Carolina, Oklahoma, Rhode Island, Texas, West Virginia, and Guam disallow the use of the clergy-penitent privilege as grounds for failing to report suspected child abuse or neglect. For a more complete discussion of the requirement for clergy to report child abuse and neglect, see the Information Gateway's *Clergy as Mandatory Reporters of Child Abuse and Neglect* at http://www.childwelfare.gov/systemwide/laws_policies/statutes/clergymandated.cfm

¹¹ For State-specific information about these hotlines, see Information Gateway's *Child Abuse Reporting Numbers* at http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=11-11172

¹² California, Colorado, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Pennsylvania, and Vermont have this requirement.

Disclosure of the Reporter's Identity

and Washington allow child protection workers to request the name of the reporter. In Wyoming, the reporter does not have to provide his or her identity as part of the written report, but if the person takes and submits photographs or x-rays of the child, his or her name must be provided.

All jurisdictions have provisions in statute to maintain the confidentiality of abuse and neglect records. The identity of the reporter is specifically protected from disclosure to the alleged perpetrator in 39 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Northern Mariana Islands.¹³ This protection is maintained even when other information from the report may be disclosed.

Release of the reporter's identity is allowed in some jurisdictions under specific circumstances or to specific departments or officials. For example, disclosure of the reporter's identity can be ordered by the court when there is a compelling reason to disclose (in California, Mississippi, Tennessee, Texas, and Guam) or upon a finding that the reporter knowingly made a false report (in Alabama, Arkansas, Connecticut, Kentucky, Louisiana, Minnesota, South Dakota, Vermont, and Virginia). In some jurisdictions (California, Florida, Minnesota, Tennessee, Texas, Vermont, the District of Columbia, and Guam), the reporter can waive confidentiality and give consent to the release of his or her name.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

¹³ The statutes in Alaska, Arizona, Delaware, Idaho, Maryland, Massachusetts, New Hampshire, Oklahoma, Rhode Island, West Virginia, Wyoming, and the Virgin Islands do not specifically protect reporter identity but do provide for confidentiality of records in general.

Suggested Citation: Child Welfare Information Gateway. (2012). *Mandatory reporters of child abuse and neglect*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Standards for Making a Report**Rev. Stat. § 419B.010**

A report is required when any public or private official has reasonable cause to believe that any child with whom the official comes in contact has suffered abuse.

Effective January 1, 2013: The duty to report under this section is personal to the public or private official alone, regardless of whether the official is employed by, a volunteer of, or a representative or agent for any type of entity or organization that employs persons or uses persons as volunteers who are public or private officials in its operations.

The duty to report under this section exists regardless of whether the entity or organization that employs the public or private official or uses the official as a volunteer has its own procedures or policies for reporting abuse internally within the entity or organization.

Privileged Communications**Rev. Stat. § 419B.010**

A psychiatrist, psychologist, member of the clergy, or attorney shall not be required to report if such communication is privileged under law. An attorney is not required to make a report of information communicated to the attorney in the course of representing a client, if disclosure of the information would be detrimental to the client.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Rev. Stat. § 419B.015**

The name, address, and other identifying information about the person who made the report may not be disclosed.

Pennsylvania**Professionals Required to Report****Cons. Stat. Tit. 23, § 6311**

Persons required to report include, but are not limited to:

- Licensed physicians, osteopaths, medical examiners, coroners, funeral directors, dentists, optometrists, chiropractors, podiatrists, interns, nurses, or hospital personnel
- Christian Science practitioners or members of the clergy
- School administrators, teachers, school nurses, social services workers, daycare center workers, or any other child care or foster care workers
- Mental health professionals
- Peace officers or law enforcement officials

Reporting by Other Persons**Cons. Stat. Tit. 23, § 6312**

Any person who has reason to suspect that a child is abused or neglected may report.

Standards for Making a Report**Cons. Stat. Tit. 23, § 6311**

A report is required when a person, who in the course of employment, occupation, or practice of a profession, comes into contact with children, has reasonable cause to suspect, on the basis of medical, professional, or other training and experience, that a child is a victim of child abuse.

Privileged Communications**Cons. Stat. Tit. 23, § 6311**

Except with respect to confidential communications made to a member of the clergy that are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen), and except with respect to confidential communications made to an attorney that are protected by 42 Pa.C.S. §§ 5916 or 5928 (relating to confidential communications to an attorney), the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required by this chapter.

Inclusion of Reporter's Name in Report**Cons. Stat. Tit. 23, § 6313**

Mandated reporters must make a written report that includes their name and contact information.

Disclosure of Reporter Identity**Cons. Stat. Tit. 23, § 6340**

The release of the identity of the mandated reporter is prohibited unless the secretary finds that the release will not be detrimental to the safety of the reporter.

Puerto Rico**Professionals Required to Report****Ann. Laws Tit. 8, § 446**

The following individuals and entities are required to report:

- Professionals or public officials
- Public, private, and privatized entities
- Professionals in the fields of health, justice, education, social work, or public order
- Persons who administer or work in caregiving institutions or centers, rehabilitation institutions, centers for minors, or foster homes
- Processors of film or photographs

Reporting by Other Persons**Ann. Laws Tit. 8, § 446**

Any person who has knowledge of or suspects that a minor is a victim of abuse or neglect must report.

Standards for Making a Report**Ann. Laws Tit. 8, § 446**

A report is required when:

- A person, in his or her professional capacity and in the performance of his or her functions, learns or comes to suspect that a minor is, has been, or is at risk of becoming a victim of abuse.
- A film processor has knowledge of or observes any motion picture, photograph, videotape, negative, or slide that depict a minor involved in a sexual activity.

Privileged Communications

This issue is not addressed in the statutes reviewed.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Ann. Laws Tit. 8, § 446**

The identity of the person who made the report shall be kept in strict confidence.
