



STATE STATUTES
CURRENT THROUGH JANUARY 2023

Immunity for Persons Who Report Child Abuse and Neglect

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Among the State plan requirements for establishing eligibility for Federal grants under the Child Abuse Prevention and Treatment Act, States are required to provide "immunity from civil or criminal liability under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect."¹ The policy of the Children's Bureau within the U.S. Department of Health and Human Services further clarifies that this requirement must

be met in State statutes.² For this publication, statutes regarding the provision of immunity were collected for all States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands.

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¹ 42 U.S.C. § 5106a(b)(2)(B)(vii) (2019).

² See the Children's Bureau *Child Welfare Policy Manual*, § 2.1 at https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=64.

IMMUNITY FOR MAKING REPORTS

The information collected indicates that all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands provide some form of immunity from prosecution for persons who in good faith report suspected instances of child abuse or neglect under the State's reporting laws. Immunity statutes protect reporters from civil or criminal liability that they might otherwise incur. This protection is extended to both mandatory and voluntary reporters.³

The term "good faith" refers to the assumption that the reporter, to the best of their knowledge, had reason to believe that the child in question was being subjected to abuse or neglect. Even if the allegations made in the report cannot be fully substantiated, the reporter is still provided with immunity. There is a "presumption of good faith" in approximately 17 States, the District of Columbia, American Samoa, and Guam, which means that the good faith of the reporter is presumed unless it can be proven to the contrary.⁴

³ Mandatory reporters are persons who are required to report; voluntary reporters are not required to report but may choose to report. For a State-by-State summary of mandatory reporting laws, see Child Welfare Information Gateway's [Mandatory of Reporters Child Abuse and Neglect](#).

⁴ The word "approximately" is used to stress the fact that the States frequently amend their laws. This information is current through January 2023. The States that provide for presumption of good faith include Colorado, Illinois, Indiana, Maine, Michigan, Mississippi, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, Tennessee, Wisconsin, and Wyoming.

⁵ The States that do not provide this immunity include Arkansas, California, Florida, Michigan, Minnesota, New York, North Dakota, Utah, Vermont, and West Virginia.

⁶ Alabama, Alaska, Arizona, California, Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming

⁷ In 16 States (Arkansas, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Missouri, Nevada, New York, Ohio, Pennsylvania, South Dakota, Utah, and Wisconsin), American Samoa, and Guam

⁸ In 16 States (Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Missouri, Nevada, New Hampshire, New York, Ohio, Pennsylvania, Utah, Virginia, Washington, and Wyoming) and American Samoa and Guam

⁹ In 18 States, including Arizona, California, Connecticut, Indiana, Louisiana, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Washington, and West Virginia

¹⁰ In nine States, including California, Connecticut, Delaware, Georgia, Indiana, New Hampshire, Ohio, West Virginia, and Wisconsin

¹¹ In six States, including Connecticut, Iowa, Minnesota, Nevada, Ohio, and Pennsylvania

ADDITIONAL PROVISIONS OF IMMUNITY

States are required to provide immunity not only for the initial report of abuse or neglect but also for many of the actions that a reporter may take following the filing of a report. For example, approximately 40 States, the District of Columbia, American Samoa, and Guam provide immunity to a reporter who participates in any judicial proceedings that may arise.⁵ Approximately 34 States provide immunity to a reporter for assisting with or participating in an investigation of allegations of maltreatment.⁶

Many States also provide immunity for actions taken by medical practitioners in connection with making a report of suspected child maltreatment. These actions may include the following:

- Taking any necessary photographs or x-rays⁷
- Taking a child into emergency protective custody⁸
- Disclosing medical records or other information pertinent to a case⁹
- Performing a medical exam on the child¹⁰
- Performing medically relevant tests¹¹

LIMITATIONS TO IMMUNITY

In many States, immunity from civil or criminal liability is not provided specifically in cases in which it can be shown that the person making a report acted with malice or in "bad faith" or knowingly made a false report.¹² Minnesota specifically denies immunity from any civil or criminal penalties for mandated reporters who fail to make required reports.¹³ Alaska provides no immunity for persons who knowingly make an "untimely report." Persons who are suspected of committing the abuse or neglect are not provided immunity from prosecution in 17 States.¹⁴

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

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¹² Immunity is denied for acting with malice or in bad faith in 13 States, including Arizona, Colorado, Idaho, Illinois, Indiana, Missouri, Montana, New Mexico, New York, Ohio, Texas, Virginia, and Washington. Immunity is denied for knowingly making a false report in 10 States, including California, Louisiana, Maine, Missouri, Montana, Nebraska, North Dakota, Ohio, Utah, and Washington.

¹³ Since voluntary reporters are not legally required to report, they are not subject to civil or criminal penalties for not making a report.

¹⁴ Alaska, Arizona, California, Colorado, Connecticut, Florida, Indiana, Louisiana, Massachusetts, Minnesota, North Dakota, South Dakota, Tennessee, Texas, Vermont, Washington, and Wisconsin



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