

**Mandatory Reporting of Child Abuse and Neglect:
State Statutes and Professional Ethics**

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§37-1-403
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Utah:

§ 62A-4a-403

Vermont:

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Virginia:

§ 63.2-1509

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§ 26.44.030

West Virginia:

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§49-6A-8
§49-6A-7

Wisconsin:

§48.981

Wyoming:

§14-3-205
§1-12-101

ALABAMA:

Code of Ala. § 26-14-3

Standard for Reporting:

- To have known or suspected that a child has been abused or neglected.

Persons Required to Report:

- All hospitals
- clinics
- sanitariums
- doctors
- physicians
- surgeons
- medical examiners
- coroners
- dentists
- osteopaths
- optometrists
- chiropractors
- podiatrists
- nurses
- school teachers and officials
- peace officers
- law enforcement officials
- pharmacists
- social workers
- day care workers or employees
- mental health professionals
- members of the clergy as defined in Rule 505 of the Alabama Rules of Evidence
- or any other person called upon to render aid or medical assistance to any child

Failure to Report:

Code of Ala. § 26-14-13

Any person who shall knowingly fail to make the report required by this chapter shall be guilty of a misdemeanor and shall be punished by a sentence of not more than six months' imprisonment or a fine of not more than \$ 500.00

Privileged Communications:

Code of Ala. § 26-14-10

The doctrine of privileged communication, with the exception of the attorney-client privilege, shall not be a ground for excluding any evidence regarding a child's injuries or the cause thereof in any judicial proceeding resulting from a report pursuant to this chapter.

ARE, R 505

Communications to clergymen.

(1) A "clergyman" is any duly ordained, licensed, or commissioned minister, pastor, priest, rabbi, or practitioner of any bona fide established church or religious organization; the term "clergyman" includes, and is limited to, any person who regularly, as a vocation, devotes a substantial portion of his or her time and abilities to the service of his or her church or religious organization.

(2) A communication is "confidential" if it is made privately and is not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

(b) General rule of privilege.

If any person shall communicate with a clergyman in the clergyman's professional capacity and in a confidential manner, then that person or the clergyman shall have a privilege to refuse to disclose, and to prevent another from disclosing, that confidential communication.

(c) Who may claim the privilege.

The privilege may be claimed by the communicating person, by that person's guardian or conservator, or by that person's personal representative if that person has died, or by the clergyman.

ALASKA:

Alaska Stat. § 47.17.020

Standard for Reporting:

- To have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- practitioners of the healing arts;
- school teachers and school administrative staff members of public and private schools;
- peace officers and officers of the Department of Corrections;
- administrative officers of institutions;
- child care providers;
- paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300.

Alaska Stat. § 47.17.023

Reports regarding child pornography

- A person who, in the course of processing or producing visual or printed matter, either privately or commercially, has reasonable cause to suspect that the matter visually depicts a child engaged in conduct described in AS 11.41.455(a) shall immediately report this to the nearest law enforcement agency, and provide the law enforcement agency with all information known about the nature and origin of the matter.

Failure to Report:

Alaska Stat. § 47.17.068

A person who fails to comply with the provisions of AS 47.17.020 or 47.17.023 and who knew or should have known that the circumstances gave rise to the need for a report, is guilty of a class B misdemeanor.

Privileged Communication:

Alaska Stat. § 47.17.020 (d)

(d) This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

ARIZONA:

A.R.S. § 13-3620

Standard for Reporting:

- To have reasonable grounds to believe that a child has been abused or neglected.

Persons Required to Report:

- Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
- Any peace officer, member of the clergy, priest or Christian Science practitioner.
- The parent, stepparent or guardian of the minor.
- School personnel or domestic violence victim advocate who develop the reasonable belief in the course of their employment.
- Any other person who has responsibility for the care or treatment of the minor.

Failure to Report:

A.R.S. § 13-3620 (O)

O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

Privileged Communication:

A.R.S. § 13-3620 (A), (K), (L)

- A. A member of the clergy, Christian Science practitioner or priest who has received a confidential communication or a confession in that person's role as a member of the clergy, Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, Christian Science practitioner or priest belongs may withhold reporting of the communication or confession if the member of the clergy, Christian Science practitioner or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or

confession and not to personal observations the member of the clergy, Christian Science practitioner or priest may otherwise make of the minor.

- K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:
1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.
 2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.
 3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or child protective services in the department of economic security.
- L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a Christian Science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. Nothing in this subsection discharges a member of the clergy, a Christian Science practitioner or a priest from the duty to report pursuant to subsection A of this section.

ARKANSAS:

A.C.A. § 12-12-507

Standard for Reporting:

- To have reasonable cause to suspect child maltreatment.
- To have observed conditions which would reasonably result in maltreatment.

Persons Required to Report:

- Any child care worker or foster care worker;
- A coroner;
- A day care center worker;
- A dentist;
- A domestic abuse advocate;
- A domestic violence shelter employee;
- A domestic violence shelter volunteer;
- An employee of the Department of Human Services;
- An employee working under contract for the Division of Youth Services of the Department of Human Services;
- Any foster parent;
- A judge;
- A law enforcement official;
- A licensed nurse;
- Any medical personnel who may be engaged in the admission, examination, care, or treatment of persons;
- A mental health professional;
- An osteopath;
- A peace officer;

- A physician;
- A prosecuting attorney;
- A resident intern;
- A school counselor;
- A school official;
- A social worker;
- A surgeon;
- A teacher;
- A court-appointed special advocate program staff member or volunteer;
- A juvenile intake or probation officer; or
- Any clergyman, which includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him or her, except to the extent he or she:

(A) Has acquired knowledge of suspected maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith; or

(B) Received the knowledge of the suspected maltreatment from the offender in the context of a statement of admission

Failure to Report:

12-12-504. Penalties

(a)(1) Any person, official, or institution negligently or willfully failing to make notification when required by this subchapter shall be guilty of a Class C misdemeanor.

Privileged Communications:

A.C.A. § 12-12-518(b)(1)

No privilege, except that between a lawyer and client or between a minister, including a Christian Science practitioner, and any person confessing to or being counseled by the minister, shall prevent anyone from testifying concerning child maltreatment.

CALIFORNIA:

Cal Pen Code § 11166

Cal Pen Code § 11165.7

Standard for Reporting:

- To have knowledge of or observe that a child has been abused or neglected.
- To know or reasonably suspect that a child has been abused or neglected.

Persons Required to Report:

- A teacher.
- An instructional aide.
- A teacher's aide or teacher's assistant employed by any public or private school.
- A classified employee of any public school.
- An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
- An administrator of a public or private day camp.
- An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
- A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- A Head Start teacher.
- A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- A public assistance worker.
- An employee of a child care institution, including, but not limited to, foster

parents, group home personnel, and personnel of residential care facilities.

- A social worker, probation officer, or parole officer.
- An employee of a school district police or security department.
- Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
- A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- A firefighter, except for volunteer firefighters.
- A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.
- A state or county public health employee who treats a minor for venereal disease or any other condition.
- A coroner.
- A medical examiner or any other person who performs autopsies.

- A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

- A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

- An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

- A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

- Any custodian of records of a clergy member, as specified in this section and subdivision (c) of Section 11166.

- Any employee of any police department, county sheriff's department, county probation department, or county welfare department.

- An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.

- A custodial officer as defined in Section 831.5.

Failure to Report:

Cal Pen Code § 11166(b)

b) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$ 1,000) or by both that fine and punishment.

Privileged Communications:

Cal Pen Code § 11166(c)(1)(2)

(c)(1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

COLORADO:

C.R.S. 19-3-304

Standard for Reporting:

- To have reasonable cause to know or suspect that a child has been abused or neglected.
- To have observed conditions which would reasonably result in abuse or neglect.

Persons Required to Report:

- Physician or surgeon, including a physician in training;
- Child health associate;
- Medical examiner or coroner;
- Dentist;
- Osteopath;
- Optometrist;
- Chiropractor;
- Chiropodist or podiatrist;
- Registered nurse or licensed practical nurse;
- Hospital personnel engaged in the admission, care, or treatment of patients;
- Christian science practitioner;
- Public or private school official or employee;
- Social worker or worker in any facility or agency that is licensed or certified pursuant to part 1 of article 6 of title 26, C.R.S.;
- Mental health professional;
- Dental hygienist;
- Psychologist;
- Physical therapist;
- Veterinarian;
- Peace officer as described in section 16-2.5-101, C.R.S.;
- Pharmacist;
- Commercial film and photographic print processor as provided in subsection (2.5) of this section;
- Firefighter as defined in section 18-3-201 (1), C.R.S.;
- Victim's advocate, as defined in section 13-90-107 (1) (k) (II), C.R.S.;
- Licensed professional counselors;
- Licensed marriage and family therapists;
- Unlicensed psychotherapists;
- Clergy member.

Failure to Report:

C.R.S. 19-3-304(4)(a),(a0

(4) Any person who willfully violates the provisions of subsection (1) of this section or who violates the provisions of subsection (3.5) of this section:

(a) Commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.;

(b) Shall be liable for damages proximately caused thereby.

C.R.S. 18-1.3-501

(1) Misdemeanors are divided into three classes which are distinguished from one another by the following penalties which are authorized upon conviction except as provided in subsection (1.5) of this section:

Class	Minimum Sentence	Maximum Sentence
1	Six months imprisonment, or five hundred dollars fine, or both	Eighteen months imprisonment, or five thousand dollars fine, or both
2	Three months imprisonment, or two hundred fifty dollars fine, or both	Twelve months imprisonment, or one thousand dollars fine, or both
3	Fifty dollars fine	Six months imprisonment, or seven hundred fifty dollars fine, or both

Privileged Communications:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of Colorado does hold an element of privileged communication between attorney/client [13-90-107(1)(b)] and also privileges communication between clergy/penitent [13-90-107(1)(c)]. The statutes referring to mandatory reporting do not directly deny this privilege, so it could be assumed that privilege exists.

