



**STATE STATUTES**  
CURRENT THROUGH JULY 2019

# Mandatory Reporters of Child Abuse and Neglect

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The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires each State to have provisions or procedures for requiring certain individuals to report known or suspected instances of child abuse and neglect.<sup>1</sup> For this publication, information regarding mandatory reporting laws was collected for all States. The results indicate that all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands identify in statute the professionals and other persons who are required to report instances of suspected child maltreatment. These statutes also address reporting by other persons, the responsibilities of institutions in making reports, standards for making a report, and confidentiality of the reporter's identity.

<sup>1</sup> 42 U.S.C. § 5106a(b)(2)(B)(i)

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## PROFESSIONALS REQUIRED TO REPORT

Approximately 47 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands designate professions whose members are mandated by law to report child maltreatment.<sup>2</sup> Individuals designated as mandatory reporters typically have frequent contact with children. The professionals most commonly mandated to report across the States include the following:

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

Additional professionals who are mandated to report suspected or known maltreatment by some States include the following:

- Commercial film or photograph processors (12 States, Guam, and Puerto Rico)<sup>3</sup>
- Computer technicians (in 6 States)<sup>4</sup>
- Substance abuse counselors (14 States)<sup>5</sup>
- Probation or parole officers (17 States)<sup>6</sup>
- Directors, employees, and volunteers at entities that provide organized activities for children, such as camps, day camps, youth centers, and recreation centers (13 States)<sup>7</sup>
- Domestic violence workers (6 States and the District of Columbia)<sup>8</sup>
- Animal control or humane officers (7 States and the District of Columbia)<sup>9</sup>
- Court-appointed special advocates (11 States)<sup>10</sup>
- Members of the clergy (28 States and Guam)<sup>11</sup>
- Faculty, administrators, athletics staff, or other employees and volunteers at institutions of higher learning, including public and private colleges and universities and vocational and technical schools (11 States)<sup>12</sup>

<sup>2</sup> The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through April 2019. As of this date, Indiana, New Jersey, and Wyoming are the only States that do not enumerate specific professional groups as mandated reporters but require all persons to report.

<sup>3</sup> Alaska, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Maine, Missouri, Oklahoma, South Carolina, and West Virginia.

<sup>4</sup> Alaska, California, Illinois, Missouri, Oklahoma, and South Carolina.

<sup>5</sup> Alaska, California, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Nevada, New York, North Dakota, Oregon, South Carolina, South Dakota, and Wisconsin.

<sup>6</sup> Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nevada, North Dakota, South Dakota, Texas, Vermont, Virginia, and Washington.

<sup>7</sup> California, Hawaii, Illinois, Louisiana, Maine, Nevada, New York, Ohio, Oregon, Pennsylvania, Vermont, Virginia, and West Virginia.

<sup>8</sup> Alaska, Arizona, Arkansas, Connecticut, Maine, and South Dakota.

<sup>9</sup> California, Colorado, Maine, Massachusetts, Ohio, Virginia, and West Virginia.

<sup>10</sup> Arkansas, California, Louisiana, Maine, Montana, Ohio, Oregon, South Carolina, Virginia, Washington, and Wisconsin.

<sup>11</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin have this requirement. For more information, see Child Welfare Information Gateway's *Clergy as Mandatory Reporters of Child Abuse and Neglect* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/clergymandated/>.

<sup>12</sup> Alabama, Arkansas, California, Georgia, Illinois, Iowa (includes only instructors at community colleges), Louisiana, Oregon, Pennsylvania, Virginia, and Washington.

## REPORTING BY OTHER PERSONS

In approximately 18 States and Puerto Rico, any person who suspects child abuse or neglect is required to report. Of these 18 States, 15 States and Puerto Rico specify certain professionals who must report but also require all persons to report suspected abuse or neglect, regardless of profession.<sup>13</sup> The other three States—Indiana, New Jersey, and Wyoming—require all persons to report without specifying any professions. In all other States, territories, and the District of Columbia, any person is permitted to report. These voluntary reporters of maltreatment are often referred to as “permissive reporters.”

