



Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

Many cases of child abuse and neglect are not reported, even when suspected by professionals. Therefore, nearly every State and U.S. territory imposes penalties, often in the form of a fine or imprisonment, on mandatory reporters who fail to report suspected abuse or neglect as required by law.¹ In addition, to prevent malicious or intentional reporting of cases that are not founded, several States and territories impose penalties against any person who files a report known to be false.

¹ See Child Welfare Information Gateway's *Mandatory Reporters of Child Abuse and Neglect* at www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm.

Electronic copies of this publication may be downloaded at www.childwelfare.gov/systemwide/laws_policies/statutes/report.cfm

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

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at www.childwelfare.gov/systemwide/laws_policies/statutes/reportall.pdf



Penalties for Failure to Report

Approximately 46 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands impose penalties on mandatory reporters who knowingly or willfully fail to make a report when they suspect that a child is being abused or neglected.² Failure to report is classified as a misdemeanor in 38 States and American Samoa, Guam, and the Virgin Islands.³ In Arizona, Florida, and Minnesota, misdemeanors are upgraded to felonies for failure to report more serious situations, while in Illinois and Guam, second or subsequent violations are classified as felonies.

Eighteen States and the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands specify in the reporting laws the penalties for failure to report.⁴ Upon conviction, a mandated reporter who fails to report can face jail terms ranging from 10 days to 5 years, or fines ranging from \$100 to \$5,000. In seven States and American Samoa, in addition to any criminal penalties, the reporter may be civilly liable for any damages caused by the failure to report.⁵

Penalties for False Reporting

Approximately 30 States carry penalties in their reporting laws for any person who willfully or intentionally makes a report of child abuse or neglect that the reporter knows to be false.⁶ In 14 States and the Virgin Islands, making false reports is made illegal in other sections of State code.⁷

² The word *approximately* is used to stress the fact that the States frequently amend their laws; this information is current through June 2007. Maine, Maryland, North Carolina, and Wyoming do not currently have statutes imposing penalties for failure to report.

³ The States that do not use the misdemeanor classification for failure to report include Connecticut, Delaware, Massachusetts, Mississippi, New Jersey, Vermont, Virginia, and Wisconsin.

⁴ Alabama, California, Connecticut, Delaware, Florida, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

⁵ Arkansas, Colorado, Iowa, Michigan, Montana, New York, and Rhode Island.

⁶ Arizona, Arkansas, California, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wyoming.

⁷ Alabama, Georgia, Hawaii, Maryland, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Pennsylvania, South Dakota, and Utah.

Thirty-two States and the Virgin Islands classify false reporting as a misdemeanor or similar charge.⁸ In Florida, Tennessee, and Texas, false reporting is a felony, while in Arkansas, Illinois, Indiana, Missouri, and Virginia, second or subsequent offenses are upgraded to felonies. In Michigan, false reporting can be either a misdemeanor or a felony, depending on the seriousness of the alleged abuse in the report. No criminal sanctions are imposed in California, Maine, Montana, Minnesota, and Nebraska; however, immunity from civil or criminal action that is provided to reporters of abuse or neglect is not extended to those who make a false report.

Thirteen States and the Virgin Islands specify the penalties for making a false report.⁹ Upon conviction, the reporter can face jail terms ranging from 30 days to 5 years, or fines ranging from \$200 to \$5,000. Florida imposes the most severe penalties: In addition to a court sentence of 5 years and \$5,000, the department may fine the reporter up to \$10,000. In six States (California, Colorado, Idaho, Indiana, Minnesota, and North Dakota), in addition to any criminal penalties, the reporter may be civilly liable for any damages caused by the report.

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

⁸ Alabama, Arizona, Arkansas, Colorado, Georgia, Hawaii, Illinois (disorderly conduct), Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nevada, New Hampshire, New Jersey (disorderly persons offense), New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington, and Wyoming.

⁹ Connecticut, Florida, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Oklahoma, Rhode Island, South Carolina, Texas, Washington, and Wyoming.