CONNECTICUT:

Conn. Gen. Stat. § 17a-101

Standard for Reporting:

- To have reasonable cause to suspect or believe that a child has been abused or neglected.

Persons Required to Report:

- any physician or surgeon licensed under the provisions of chapter 370,
- any resident physician or intern in any hospital in this state, whether or not so licensed,
- any registered nurse, licensed practical nurse, medical examiner, dentist, dental hygienist, psychologist,
- coach of intramural or interscholastic athletics,
- school teacher, school principal, school guidance counselor, school paraprofessional, school coach,
- social worker,
- police officer, juvenile or adult probation officer, juvenile or adult parole officer,
- member of the clergy,
- pharmacist,
- physical therapist,
- optometrist,
- chiropractor,
- podiatrist,
- mental health professional or physician assistant,
- any person who is a licensed or certified emergency medical services provider,
- any person who is a licensed or certified alcohol and drug counselor,
- any person who is a licensed marital and family therapist,
- any person who is a sexual assault counselor or a battered women's counselor as defined in section 52-146k,
- any person who is a licensed professional counselor,

- any person paid to care for a child in any public or private facility,
- child day care center, group day care home or family day care home licensed by the state,
- any employee of the Department of Children and Families,
- any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps,
- Child Advocates and any employee of the Office of Child Advocate

Failure to Report:

Conn. Gen. Stat. § 17a-101 (d)

d) Any mandated reporter, as defined in subsection (b) of this section, who fails to report to the Commissioner of Children and Families pursuant to section 17a-101a shall be required to participate in an educational and training program established by the commissioner. The program may be provided by one or more private organizations approved by the commissioner, provided the entire costs of the program shall be paid from fees charged to the participants, the amount of which shall be subject to the approval of the commissioner.

Sec. 17a-101a(3)

Any person required to report under the provisions of this section who fails to make such report shall be fined not less than five hundred dollars nor more than two thousand five hundred dollars and shall be required to participate in an educational and training program pursuant to subsection (d) of section 17a-101.

Privileged Communication:

No privileged communications were addressed in the statutes reviewed.

DELAWARE:

16 Del. C. § 903

Standard for Reporting:

- To know or in good faith suspect that a child has been abused or neglected.

Persons Required to Report:

- any physician
- any other person in the healing arts including any person licensed to render services in medicine, osteopathy, dentistry,
- any interns
- any residents
- any nurses
- any school employees
- any social workers
- psychologists
- medical examiner
- any other persons

Failure to Report:

16 Del. C. § 914

Whoever knowingly violates § 903 this title shall be fined not more than \$ 1,000 or shall be imprisoned not more than 15 days, or both.

Privileged Communication:

16 Del. C. § 909

No legally recognized privilege, except that between attorney and client and that between priest and penitent in a sacramental confession, shall apply to situations involving known or suspected child abuse, neglect, exploitation or abandonment and shall not constitute grounds for failure to report as required by § 903 of this title or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

DISTRICT OF COLUMBIA:

D.C. Code § 4-1321.02

Standard for Reporting:

- know or have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- physicians
- psychologists
- medical examiners
- dentists
- chiropractors
- registered nurses
- licensed practical nurses
- persons involved in the care and treatment of patients
- law-enforcement officers
- school officials
- teachers
- social service workers
- day care workers
- mental health professionals

Failure to Report:

D.C. Code § 4-1321.07

Any person required to make a report under this subchapter who willfully fails to make such a report shall be fined not more than \$ 100 or imprisoned for not more than 30 days or both.

Privileged Communications:

D.C. Code § 4-1321.05

Notwithstanding the provisions of §§ 14-306 and 14-307, neither the husband-wife privilege nor the physician-patient privilege shall be grounds for excluding evidence in any proceeding in the Family Division of the Superior Court of the District of Columbia concerning the welfare of a neglected child; provided, that a judge of the Family Division of the Superior Court of the District of Columbia determines such privilege should be waived in the interest of justice.

FLORIDA:

Fla. Stat. § 39.201

Standard for Reporting:

- To know or have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- All persons
- Any physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
- Any other health or mental health professional
- Practitioner who relies solely on spiritual means for healing;
- School teacher or other school official or personnel;
- Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;
- Law enforcement officer; or
- Judges

Failure to Report:

Fla. Stat. § 39.205(1)

(1) A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

775.082(4) (a) Penalties;

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

775.083(1)(d)

(d) A fine of not more than \$1,000, when the conviction is of a misdemeanor of the first degree.

Privileged Communication:

Fla. Stat. § 39.204

The privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that **between attorney and client or the privilege provided in s. 90.505**, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect and shall not constitute grounds for failure to report as required by s. 39.201 regardless of the source of the information requiring the report, failure to cooperate with law enforcement or the department in its activities pursuant to this chapter, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect.

Fla. Stat. § 90.505

Privilege with respect to communications to clergy

(1) For the purposes of this section:

(a) A "member of the clergy" is a priest, rabbi, practitioner of Christian Science, or minister of any religious organization or denomination usually referred to as a church, or an individual reasonably believed so to be by the person consulting him or her.

(b) A communication between a member of the clergy and a person is "confidential" if made privately for the purpose of seeking spiritual counsel and advice from the member of the clergy in the usual course of his or her practice or discipline and not intended for further disclosure except to other persons present in furtherance of the communication.

(2) A person has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication by the person to a member of the clergy in his or her capacity as spiritual adviser.

(3) The privilege may be claimed by:

(a) The person.

(b) The guardian or conservator of a person.

(c) The personal representative of a deceased person.

(d) The member of the clergy, on behalf of the person. The member of the clergy's authority to do so is presumed in the absence of evidence to the contrary.

GEORGIA:

O.C.G.A. § 19-7-5

O.C.G.A. § 16-12-100

Standard for Reporting:

- To have reasonable cause to believe that a child has been abused or neglected.

Persons Mandated to Report:

O.C.G.A. § 19-7-5(c)

- Physicians licensed to practice medicine, interns, or residents;
- Hospital or medical personnel;
- Dentists;
- Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;
- Podiatrists;
- Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 24 of Title 43;
- Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;
- School teachers;
- School administrators;
- School guidance counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;
- Child welfare agency personnel, as that agency is defined pursuant to Code Section 49-5-12;
- Child-counseling personnel;
- Child service organization personnel; or
- Law enforcement personnel.

O.C.G.A. § 16-12-100 (c)

- A person who, in the course of processing or producing visual or printed matter either privately or commercially, has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct shall immediately report such incident, or cause a report to be made, to the Georgia Bureau of Investigation or the law enforcement agency for the county in which such matter is submitted.

Failure to Report:

§ 19-7-5(h)

(h) Any person or official required by subsection (c) of this Code section to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

Privileged Communication:

§ 19-7-5(g)

(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law.

HAWAII:
HRS § 350-1.1

Standard for Reporting:

- To have reason to believe that a child has been abused or neglected, or that there is a substantial risk of child to suffer abuse or neglect.

Persons Required to Report:

- Any licensed or registered professional of the healing arts and any health-related occupation who examines, attends, treats, or provides other professional or specialized services, including but not limited to physicians, including physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals;
- Employees or officers of any public or private school;
- Employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or mental health services, including financial assistance;
- Employees or officers of any law enforcement agency, including but not limited to the courts, police departments, correctional institutions, and parole or probation offices;
- Individual providers of child care, or employees or officers of any licensed or registered child care facility, foster home, or similar institution;
- Medical examiners or coroners; and
- Employees of any public or private agency providing recreational or sports activities.

Failure to Report:

HRS § 350-1.2

Any person subject to section 350-1.1(a) who knowingly prevents another person from reporting, or who knowingly fails to provide information as required by section 350-1.1(c) or (d), shall be guilty of a petty misdemeanor.

§ 701-107. Grades and classes of offenses

Subd. 4

(4) A crime is a petty misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if it is defined by a statute other than this Code which provides that persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is less than one year.

Privileged Communication:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of Hawaii does hold an element of privileged communication between attorney/client (HRS § 503) and also privileges communication between clergy/penitent (HRS § 506). The statutes referring to mandatory reporting do not deny this privilege, so it could be assumed that privilege exists.

IDAHO:

Idaho Code § 16-1619

Standard for Reporting:

- To have reason to believe that a child has been abused or neglected.
- To have observed conditions that would reasonably result in abuse or neglect.

Persons Required to Report:

- physicians
- residents on a hospital staff
- interns
- nurses
- coroners
- school teachers
- day care personnel
- social workers
- All persons

Failure To Report:

§ 16-1619 subd. (d)

(d) Failure to report as required in this section shall be a misdemeanor.

§ 18-113. Punishment for misdemeanor

(1) Except in cases where a different punishment is prescribed in this code, every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$ 300), or by both.

(2) In addition to any other punishment prescribed for misdemeanors in specific statutes of the Idaho Code, the court may also impose a fine of up to three hundred dollars (\$ 300).

Privileged Communication:

§ 16-1619 subd. (c)

c) The notification requirements of subsection (a) of this section **do not apply to a duly ordained minister of religion**, with regard to any confession or confidential communication made to him in his ecclesiastical capacity in the course of discipline enjoined by the church to which he belongs if:

- (1) The church qualifies as tax-exempt under 26 U.S.C. 501(c)(3);
- (2) The confession or confidential communication was made directly to the duly ordained minister of religion; and
- (3) The confession or confidential communication was made in the manner and context which places the duly ordained minister of religion specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. A confession or confidential communication made under any other circumstances does not fall under this exemption.

Idaho Code § 16-1620

Any privilege between husband and wife, or between any professional person **except the lawyer-client privilege**, including but not limited to physicians, counselors, hospitals, clinics, day care centers and schools and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse, abandonment or neglect of the child or the cause thereof.

ILLINOIS:
§ 325 ILCS 5/4

Standard for Reporting:

- To have reasonable cause to believe that a child has been abused or neglected.