## INSTITUTIONAL RESPONSIBILITY TO REPORT

The term “institutional reporting” refers to those situations in which the mandated reporter is working (or volunteering) as a staff member of an institution, such as a school or hospital, at the time he or she gains the knowledge that leads him or her to suspect that abuse or neglect has occurred. Many institutions have internal policies and procedures for handling reports of maltreatment, and these usually require the person who suspects maltreatment to notify the head of the institution that abuse or

neglect has been discovered or is suspected and needs to be reported to child protective services or other appropriate authorities.

Statutes in 32 States, the District of Columbia, and the Virgin Islands provide procedures that must be followed in those cases.<sup>14</sup> In 18 States, the District of Columbia, and the Virgin Islands, any staff member who suspects maltreatment must notify the head of the institution when the staff member feels that maltreatment or possible maltreatment should be reported to an appropriate authority.<sup>15</sup> In nine States, the District of Columbia, and the Virgin Islands, the staff member who suspects maltreatment notifies the head of the institution first, and then the head or his or her designee is required to make the report.<sup>16</sup> In nine States, the individual reporter must make the report to the appropriate child protection authority first and then notify the institution that a report has been made.<sup>17</sup>

Laws in 17 States, the District of Columbia, and the Virgin Islands make clear that, regardless of any policies within the organization, the mandatory reporter is not relieved of his or her responsibility to report.<sup>18</sup> In 12 States, an employer is expressly prohibited from taking any action to prevent or discourage

<sup>13</sup> Delaware, Florida, Idaho, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, and Utah.

<sup>14</sup> Alaska, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

<sup>15</sup> California, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana (applies staff of a licensed hospital), Maine, Maryland, Massachusetts, Michigan, New York, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming.

<sup>16</sup> Georgia, Idaho, Indiana (applies staff of a licensed hospital), Kentucky, Maine, Massachusetts, South Dakota, Virginia, and Wyoming.

<sup>17</sup> California, Connecticut (the commissioner of Children and Families makes the notification to the institution upon receiving a report), Hawaii, Illinois, Indiana (applies to staff of a school or other institution), Michigan, New York, Pennsylvania, Tennessee, and West Virginia.

<sup>18</sup> Alaska, California, Florida, Indiana, Iowa, Kentucky, Maine, Michigan, Missouri, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, West Virginia, and Wyoming.

an employee from making a report.<sup>19</sup> In 17 States, an employer is expressly prohibited from retaliating against an employee who has made a report.<sup>20</sup> Retaliation is any adverse employment action, including, but not limited to, demotion, a reduction in pay or benefits, a negative performance evaluation, suspension, or termination of employment.

## STANDARDS FOR MAKING A REPORT

The circumstances under which a mandatory reporter must make a report vary from State to State. Typically, a report must be made when the reporter, in his or her official capacity, *suspects or has reason to believe* that a child has been abused or neglected. Another frequently used standard is the requirement to report in situations in which the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child. In Maine, a mandatory reporter must report when he or she has reasonable cause to suspect that a child is not living with the child's family.

Mandatory reporters are required to report the facts and circumstances that led them to suspect that a child has been abused or neglected. They do not have the burden of providing proof that abuse or neglect has occurred. Permissive reporters follow the same standards when electing to make a report.

## PRIVILEGED COMMUNICATIONS

Mandatory reporting statutes also may specify when a communication is privileged. "Privileged communications" is the statutory recognition of the right to maintain confidential communications between professionals and their clients, patients, or congregants. To enable States to provide protection to maltreated children, the reporting laws in most States and territories restrict this privilege for mandated reporters. All but three States and Puerto Rico currently address the issue of privileged communications within their reporting laws, either affirming the privilege or denying it (i.e., not allowing privilege to be grounds for failing to report).<sup>21</sup> The physician-patient and husband-wife privileges are the most common to be denied by States, and the attorney-client privilege is most commonly affirmed. The clergy-penitent privilege is also widely affirmed, although that privilege usually is limited to confessional communications and, in some States, denied altogether.<sup>22</sup> In Louisiana, a mental health or social services practitioner is not required to report if the practitioner is engaged by an attorney to assist in the provision of legal services to a child.