Persons Required to Report:

Any:

- physician
- resident
- intern
- hospital administrator and personnel engaged in examination, care and treatment of persons,
- surgeons
- dentist
- dentist hygienist
- osteopath
- chiropractor
- podiatrist
- physician assistant
- substance abuse treatment personnel
- funeral home director or employee
- coroner
- medical examiner
- emergency medical technician
- acupuncturist,
- crisis line or hotline personnel
- school personnel
- educational advocate assigned to a child pursuant to the School Code
- truant officers
- social worker
- social services administrator
- domestic violence program personnel
- registered nurse
- licensed practical nurse
- respiratory care practitioner
- advanced practice nurse
- home health aide
- director or staff assistant of a nursery school or a child day care center
- recreational program or facility personnel
- law enforcement officer
- licensed professional counselor

- licensed clinical professional counselor
- registered psychologist and assistants working under the direct supervision of a psychologist
- psychiatrist
- probation officer
- foster parent
- homemaker
- child care worker
- Any member of the clergy

720 ILCS 5/11-20.2

- Sec. 11-20.2. Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his professional capacity or employment, any film, photograph, videotape, negative or slide which depicts a child whom the processor knows or reasonably should know to be under the age of 18 where such child is:

Failure to Report:

325 ILCS 5/4

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

§ 730 ILCS 5/5-8-3. Sentence of Imprisonment for Misdemeanor

- (1) for a Class A misdemeanor, for any term less than one year;

§ 730 ILCS 5/5-8-1. Sentence of Imprisonment for Felony

- (7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

Privileged Communication:

325 ILCS 5/4:

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure [735 ILCS 5/8-803].

735 ILCS 5/8-803. Clergy:

Sec. 8-803. Clergy. A clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs, shall not be compelled to disclose in any court, or to any administrative board or agency, or to any public officer, a confession or admission made to him or her in his or her professional character or as a spiritual advisor in the course of the discipline enjoined by the rules or practices of such religious body or of the religion which he or she professes, nor be compelled to divulge any information which has been obtained by him or her in such professional character or as such spiritual advisor.

INDIANA:

Burns Ind. Code Ann. § 31-33-5-1

Burns Ind. Code Ann. § 31-33-5-2

Standard for Reporting:

- To have reason to believe that a child has been abused or neglected.

Persons Required to Report:

Any member of the staff of:

- a medical or other public or private institution
- school, facility, or agency

Any other person (all persons)

Failure to Report:

§ 31-33-22-1. Failure to make report

(a) A person who knowingly fails to make a report required by IC 31-33-5-1 commits a Class B misdemeanor.

Privileged Communication:

Burns Ind. Code Ann. § 34-46-3-1

Except as otherwise provided by statute, the following persons shall not be required to testify regarding the following communications:

(1) Attorneys, as to confidential communications made to them in the course of their professional business, and as to advice given in such cases.

(2) Physicians, as to matters communicated to them by patients, in the course of their professional business, or advice given in such cases.

(3) Clergymen, as to the following confessions, admissions, or confidential communications:

(A) Confessions or admissions made to a clergyman in the course of discipline enjoined by the clergyman's church.

(B) A confidential communication made to a clergyman in the clergyman's professional character as a spiritual adviser or counselor.

(4) Husband and wife, as to communications made to each other.

Burns Ind. Code Ann. § 31-32-11-1

The privileged communication between:

- (1) a husband and wife;
- (2) a health care provider and the health care provider's patient;
- (3) a:
 - (A) certified social worker;
 - (B) certified clinical social worker; or
 - (C) certified marriage and family therapist;and a client of any of the professionals described in clauses (A) through (C);
- (4) a school counselor and a student; or
- (5) a school psychologist and a student;

is not a ground for excluding evidence in any judicial proceeding resulting from a report of a child who may be a victim of child abuse or neglect or relating to the subject matter of the report or failing to report as required by IC 31-33.

IOWA:

Iowa Code § 232.69

Persons Required to Report:

- A social worker.
- An employee or operator of a public or private health care facility as defined in section 135C.1.
- A certified psychologist.
- A licensed school employee, certified para-educator, or holder of a coaching authorization issued under section 272.31.
- An employee or operator of a licensed child care center, registered child development home, head start program, family development and self-sufficiency grant program under section 217.12, or healthy opportunities for parents to experience success--healthy families Iowa program under section 135.106.
- An employee or operator of a substance abuse program or facility licensed under chapter 125.
- An employee of a department of human services institution listed in section 218.1.
- An employee or operator of a juvenile detention or juvenile shelter care facility approved under section 232.142.
- An employee or operator of a foster care facility licensed or approved under chapter 237.
- An employee or operator of a mental health center.
- A peace officer.
- A counselor or mental health professional.

Iowa Code § 728.14

- Commercial film and photographic print processors

Failure to Report:

Iowa Code § 232.75

- Any person that is required to report and knowingly and willingly fails to do so is guilty of a **simple misdemeanor**.

Iowa Code § 903.1 (1),(a)

- a. For a **simple misdemeanor**, there shall be a fine of at least fifty dollars but not to exceed five hundred dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

Privileged Communication:

Iowa Code § 232.74

Sections 622.9 and 622.10 and any other statute or rule of evidence which excludes or makes privileged the testimony of a husband or wife against the other or the testimony of a health practitioner or mental health professional as to confidential communications, do not apply to evidence regarding a child's injuries or the cause of the injuries in any judicial proceeding, civil or criminal, resulting from a report pursuant to this chapter or relating to the subject matter of such a report.

KANSAS:

K.S.A. § 38-1522

Standard for Reporting:

- To have reason to suspect that a child has been abused or neglected.

Persons Required to Report:

- Persons licensed to practice the healing arts or dentistry
- persons licensed to practice optometry
- persons engaged in postgraduate training programs approved by the state board of healing arts
- licensed psychologists
- licensed masters level psychologists
- licensed clinical psychotherapists
- licensed professional or practical nurses examining, attending or treating a child under the age of 18
- teachers, school administrators or other employees of a school which the child is attending
- chief administrative officers of medical care facilities
- licensed marriage and family therapists
- licensed clinical marriage and family therapists
- licensed professional counselors
- licensed clinical professional counselors
- registered alcohol and drug abuse counselors
- persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child
- licensed social workers
- firefighters
- emergency medical services personnel
- mediators appointed under K.S.A. 23-602 and amendments thereto
- juvenile intake and assessment workers
- law enforcement officers

Failure to Report:

K.S.A. § 38-1522 (f)

-Willful and knowing failure to make a report required by this section is a class B misdemeanor.

Privileged Communication:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of Kansas does hold an element of privileged communication between attorney/client (K.S.A. § 60-426). The statutes referring to mandatory reporting do not deny this privilege, so it could be assumed that privilege exists.

KENTUCKY:

KRS § 620.030

KRS § 620.050

Standard for Reporting:

- To have reasonable cause to believe that a child is dependent, abused, or neglected.

Persons Required to Report:

- Any person
- Physicians
- Osteopathic physicians
- Nurses
- Teachers
- School personnel
- Social workers
- Coroners
- Medical examiners
- Child-caring personnel
- Residents
- Interns
- Chiropractors
- Dentists
- Optometrists
- Emergency medical technicians
- Paramedics
- Health professionals
- Mental health professionals
- Peace officers

Failure to Report:

In the statutes reviewed there was no direct penalty for the failure to report child abuse or neglect. However, penalties and other issues were discussed in *COMMONWEALTH OF KENTUCKY, APPELLANT v. BETTY ALLEN and PAMELA COOK, APPELLEES 97-SC-713-DG SUPREME COURT OF KENTUCKY.*

Privileged Communication:

KRS § 620.050(3)

(3) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.

LOUISIANA:

La. Ch.C. Art. 603, 609, 610

Standard for Reporting:

- To have cause to believe that a child has been abused or neglected.

Persons Required to Report:

La. Ch.C. Art. 603(13) (a), (b), (c), (d), (e) (f)

(a) "Health practitioner" is any individual who provides health care services, including a physician, surgeon, physical therapist, dentist, resident, intern, hospital staff member, podiatrist, chiropractor, licensed nurse, nursing aide, dental hygienist, any emergency medical technician, a paramedic, optometrist, medical examiner, or coroner, who diagnoses, examines, or treats a child or his family.

(b) "Mental health/social service practitioner" is any individual who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, aide, or other individual who provides counseling services to a child or his family. However, when a priest, rabbi, duly ordained minister, or Christian Science practitioner has acquired knowledge of abuse or neglect from a person during a confession or other sacred communication, he shall encourage that person to report but shall not be a mandatory reporter of that information given in confession or sacred communication.

(c) "Teaching or child care provider" is any person who provides training and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child.

(d) Police officers or law enforcement officials.

(e) "Commercial film and photographic print processor" is any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides for compensation.

(f) Mediators

Failure To Report:

La. Ch.C. Art. 609(2)

- Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution authorized by R.S. 14:403(A)(1).

La. R.S. 14:403

- A. (1) Any person who, under Children's Code Article 609(A), is required to report the abuse or neglect or sexual abuse of a child and knowingly and willfully fails to so report shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Privileged Communication:

La. R.S. 14:403 (B)

B. In any proceeding concerning the abuse or neglect or sexual abuse of a child or the cause of such condition, evidence may not be excluded on any ground of privilege, except in the case of communications between an attorney and his client or between a priest, rabbi, duly ordained minister or Christian Science practitioner and his communicant.

MAINE:

22 M.R.S. § 4011-A

Standard for Reporting:

- To know or have reasonable cause to suspect that a child has been abused or is likely to be abused.

Persons Required to Report:

22 M.R.S. § 4011-A(a)

- An allopathic or osteopathic physician, resident or intern;
- An emergency medical services person;
- A medical examiner;
- A physician's assistant;
- A dentist;
- A dental hygienist;
- A dental assistant;
- A chiropractor;
- A podiatrist;
- A registered or licensed practical nurse;
- A teacher;
- A guidance counselor;
- A school official;
- A children's summer camp administrator or counselor;
- A social worker;
- A court-appointed special advocate or guardian ad litem for the child;
- A homemaker;
- A home health aide;
- A medical or social service worker;
- A psychologist;
- Child care personnel;
- A mental health professional;
- A law enforcement official;
- A state or municipal fire inspector;
- A municipal code enforcement official;
- A commercial film and photographic print processor;
- A clergy member acquiring the information as a result of clerical professional work **except for information received during confidential communications;**
- A chair of a professional licensing board that has jurisdiction over mandated reporters; or

-A humane agent employed by the Department of Agriculture,
Food and Rural Resources;

22 M.R.S. § 4011-A(b, (c)

- B. Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the child, regardless of whether the person receives compensation; and
- C. Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.

Failure to Report:

In the statutes reviewed there where no penalties for failing to report were found.

Privileged Communication:

22 M.R.S. § 4015

Privileged communications between husband/wife and physician and psychotherapist-patient are **denied** when applied to situations involving child abuse and neglect.

The state of Maine does hold an element of privileged communication between attorney/client (M.R.E. Rule 502) and also privileges communication between clergy/penitent (M.R.E. Rule 505). The statutes referring to mandatory reporting do not expressly deny this privilege, so it could be assumed that privilege exists

MARYLAND:

Md. FAMILY LAW Code Ann. § 5-704,

Md. FAMILY LAW Code Ann. § 5-705

Standard for Reporting:

- To have reason to believe that a child has been abused or neglected.

Persons Required to Report:

§ 5-704.

- health practitioners
- police officers
- educators
- human service workers
- mental health professionals

§ 5-705

- all persons
- clergy

Failure to Report:

In the statutes reviewed there were no penalties found for failure to report a instance of child abuse or neglect.

Privileged Communication:

Md. FAMILY LAW Code Ann. § 5-705(a), (3)

Clergy:

3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9-111 of the Courts Article and:

- (i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

- (ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

Md. FAMILY LAW Code Ann. § 5-705(a), (2)

(2) A person is not required to provide notice under paragraph (1) of this subsection:

- (i) in violation of the privilege described under § 9-108 of the Courts Article;
- (ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or
- (iii) in violation of any constitutional right to assistance of counsel.

MASSACHUSETTS:
ALM GL ch. 119, § 51A

Standard for Reporting:

- To have reasonable cause to believe that a child has been abused or neglected.

Persons Required to Report:

- Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath
- public or private school teacher, educational administrator
- guidance or family counselor, day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed pursuant to the provisions of chapter twenty-eight A, which provides day care or residential services to children or which provides the services of child care resource and referral agencies,
- voucher management agencies, family day care systems and child care food programs,
- probation officer, clerk/magistrate of the district courts, parole officer,
- social worker, foster parent,
- firefighter or policeman,
- licenser of the office of child care services or any successor agency,
- school attendance officer,
- allied mental health and human services professional as licensed pursuant to the provisions of section one hundred and sixty-five of chapter one hundred and twelve,
- drug and alcoholism counselor, psychiatrist, and clinical social worker,
- priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed

minister, leader of any church or religious body, or accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis,

Failure to Report:

ALM GL ch. 119, § 51A

- Any person that is required and fails to make a report shall be punished by a fine of not more than one thousand dollars (\$1000.00).

Privileged Communication:

ALM GL ch. 119, § 51A

-a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner **shall report all cases of abuse under this section, but need not report information solely gained in a confession or similarly confidential communication in other religious faiths.** Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner to report a reasonable cause that a child is being injured as set forth in this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him a reporter.

MICHIGAN:

MCLS § 722.623

Standard for Reporting:

- To have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- physicians
- dentists
- physician's assistants
- registered dental hygienists
- medical examiners
- nurses
- persons licensed to provide emergency medical care
- audiologists
- psychologists
- marriage and family therapists
- licensed professional counselors
- certified social workers
- social workers
- social work technicians
- school administrator
- school counselors or teachers
- law enforcement officers
- members of the clergy
- regulated child care providers

Failure to Report:

MCLS § 722.633

(1) A person who is required by this act to report an instance of suspected child abuse or neglect and who fails to do so is civilly liable for the damages proximately caused by the failure.

(2) A person who is required by this act to report an instance of suspected child abuse or neglect and who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

Privileged Communication:

MCLS § 722.631

Sec. 11. Any legally recognized privileged communication **except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication** is abrogated and shall not constitute grounds for excusing a report otherwise required to be made or for excluding evidence in a civil child protective proceeding resulting from a report made pursuant to this act.

MINNESOTA:

Statute: 626.556 Subd. 3

Standard for Reporting:

To know or have reason to believe a child is being neglected or physically or sexually abused.

Persons Required to Report:

626.556 Subd.3(1)

A professional or professional's delegate that is engaged in the practice of:

- Healing Arts
- Social Services
- Hospital Administration
- Psychological or Psychiatric treatment
- Child Care
- Education
- Law Enforcement

626.556 Subd.3(2)

Any person employed as member of the clergy and received information while engaged in ministerial duties, unless information is privileged under section 595.02, sub.1, paragraph (c).

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

Failure to Report:

626.556 Subd.6

- a person mandated to report who has knowledge or reason to believe that a child has been neglected or physically or sexually abused as defined in 626.556 Subd.2, within the preceding three years and fails to report, is guilty of a misdemeanor.
- a person mandated to report who has knowledge of two or more children not related to perpetrator have been physically or sexually abused as defined in 626.556 Subd.2, by the same perpetrator within the proceeding ten years, and fails to report, is guilty of a gross misdemeanor.
- A parent, guardian, or caretaker who knows or reasonably should know that child's health is in serious danger and who fails to report as required by Subd.2, paragraph (c), is guilty of a gross misdemeanor if the child suffers substantial or great bodily harm due to the lack of medical care. If the child dies because of the lack of medical care, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4000.00, or both.

Priveledged Communications:

- An attorney cannot, without consent of the attorney's client, be examined as to any communication made by the client to the attorney.
- A member if the clergy or other minister of any religion shall not, without consent of the party, disclose a confession made to the member of the clergy, or other minister in professional character.

MISSISSIPPI:

Miss. Code Ann. § 43-21-353

Standard for Reporting:

- To have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

Any:

- attorneys
- physicians
- dentists
- interns
- residents
- nurses
- psychologists
- social workers
- child care givers
- ministers
- law enforcement officers
- public or private school employees
- any other persons

Failure to Report:

§ 43-21-353(7)

Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed Five Thousand Dollars (\$ 5,000.00), or by imprisonment in jail not to exceed one (1) year, or both.

Privileged Communication:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of Mississippi does hold an element of privileged communication between attorney/client (M.R.E. Rule 502) and also privileges communication between clergy/penitent (M.R.E. Rule 505). The statutes referring to mandatory reporting do not expressly deny this privilege, so it could be assumed that privilege exists.

MISSOURI:

§ 210.115 R.S.Mo.

Standard for Reporting:

- To have reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

Persons Required to Report:

Any:

- physician
- medical examiner
- coroner
- dentist
- chiropractor
- optometrist
- podiatrist
- resident
- intern
- nurse
- hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons
- any other health practitioner
- psychologist
- mental health professional
- social worker
- day care center worker or other child-care worker
- juvenile officer
- probation or parole officer
- jail or detention center personnel
- teacher, principal or other school official –
- minister as provided by section 352.400, RSMo
- peace officer or law enforcement official
- any person with responsibility for the care of children

§ 568.110 R.S.Mo.

Any film and photographic print processor, computer provider, installer or repair person, or any Internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a child under

the age of eighteen years engaged in an act of sexual conduct shall report such instance to the law enforcement agency having jurisdiction over the case immediately or as soon as practically possible.

Failure to Report:

In the statutes reviewed regarding mandatory reporting of child abuse and neglect, there was no penalties regarding failure to report.

In the statute (568.110), regarding professionals that are required to report knowledge of or observance of any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a child under the age of eighteen years engaged in an act of sexual conduct. Failure of this statute is a class B misdemeanor.

§ 557.021 R.S.Mo. 3(2)b

- It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months;

Privileged Communication:

§ 210.140 R.S.Mo.

Any legally recognized privileged communication, **except that between attorney and client or involving communications made to a minister or clergyperson**, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

MONTANA:

Mont. Code Anno., § 41-3-201

Standard for Reporting:

- To have reasonable cause to suspect a child has been abused or neglected.

Persons Required to Report:

- a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;
- a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;
- Christian Science practitioners and religious healers;
- school teachers, other school officials, and employees who work during regular school hours;
- a social worker, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care facility;
- a foster care, residential, or institutional worker;
- a peace officer or other law enforcement official;
- a member of the clergy;
- a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect; or
- an employee of an entity that contracts with the department to provide direct services to children

Failure to Report:

Mont. Code Anno., § 41-3-207 (1), (2)

Penalty for failure to report:

Subd. 1

Any person, official, or institution required by law to report known or suspected child abuse or neglect who fails to do so or who prevents another person from reasonably doing so is civilly liable for the damages proximately caused by such failure or prevention.

Subd. 2

Any person or official required by law to report known or suspected child abuse or neglect who purposely or knowingly fails to report known child abuse or neglect or purposely or knowingly prevents another person from doing so is guilty of a misdemeanor.

Mont. Code Anno., § 46-18-201

Penalty for a misdemeanor:

-Any person convicted of a misdemeanor may be sentenced to up to 1 year imprisonment.

Privileged Communication:

Mont. Code Anno., § 41-3-201(4)b, (c)

b) A member of the clergy or a priest is not required to make a report under this section if:

- (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the member of the clergy or priest in that person's capacity as a member of the clergy or priest;
- (ii) the statement was intended to be a part of a confidential communication between the member of the clergy or priest and a member of the church or congregation; and
- (iii) the person who made the statement or confession does not consent to the disclosure by the member of the clergy or priest.