<sup>19</sup> Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Iowa, Maine, Missouri, New York, Oklahoma, and Tennessee.

<sup>20</sup> Alabama, California, Connecticut, Iowa, Kansas, Massachusetts, Michigan, Missouri, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Wisconsin, and Wyoming.

<sup>21</sup> Connecticut, Mississippi, and New Jersey do not currently address the issue of privileged communications within their reporting laws. The issue of privilege may be addressed elsewhere in the statutes of these States, such as rules of evidence.

<sup>22</sup> New Hampshire, North Carolina, Oklahoma, Rhode Island, Texas, West Virginia, and Guam disallow the use of the clergy-penitent privilege as grounds for failing to report suspected child abuse or neglect. For a more complete discussion of the requirement for clergy to report child abuse and neglect, see Information Gateway's *Clergy as Mandatory Reporters of Child Abuse and Neglect* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/clergymandated/>.

## INCLUSION OF THE REPORTER'S NAME IN THE REPORT

Most States maintain toll-free telephone numbers for receiving reports of abuse or neglect.<sup>23</sup> Reports may be made anonymously to most of these reporting numbers, but States find it helpful to their investigations to know the identity of reporters. Approximately 19 States, the District of Columbia, American Samoa, Guam, and the Virgin Islands currently require mandatory reporters to provide their names and contact information, either at the time of the initial oral report or as part of a written report.<sup>24</sup> The laws in Connecticut, Delaware, and Washington allow child protection workers to request the name of the reporter. In Wyoming, the reporter does not have to provide his or her identity as part of the written report, but if the person takes and submits photographs or x-rays of the child, his or her name must be provided.

## DISCLOSURE OF THE REPORTER'S IDENTITY

All jurisdictions have provisions in statute to maintain the confidentiality of abuse and neglect records. The identity of the reporter is specifically protected from disclosure to the alleged perpetrator in 44 States, the District of Columbia, American Samoa, Guam, the

Northern Mariana Islands, and Puerto Rico.<sup>25</sup> This protection is maintained even when other information from the report may be disclosed.

Release of the reporter's identity is allowed in some jurisdictions under specific circumstances or to specific departments or officials, for example, when information is needed for conducting an investigation or family assessment or upon a finding that the reporter knowingly made a false report.<sup>26</sup> In six States,<sup>27</sup> the District of Columbia, and Guam, the reporter can waive confidentiality and give consent to the release of his or her name.

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

<sup>23</sup> For State-specific information about these hotlines, see Information Gateway's State Child Abuse Reporting Numbers at [https://www.childwelfare.gov/organizations/?CWIGFunctionaction=rols:main.dspList&rolType=custom&rs\\_id=5](https://www.childwelfare.gov/organizations/?CWIGFunctionaction=rols:main.dspList&rolType=custom&rs_id=5).

<sup>24</sup> Arizona, California, Colorado, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Pennsylvania, and Vermont.

<sup>25</sup> The statutes in Alaska, Delaware, Idaho, Massachusetts, Rhode Island, Wyoming, and the Virgin Islands do not specifically protect reporter identity but do provide for confidentiality of records in general. For more information about this issue, see the Information Gateway publication *Disclosure of Confidential Child Abuse and Neglect Records* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/confide/>.

<sup>26</sup> In Alabama, Arkansas, Connecticut, Kentucky, Louisiana, Minnesota, Nevada, South Dakota, Vermont, and Virginia, the name of the reporter may be disclosed if it is determined that the reporter knowingly made a false report.

<sup>27</sup> California, Florida, Minnesota, Tennessee, Texas, and Vermont.

**SUGGESTED CITATION:**

Child Welfare Information Gateway. (2019). *Mandatory reporters of child abuse and neglect*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda/>



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Administration for Children and Families  
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