(c) A member of the clergy or priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

NEBRASKA:

R.R.S. Neb. § 28-711

Standard for Reporting:

- To have reasonable cause to believe that a child has been abused or neglected.

Persons Required to Report:

- physicians
- medical institutions
- nurses
- school employees
- social workers
- any other persons

Failure to Report:

R.R.S. Neb. § 28-717

Any person that is required and fail to report pursuant to *R.R.S. Neb. § 28-711* is guilty of a class III misdemeanor.

R.R.S. Neb. § 28-106

A person convicted of a class III misdemeanor may be sentenced up to three months imprisonment, or a fine of five hundred dollars, or both.

Privileged Communication:

R.R.S. Neb. § 28-714

The privileged communication between patient and physician, between client and professional counselor, and between husband and wife shall not be a ground for excluding evidence in any judicial proceeding resulting from a report pursuant to sections 28-710 to 28-717.

NEVADA:

NRS § 432B.220

Standard for Reporting:

- To know or have reason to believe that a child has been abused or neglected.

Persons Required to Report;

-A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this state;

- Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital;

-A coroner;

- A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession;

- A social worker and an administrator, teacher, librarian or counselor of a school;

-Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child;

- Any person licensed to conduct a foster home;

- Any officer or employee of a law enforcement agency or an adult or juvenile probation officer;

- An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect;

- Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met;

- Any person who is employed by or serves as a volunteer for an approved youth shelter.

-Any adult person who is employed by an entity that provides organized activities for children.

Failure to Report:

NRS § 432B.240

-Any person that is required and that knowingly or willingly fails to make a report pursuant to 432B.240 is guilty of a misdemeanor.

NRS § 193.15 (1)

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$ 1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.

Privileged Communication:

-Communications between clergy/penitent are privileged and not required to report. (NRS § 49.255)

- Communications between attorney/client are privileged and are not required to report. (NRS § 49.095)

NEW HAMPSHIRE:
RSA 169-C:29

Standard for Reporting:

- To have reason to suspect that a child has been abused or neglected.

Persons Required to Report:

- physicians
- surgeons
- county medical examiners
- psychiatrists
- residents
- interns
- dentists
- osteopaths
- optometrists
- chiropractors
- psychologists
- therapists
- registered nurses
- hospital personnel (engaged in admission, examination, care and treatment of persons)
- Christian Science practitioners
- teachers
- school officials
- school nurses
- school counselors
- social workers
- day care workers,
- any other child or foster care workers
- law enforcement officials
- priests
- ministers
- rabbis
- any other persons

Failure to Report:

There were no penalties found for failure to report in the statutes reviewed.

Privileged Communications:

RSA 169-C:32

The privileged quality of communication between husband and wife and any professional person and his patient or client, except that between attorney and client, shall not apply to proceedings instituted pursuant to this chapter and shall not constitute grounds for failure to report as required by this chapter.

Op. Atty. Gen. #0-93-3.

This section imposes an absolute obligation on all persons to report suspected cases of child abuse and neglect, and this obligation is not limited by religious exemption contained in RSA 169-C:3.

NEW JERSEY:

N.J. Stat. § 9:6-8.10

Standard for Reporting:

-To have reasonable cause to believe that a child has been abused or neglected.

Persons Required to Report:

- All persons

Failure to Report:

N.J. Stat. § 9:6-8.14

Any person knowingly violating the provisions of this act including the failure to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

N.J. Stat. § 2C:43-8

Any person that has been convicted of a disorderly persons may be sentenced to a prison term of not more than 6 months.

N.J. Stat. § 2C:43-3

Any person that has been convicted of a disorderly persons may be imposed a fine of not more than one thousand dollars (\$1000.00).

Privileged Communications:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of New Jersey does hold an element of privileged communication between attorney/client (N.J. Stat. § 2A:84A-20) and also privileges communication between clergy/penitent (N.J. Stat. § 2A:84A-23). The statutes referring to mandatory reporting do not deny this privilege, so it could be assumed that privilege exists.

NEW MEXICO:

N.M. Stat. Ann. § 32A-4-3

Standard for Report:

- To know or have reasonable suspicion that a child has been abused or neglected.

Persons Required to Report:

- Every person
- Any licensed physicians, resident or an intern examining, attending or treating a child
- Any law enforcement officer
- Any judge presiding during a proceeding
- any registered nurse
- any visiting nurse
- any schoolteacher
- any school official
- any social worker acting in an official capacity
- any member of the clergy who has information that is not privileged as a matter of law

Failure to Report:

§ 32A-4-3

- Any person that is required and fails to make a report is guilty of a misdemeanor.

N.M. Stat. Ann. § 31-19-1

Where the defendant has been convicted of a crime constituting a misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term less than one year or to the payment of a fine of not more than one thousand dollars (\$ 1,000) or to both such imprisonment and fine in the discretion of the judge.

Privileged Communication:

Under the statutes reviewed, privilege was given to communications between clergy/penitent. These statutes did not however deny privilege between that of attorney/client (N.M. R.E. 11-503). So it can be assumed that attorney client privilege also exists.

NEW YORK:

NY CLS Soc Serv. Law § 413(1)

Standard for Reporting:

- To have reasonable cause to suspect.

Persons Required to Report:

- Any physicians
- Registered physician assistants
- Surgeons
- medical examiners
- coroners
- dentists
- dental hygienists
- osteopaths
- optometrists
- chiropractors
- podiatrists
- residents
- interns
- psychologists
- registered nurses
- emergency medical technicians
- hospital personnel engaged in the admission
- examination care or treatment of persons
- any Christian Science practitioners
- school officials
- social services workers
- day care center workers
- providers of family or group family day care
- employees or volunteers in a residential care facility defined in subdivision seven of section four hundred twelve of this chapter
- any other child care or foster care workers
- mental health professionals
- substance abuse counselors
- alcoholism counselors
- peace officers
- police officers
- district attorney or assistant district attorney
- investigator employed in the office of a district attorney;
- any other law enforcement officials

Failure to Report:

NY CLS Soc Serv § 420

Penalties for failure to report:

1. Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.

NY CLS Penal § 80.10

Fines for corporations:

-A fine of no more than five thousand dollars will be imposed upon a corporation convicted of a class A misdemeanor.

2. Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

Privileged Communication:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of New York does hold an element of privileged communication between attorney/client (NY CLS CPLR § 4503) and also privileges communication between clergy/penitent (NY CLS CPLR § 4505). The statutes referring to mandatory reporting do not deny this privilege, so it could be assumed that privilege exists.

NORTH CAROLINA:
N.C. Gen. Stat. § 7B-301

Standard for Reporting:

- To have cause to suspect that a child has been abused or neglected.

Person Required to Report:

- Any Person
- Any Institution

Failure to Report:

There were no penalties for failing to report in the statutes reviewed.

Privileged Communication:

N.C. Gen. Stat. § 7B-310

- 1) No privilege shall be grounds for any person or institution to fail to make a report.
- 2) No privilege, except the attorney-client privilege shall be grounds for failing to make a report.

NORTH DAKOTA:

N.D. Cent. Code, § 50-25.1-03

Standard for Reporting:

- To have knowledge of or reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- physicians
- nurses
- dentists
- optometrists
- medical examiners
- coroners
- any other medical or mental health professionals
- religious practitioners of the healing arts
- schoolteachers or administrators
- school counselors
- addiction counselors
- social workers
- day care center or any other child care workers
- police or law enforcement officers
- members of the clergy

Failure to Report:

N.D. Cent. Code, § 50-25.1-13

- Any person that is required and fails to make a report is guilty of a class B misdemeanor.

N.D. Cent. Code, § 12.1-32-01

Penalty for a class B misdemeanor:

- imprisonment of not more than 30 days
- a fine of not more than one thousand dollars (1000.00)
- or both

Privileged Communication:

N.D. Cent. Code, § 50-25.1-03

- A member of the clergy is not required to report if the knowledge or suspicion is derived from information that was received in the capacity of a spiritual advisor.

N.D. Cent. Code, § 50-25.1-10

- An attorney is not required to report if the information he received is privileged under the attorney client privilege.

OHIO:
2151.421

Standard for Reporting:

- To know or suspect that a child has been abused or neglected.

Persons Required to Report:

- Attorneys
- Physicians (including hospital intern or resident)
- Dentists
- Practitioner of medicine that is specified in 4731.15
- Podiatrists
- Registered Nurses
- Licensed Practical Nurses
- Visiting Nurses
- Any other health care professionals
- Licensed Psychologists
- Licensed School Psychologists
- Independent marriage or family therapists
- Coroners
- Administrators or employees of a day-care center
- Administrators or employees of a residential camp or child day camp
- Administrators or employees of any public or private children services agency
- School teacher, school employees, any school authority
- Any person engaged in social work or the practice of professional counseling
- Agents of a county human society
- Persons rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion.
- Speech pathologist or audiologist

Failure to Report:

ORC Ann.2151.99

-Whoever is required to report and fail to is guilty of a misdemeanor of the fourth degree.

ORC Ann.2929.21

Penalties for a misdemeanor of the fourth degree.

- a fine of not more than two-hundred and fifty dollars (250.00)
- imprisonment of not more than 30 days
- or both.

Privileged Communications:

ORC Ann.2151.421

An attorney or physician is not required to report when concerning information that is gained through attorney-client or physician-patient relationship.

An attorney or physician must report if all of the following apply:

- a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.
- (b) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.
- (c) The attorney-client or physician-patient relationship does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

OKLAHOMA:

10 Okl. St. § 7103

Standard for Reporting:

- To have reason to believe that a child has been abused or neglected.

Persons Required to Report:

- physician or surgeon
- doctors of medicine
- dentistry
- licensed osteopathic physicians
- residents and interns examining, attending or treating a child under the age of eighteen (18) years.
- registered nurse examining, attending or treating such a child in the absence of a physician or surgeon
- teacher of any child under the age of eighteen (18) years,
- any other person
- Commercial film and photographic print processors (21 Okl. St. § 1021.4)

Failure To Report:

§ 7103(d)

- Any person that is required and fails to report is guilty of a misdemeanor

Privileged Communication:

§ 7103(a)3 -No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.

In the statutes reviewed, privilege was denied in a broad aspect. The state of Oklahoma privilege is given to Attorney/ Client (12 Okl. St. § 2502,) and to Clergy/Penitent (12 Okl. St. § 2505). These are not expressly denied in this statute, so it can be assumed that privilege does exist.

OREGON:

ORS § 419B.005, ORS § 419B.010

Standard for Reporting:

- To have reasonable cause to believe that a child has been abused or neglected.

Persons Required to Report:

ORS § 419B.010

- Physician, including any intern or resident.
- Dentist.
- School employee.
- Licensed practical nurse or registered nurse.

- Employee of the Department of Human Services, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health and developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

- Peace officer.
- Psychologist.
- Member of the clergy.
- Licensed clinical social worker.
- Optometrist.
- Chiropractor.
- Certified provider of foster care, or an employee thereof.
- Attorney.
- Naturopathic physician.
- Licensed professional counselor.
- Licensed marriage and family therapist.
- Firefighter or emergency medical technician.
- A court appointed special advocate, as defined in ORS 419A.004.
- A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

Failure to Report:

ORS § 419B.010(3)

- Any person that is required to report and fails is guilty of a Class A Violation.

ORS § 153.018(2)(a)

- Penalty for a class a violations is a fine of not more than six hundred dollars (\$600).

Privileged Commuications:

ORS § 419B.010(1)

Communications between the following parties are exempt from reporting requirements:

- psychiatrist/ patient
- psychologist/patient
- attorney/client
- clergy/penitent

Pennsylvania:

23 Pa.C.S. § 6311

Standard for Reporting:

- To have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- any licensed physician
- osteopaths
- medical examiners
- coroners
- funeral directors
- dentists
- optometrists
- chiropractors
- podiatrist
- intern
- registered nurse
- licensed practical nurse,
- hospital personnel
- Christian Science practitioners
- members of the clergy
- school administrators
- school teachers
- school nurses
- social workers
- daycare center workers
- any other child-care or foster-care worker
- mental health professionals
- any peace officer or law-enforcement official

Failure to Report:

23 Pa.C.S. § 6319:

- Any person that is required and fails to make a report of suspected child abuse, is guilty of a summary offense for the first violation. Any second or subsequent violation of 23 Pa.C.S. § 6311, that person is guilty of a misdemeanor of third degree.

30 Pa.C.S. § 923. Classification of offenses and penalties

- For a summary offense of the first degree, a fine of \$ 200 or imprisonment not exceeding 90 days.
- For a summary offense of the second degree, a fine of \$ 100 or imprisonment not exceeding 20 days.
- For a summary offense of the third degree, a fine of \$ 50.
- For a summary offense of the fourth degree, a fine of \$ 25.
- For a misdemeanor of the third degree, a fine of not less than \$250 nor more than \$ 5,000, or imprisonment not exceeding 90 days, or both.

Privileged Communications:

Privileged communications between professionals and clients are denied when applied to situations of child abuse and neglect. There is one exemption from this stated in the statute.

23 Pa.C.S. § 6311

EXCEPT WITH RESPECT TO CONFIDENTIAL COMMUNICATIONS MADE TO AN ORDAINED MEMBER OF THE CLERGY WHICH ARE PROTECTED UNDER 42 PA.C.S. § 5943 (RELATING TO CONFIDENTIAL COMMUNICATIONS TO CLERGYMEN), 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.

RHODE ISLAND:
STATUTE: 40-11-3

Standard for Reporting:

- To have reasonable cause to know or suspect that a child has been abused or neglected.

Persons Required to Report:

40-11-3(a)

- Any Persons

40-11-6(a)

- any physician or duly certified registered nurse practitioner

Failure to Report:

R.I. Gen. Laws § 40-11-6.1

-Any person, official, physician, or institution required by this chapter to report known or suspected child abuse or neglect or to perform any other act who knowingly fails to do so or who knowingly prevents any person acting reasonably from doing so shall be guilty of a misdemeanor

- Upon conviction, they will be subject to a fine of not more that \$500, and imprisonment of not more than one year, or both.

- In addition, any person, official, physician, or institution who knowingly fails to perform any act required by this chapter or who knowingly prevents another person from performing a required act shall be civilly liable for the damages proximately caused by that failure.

Privileged Communications :

R.I. Gen. Laws § 40-11-11:

- Privileged communications between husband and wife and any professional person and his/her client are denied in situations involving known or suspected child abuse or neglect.
- Attorney client privileged is granted under (40-11-11).

SOUTH CAROLINA:

Statute: 20-7-510(A)

Standards for Reporting:

- To have reason to believe that a child has been abused or neglected.

Persons Required to Report:

- a physician
- a nurse
- a dentist
- a optometrist
- a medical examiner
- a coroner,
- an employee of a county medical examiner's or coroner's office,
- any other medical, emergency medical services, mental health, or allied health professional,
- member of the clergy including a Christian Science Practitioner or religious healer
- school teacher
- counselor
- principal
- assistant principal
- social or public assistance worker
- substance abuse treatment staff
- childcare worker in a childcare center or foster care facility
- police or law enforcement officer
- undertaker
- funeral home director or employee of a funeral home
- persons responsible for processing films
- computer technicians
- a judge

Failure to Report:

S.C. Code Ann. § 20-7-560

- A person required to report a case of child abuse or neglect or a person required to perform any other function under this article who knowingly fails to do so, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor.
- Upon conviction, the individual must be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Privileged Communications:

Clergy/Penitent & Attorney/Client

S.C. Code Ann. § 20-7-550:

- The privileged quality of communication between husband and wife and any professional person and his patient or client, except that between attorney and client or clergy member, including Christian Science Practitioner or religious healer, and penitent, is abrogated and does not constitute grounds for failure to report or the exclusion of evidence in a civil protective proceeding resulting from a report pursuant to this article. However, clergy member, including Christian Science Practitioner or religious healer, must report in accordance with this sub-article except when information is received from the alleged perpetrator of the abuse and neglect during a communication that's protected by the clergy and penitent privilege as defined in Section 19-11-90.

Section 19-11-90.

-In any legal or quasi-legal trial, hearing or proceeding before any court, commission or committee no regular or duly ordained minister, priest or rabbi shall be required, in giving testimony, to disclose any confidential communication properly entrusted to him in his professional capacity and necessary and proper to enable him to discharge the functions of his office according to the usual course of practice or discipline of his church or religious body. This prohibition shall not apply to cases where the party in whose favor it is made waives the rights conferred.

SOUTH DAKOTA:

Statute: 26-8A-3

Standard For Reporting:

- To have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- physicians
- dentists
- doctor of osteopathy
- chiropractors
- optometrists
- mental health professionals or counselors
- podiatrists
- psychologists
- religious healing practitioners
- social workers
- hospital intern or residents
- parole or court services officers
- law enforcement officers
- teachers
- school counselors
- school officials
- nurses
- licensed or registered child welfare providers
- employees or volunteers of a domestic abuse shelter
- chemical dependency counselors

Failure to Report:

§ 26-8A-3

- Any person that is required and intentionally fails to make a report is guilty of a Class 1 misdemeanor.

§ 22-6-2 Penalties for class 1 misdemeanor.

- imprisonment not more than one year
- a fine of not more than 1000 dollars
- or both;

Privileged Communication:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of South Dakota does hold a element of privileged communication between attorney/client. (9-13-3) and also privileges communication between clergy/penitent (19-13-17). The statutes referring to mandatory reporting do not deny this privilege, so it could be assumed that privilege exists.

TENNESSE:

Statute: 37-1-403(a); 37-1-605(a); 37-1-411

Standard for Reporting:

- To have knowledge of/ reasonably know that a child has been abused or neglected
- Have reasonable cause to suspect that a child has been abused or neglected.

Persons Required to Report:

- All Persons
- Judges
- Health care professionals
- Health care workers/volunteers
- Mental health professional, workers, volunteers
- Social Work Professionals, workers, volunteers
- All persons working with education and child care
- All law enforcement professionals
- Neighbors
- Relatives
- Friends
- Judges
- Religious Healers

Failure To Report :

§ 37-1-412 (a)-(b)

- (a) Any person that knowingly fails to make a report when required to do so, is guilty of a class A misdemeanor.
- (b) A juvenile court having reasonable cause to believe that a person is guilty of violating this section may have the person brought before the court either by summons or by warrant. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury. If the defendant pleads guilty and waives, in writing, indictment, presentment, grand jury investigation, and trial by jury, the juvenile court judge shall sentence the defendant under this section with the fine limited to fifty dollars.

Privileged Communication:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of Tennessee does hold an element of privileged communication between attorney/client (23-3-105) and also privileges communication between clergy/penitent (24-1-206). The statutes referring to mandatory reporting do not deny this privilege, so it could be assumed that privilege exists.

Texas:

Statute: Family Code 261.101

Standard for Reporting:

- To have cause to believe that a child has been abused or neglected.

Persons Required to Report:

- Any person that may have cause to believe that a child has been abused or neglected.
- Any individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.
- Employees or clinics that provide reproductive services.
- Juvenile probation or detention officers.
- Clergy
- Attorney

Failure to Report:

§ 261.109.(a)-(b)

(a) A person commits an offense if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report as provided in this chapter.

(b) An offense under this section is a Class B misdemeanor.

§ 12.22. Class B Misdemeanor:

An individual adjudged guilty of a Class B misdemeanor shall be punished by:

- a fine not more than \$ 2,000;
- confinement in jail for a term not more than 180 days; or
- or both.

Privileged Communication:

- No privileges were found.
- Clergy/penitent was denied
- Attorney/client was denied

Utah:

Statute: 62A-4a-403

Standard for Reporting:

- To have reason to believe that a child has been abused or neglected.
- To have observed conditions that would reasonably result in abuse or neglect.

Persons Required to Report:

- Any Persons
- Health care professionals

Failure to Report:

- No penalties for failing to report were found in statutes reviewed.
- Professional misconduct was made reference to under statute § 53A-6-502(4), when there was failure to comply with statute 62A-4a-403.

Privileged Communication:

62A-4a-403(2)

(2) The notification requirements of Subsection (1) do not apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs, if:

- (a) the confession was made directly to the clergyman or priest by the perpetrator; and
- (b) the clergyman or priest is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

62A-4a-403(3)

- (3) (a) When a clergyman or priest receives information about abuse or neglect from any source other than confession of the perpetrator, he is required to give notification on the basis of that information even though he may have also received a report of abuse or neglect from the confession of the perpetrator.

- (b) Exemption of notification requirements for a clergyman or priest does not exempt a clergyman or priest from any other efforts required by law to prevent further abuse or neglect by the perpetrator.

Vermont:

Statute: 33 V.S.A. § 4913

Standard for Reporting:

- To have reasonable cause to believe that any child has been abused or neglected.

Persons Required to Report:

- physicians
- surgeons
- osteopaths
- Chiropractors
- physician's assistants
- resident physician interns,
- hospital administrators
- registered nurses
- licensed practical nurses
- medical examiners
- dentist, psychologists
- any other health care providers
- school superintendents
- school teachers
- school librarians
- day care workers
- school principals
- school guidance counselors
- mental health professionals
- social workers
- probation officers
- police officers
- camp owners
- camp administrators
- camp counselor
- members of the clergy

Failure To Report:

33 V.S.A. § 4913(d)

- a person that fails to report, shall be fined not more than \$500.
- a person that fails to report with intent to conceal abuse or neglect of a child, shall be imprisoned to not more than six months or fined not more than \$1000, or both.

Privileged Communication:

33 V.S.A. § 4913 9 (f) – (h)

(f) Except as provided in subsection (g) of this section, a person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.

(g) A member of the clergy shall not be required to make a report under this section if the report would be based upon information received in a communication which is:

- (1) made to a member of the clergy acting in his or her capacity as spiritual advisor;
- (2) intended by the parties to be confidential at the time the communication is made;
- (3) intended by the communicant to be an act of contrition or a matter of conscience; and
- (4) required to be confidential by religious law, doctrine, or tenet.

(h) When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described in subsection (g) of this section, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described in subsection (g) of this section.

Virginia:

Statute 63.2-1509(A)

Standard for Reporting:

- To have a reason to suspect that a child has been abused or neglected.

Persons Required to Report:

- Any person licensed to practice medicine or any of the healing arts
- Any hospital resident or intern, and any person employed in the nursing profession
- Any person employed as a social worker
- Any probation officer
- Any teacher or other person employed in a public or private school, kindergarten or nursery school
- Any person providing full-time or part-time child care for pay on a regularly planned basis
- Any duly accredited Christian Science practitioner
- Any mental health professional
- Any law-enforcement officer
- Any mediator eligible to receive court referrals pursuant to § 8.01-576.8
- Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment
- Any person associated with or employed by any private organization responsible for the care, custody or control of children
- Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1.

Failure to Report:

62.2-1509(D)

- any person required to file a report and fails to do so within 72 hours of first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure.
- any subsequent failure to report, shall be fined not less than \$100 and not more than \$1,000.

Privileged Communications:

In the statutes reviewed there were no direct references to the aspect of privilege. The state of Virginia does hold an element of privileged communication between attorney/client (VA. Sup. Ct. R. 1.6) and also privileges communication between clergy/penitent (Va. Code Ann. § 8.01-400). The statutes referring to mandatory reporting do not deny this privilege, so it could be assumed that privilege exists.

Washington:
Statute 26.44.030

Standard for Reporting:

- To have reasonable cause to believe that a child has suffered abuse or neglect.

Persons Required to Report:

- any practitioner
- county coroner or medical examiner
- law enforcement officer
- professional school personnel
- registered or licensed nurse
- social service counselor
- psychologist
- pharmacist
- licensed or certified child care providers or their employees,
- juvenile probation officer
- placement and liaison specialist
- responsible living skills program staff
- HOPE center staff
- State family and children's ombudsman or any volunteer in the ombudsman's office
- Department of Corrections personnel
- Any adult with whom a child resides

Failure To Report:

- No penalties for failure to report as required by statute 26.44.030 were addressed in the statutes reviewed.

Privileged Communication:

- Clergy
“Members of the clergy, acting as such, are not subject to the reporting requirement of this section. State v. Motherwell, 114 Wn.2d 353, 788 P.2d 1066 (1990).”

West Virginia:

Statute: 49-6a-2

Standard for Reporting:

- To have reasonable cause to suspect that a child is neglected or abused.
- To have observed the child being subjected to conditions that are likely to result in abuse or neglect.
- When a person believes that the child suffered abuse or neglect.

Persons Required to Report:

- medical professional
- dental professional
- mental health professional
- Christian Science practitioner
- religious healer
- school teacher or other school personnel
- social service worker
- child care or foster care worker
- emergency medical services personnel
- peace officer or law-enforcement official
- member of the clergy
- circuit court judge
- family law master
- employee of the division of juvenile services or magistrate

Failure to Report:

49-6A-8

Any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by section five [§ 49-6A-5] of this article to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than ten days or fined not more than one hundred dollars, or both.

- ww)** Guilty of misdemeanor
- xx)** jail of not more then 10 days
- yy)** fine of not more than 100 dollars
- zz)** or both jail time and fine.

Privileged Communication:

49-6A-7

The privileged quality of communications between husband and wife and between any professional person and his patient or his client, except that between attorney and client, is hereby abrogated in situations involving suspected or known child abuse or neglect.

- The only privileged is between that of an attorney and his client.
- All clergy and religious healers and leaders are required to report. Privilege is denied.

WISCONSIN:

Statute: 48.981(2)

Standard for Reporting:

- To have reasonable cause to suspect that a child has been abused or neglected.
- To have reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect shall occur.

Persons Required to Report:

48.981(2)(a)

- a physician
- a coroner
- a medical examiner
- a nurse
- a dentist
- a chiropractor
- an optometrist
- an acupuncturist
- a medical or mental health professional not otherwise specified
- a social worker
- a marriage or family therapist
- a professional counselor
- a public assistant worker, including a financial and employment planner
- a school teacher
- a school administrator
- a school counselor
- a mediator
- a child care worker in a day care center
- a day care provider
- an alcohol or other drug abuse counselor
- a member of a treatment staff working under contract with a county department
- a physical therapist
- a physical therapist assistant
- a occupational therapist
- a dietitian
- a speech language pathologist
- a audiologist
- a emergency medical technician
- a first responder
- a police or law-enforcement officer

48.981(2)(b)

a court appointed special advocate who has reasonable cause to suspect or has reason to believe that a child has been abused or neglected or threatened with abuse or neglect are required to report.

48.981(2)(c)

Any person not specified in par. (a) or (b), including an attorney, who has reason to believe or reason to suspect that a child has been abused or neglected or threatened with abuse may report.

48.981(2)(d)

Any person, including a attorney, who has reason to suspect that an unborn child has been abused or reason to believe that a unborn child is at substantial risk of abuse may report.

Failure to Report:

48.981(6)

a person required to report and intentionally fails may be fined up to more than \$1000 or imprisoned not more than 6 months or both.

Privileged Communication:

48.981(2m)

Health care providers and Health care services have some exceptions to reporting. The purpose for this is to allow children to obtain confidential health care services.

48.981(2m)(d)

Health care providers must report when the suspect any of the following:

- That sexual intercourse or sexual contact occurred is likely to occur with a caregiver.
- That the child suffers from mental illness or deficiency that rendered or renders the child temporarily or permanently incapable of understanding or evaluating the consequences of his or her actions.
- the child is incapable due to age or maturity to understand the nature or consequences of sexual intercourse or sexual contact.

- the child was unconscious at the time of the act or for any other reason was unable to communicate unwillingness to engage in sexual intercourse or sexual contact.
- That another participant in the sexual contact or sexual intercourse was or is exploiting the child.

Wyoming:

Statute: 14-3-205(a)

Standard for Reporting:

-To know or have reasonable cause to believe or suspect that a child has been abused or neglected.

- Or have observed any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Persons Required to Report:

All persons professional and non-professional

Failure to Report:

No penalties were found regarding failure to report.

Privileged Communications:

1-12-101(a)

- (i) Attorney/Client & Physician/Patient

An attorney or a physician concerning a communication made to him by his client or patient in that relation, or his advice to his client or patient is not required to report. The attorney or physician may testify by express consent of the client or patient, and if the client or patient voluntarily testifies the attorney or physician may be compelled to testify on the same subject.

- (ii) Clergy/penitent

A clergyman or priest concerning a confession made to him in his professional character if enjoined by the church to which he belongs is not required to report.

All other privileged communications were made required to report in 14-3-210.

**Reporting Requirements for Professionals
Standards and Ethics**

AMERICAN ASSOCIATION OF PASTORAL COUNSELORS

Reporting Requirements

Code of Ethics

PRINCIPLE IV - CONFIDENTIALITY

As members of AAPC we respect the integrity and protect the welfare of all persons with whom we are working and have an obligation to safeguard information about them that has been obtained in the course of the counseling process.

- D. We do not disclose client confidences to anyone, except: as mandated by law; to prevent a clear and immediate danger to someone; in the course of a civil, criminal or disciplinary action arising from the counseling where the pastoral counselor is a defendant; for purposes of supervision or consultation; or by previously obtained written permission. In cases involving more than one person (as client) written permission must be obtained from all legally accountable persons who have been present during the counseling before any disclosure can be made.

Information obtained from the AAPC website:

<http://www.aapc.org/ethics.htm>

The American Association of Pastoral Counselors Code of Ethics does not directly address the issue of Mandated Reporting of child abuse and neglect. However, it does mention an ethical responsibility to professionals to uphold and follow all laws pertaining to his/her professional practice.

AMERICAN CHIROPRACTIC ASSOCIATION

Reporting Requirements

Code of Ethics

A. Responsibility to the Patient

A (5) Doctors of chiropractic should comply with a patient's authorization to provide records, or copies of such records, to those whom the patient designates as authorized to inspect or receive all or part of such records. A reasonable charge may be made for the cost of duplicating records.

Information obtained through ACA website:

<http://www.amerchiro.org/about/ethics.shtml#patient>

The American Chiropractic Association Code of Ethics does not directly address the issue of Mandated Reporting of child abuse and neglect. However, it does mention an ethical responsibility to professionals to uphold and follow the laws pertaining to his/her professional practice.

AMERICAN COUNSELING ASSOCIATION

Reporting Requirements

Code of Ethics

Section B: Confidentiality

B.1. Right to Privacy

Exceptions. The general requirement that counselors keep information confidential does not apply when disclosure is required to prevent clear and imminent danger to the client or others or when legal requirements demand that confidential information be revealed. Counselors consult with other professionals when in doubt as to the validity of an exception

Information obtained through ACA website:

http://aca.convio.net/site/PageServer?pagename=resources_ethics#ce

The American Counseling Association's Code of Ethics does not directly address the issue of Mandated Reporting of child abuse and neglect. However, it does mention an ethical responsibility to professionals to uphold and follow all laws pertaining to his/her professional practice and to disclose information when it applies to client or others safety.

AMERICAN DENTAL ASSOCIATION

Reporting Requirements

Code of Ethics

3.E. Abuse and Neglect. Dentists shall be obliged to become familiar with the signs of abuse and neglect and to report suspected cases to the proper authorities, consistent with state laws.

3.E.1. Reporting Abuse and Neglect. The public and the profession are best served by dentists who are familiar with identifying the signs of abuse and neglect and knowledgeable about the appropriate intervention resources for all populations.

A dentist's ethical obligation to identify and report the signs of abuse and neglect is, at a minimum, to be consistent with a dentist's legal obligation in the jurisdiction where the dentist practices. Dentists, therefore, are ethically obliged to identify and report suspected cases of abuse and neglect to the same extent as they are legally obliged to do so in the jurisdiction where they practice. Dentists have a concurrent ethical obligation to respect an adult patient's right to self-determination and confidentiality and to promote the welfare of all patients. Care should be exercised to respect the wishes of an adult patient who asks that a suspected case of abuse and/or neglect not be reported, where such a report is not mandated by law. With the patient's permission, other possible solutions may be sought.

Dentists should be aware that jurisdictional laws vary in their definitions of abuse and neglect, in their reporting requirements and the extent to which immunity is granted to good faith reporters. The variances may raise potential legal and other risks that should be considered, while keeping in mind the duty to put the welfare of the patient first. Therefore a dentist's ethical obligation to identify and report suspected cases of abuse and neglect can vary from one jurisdiction to another

Dentists are ethically obligated to keep current their knowledge of both identifying abuse and neglect and reporting it in the jurisdiction(s) where they practice

Information obtained from the ADA website:

http://www.ada.org/prof/prac/law/code/principles_03.asp#3e1

AMERICAN MEDICAL ASSOCIATION

Confidentiality and Reporting requirements

Code of Ethics

E-2.02 Abuse of Spouses, Children, Elderly Persons, and Others at Risk.

.....The following are guidelines for the reporting of abuse:

The physician should comply with the laws requiring reporting of suspected cases of abuse of spouses, children, elderly persons, and others.A child or elderly person brought to a physician with a suspicious injury is the patient whose interests require the protection of law in a particular situation, even though the physician may also provide services from time to time to parents or other members of the family.

The obligation to comply with statutory requirements is clearly stated in the Principles of Medical Ethics. Absent such legal requirement, for mentally competent, adult victims of abuse, physicians should not report to state authorities without the consent of the patient. Physicians, however, do have an ethical obligation to intervene. Actions should include, but would not be limited to: suggesting the possibility of abuse with the adult patient, discussing the safety mechanisms available to the adult patient (e.g. reporting to the police or appropriate state authority), making available to the adult patient a list of community and legal resources, providing ongoing support, and documenting the situation for future reference. Physicians must discuss possible interventions and the problem of family violence with adult patients in privacy and safety. (I, III) Issued December 1982; Updated June 1994 based on the report "Physicians and Family Violence: Ethical Considerations," adopted December 1991 (JAMA. 1992; 267: 3190-3193); updated June 1996; and updated June 2000 based on the report "Domestic Violence Intervention," adopted June 1998.

Information obtained through AMA website:

<http://www.ama-assn.org/ama/pub/category/8387.html>

E-5.05 Confidentiality.

The information disclosed to a physician during the course of the relationship between physician and patient is confidential to the greatest possible degree. The patient should feel free to make a full disclosure of information to the physician in order that the physician may most effectively provide needed services. The patient should be able to make this disclosure with the knowledge that the physician will respect the confidential nature of the communication. The physician should not reveal confidential

communications or information without the express consent of the patient, unless required to do so by law.

The obligation to safeguard patient confidences is subject to certain exceptions which are ethically and legally justified because of overriding social considerations. Where a patient threatens to inflict serious bodily harm to another person or to him or herself and there is a reasonable probability that the patient may carry out the threat, the physician should take reasonable precautions for the protection of the intended victim, including notification of law enforcement authorities. Also, communicable diseases, gun shot and knife wounds should be reported as required by applicable statutes or ordinances. (IV) Issued December 1983; Updated June 1994.

Information obtained through AMA website:

<http://www.ama-assn.org/ama/pub/category/8353.html>

AMERICAN NURSES ASSOCIATION

Reporting Requirements

Code of Ethics

3.2 Confidentiality

Associated with the right to privacy, the nurse has a duty to maintain confidentiality of all patient information. The patient's well-being could be jeopardized and the fundamental trust between patient and nurse destroyed by unnecessary access to data or by the inappropriate disclosure of identifiable patient information. The rights, well-being, and safety of the individual patients should be the primary factors in arriving at any professional judgment concerning the disposition of confidential information received from or about the patient, whether oral, written or electronic. The standard of nursing practice and the nurse's responsibility to provide quality care require that relevant data be shared with those members of the health care team who have a need to know. Only information pertinent to a patient's care is disclosed, and only to those directly involved with the patient's care. Duties of confidentiality, however, are not absolute and may need to be modified in order to protect the patient, other innocent parties and in circumstances of mandatory disclosure for public health reasons.

Information obtained from ANA website:

<http://nursingworld.org/ethics/code/ethicscode150.htm#3.2>

The American Nursing Association does not directly address the issue of mandatory reporting of child abuse and neglect. However it does mention an ethical responsibility to the protection of other innocent parties and the mandatory disclosure for public health reasons.

AMERICAN PSYCHOLOGICAL ASSOCIATION

Confidentiality and Reporting requirements

Code of Ethics

4.01 Maintaining Confidentiality

Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship. (See also Standard 2.05, Delegation of Work to Others.)

4.02 Discussing the Limits of Confidentiality

(a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limits of confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard 3.10, Informed Consent.)

(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

(c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and limits of confidentiality.

4.05 Disclosures

(a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or another legally authorized person on behalf of the client/patient unless prohibited by law.

(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose such as to (1) provide needed professional services; (2) obtain appropriate professional consultations; (3) protect the client/patient, psychologist, or others from harm; or (4) obtain payment for

services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04e, Fees and Financial Arrangements.)

Information obtained through APA website:

<http://www2.apa.org/ethics/code2002.doc>

The American Psychological Association Ethical Principles of Psychologists and Code of Conduct, does not directly address the issue of Mandated Reporting of child abuse and neglect. However, it does mention an ethical responsibility to professionals to uphold and follow all laws pertaining to his/her professional practice.

AMERICAN SCHOOL COUNSELORS ASSOCIATION

Reporting Requirements

Code of Ethics

A.2. Confidentiality

The professional school counselor:

...b. Keeps information confidential unless disclosure is required to prevent clear and imminent danger to the counselee or others or when legal requirements demand that confidential information be revealed. Counselors will consult with other professionals when in doubt as to the validity of an exception...

Information obtained from ASCA website:

<http://www.schoolcounselor.org/content.cfm?L1=12&L2=2>

The American School Counselors Association Code of Ethics does not directly address the issue of Mandated Reporting of child abuse and neglect. However, it does mention an ethical responsibility to professionals to uphold and follow the laws pertaining to his/her professional practice and to prevent clear and imminent danger to counselee or others.

NATIONAL ASSOCIATION OF SOCIAL WORKERS

Reporting Requirements

Code of Ethics

Ethical Standards

1. Social Workers' Ethical Responsibilities to Clients

1.01 Commitment to Clients

Social workers' primary responsibility is to promote the well-being of clients. In general, clients' interests are primary. However, social workers' responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed clients, and clients should be so advised. (Examples include when a social worker is required by law to report that a client has abused a child or has threatened to harm self or others.)

1.07 Privacy and Confidentiality

(c) Social workers should protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person. In all instances, social workers should disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made should be revealed.

(e) Social workers should discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality. Social workers should review with client's circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion should occur as soon as possible in the social worker-client relationship and as needed throughout the course of the relationship.

Information obtained from the NASW website:

<http://www.naswdc.org/pubs/code/code.asp>

NATIONAL EDUCATION ASSOCIATION

Confidentiality and Reporting requirements

Code of Ethics

PRINCIPLE I

Commitment to Students.

8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

Information obtained through NEA website:

<http://www.nea.org/code.html>

The National Education Association's Code of Ethics does not directly address the issue of Mandated Reporting of child abuse and neglect. However, it does mention an ethical responsibility to professionals to uphold and follow all laws pertaining to his/her professional practice.