



## STATE STATUTES

CURRENT THROUGH MAY 2023

# Mandatory Reporting of Child Abuse and Neglect

To find statute information for a particular State or Territory, go to the [State Statutes Search](#).

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 required to report instances of suspected child maltreatment. This publication also discusses training requirements for mandatory reporters, reporting by other persons, the responsibilities of institutions in making reports, standards for making a report, and maintaining the 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 46 States,<sup>2</sup> the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands designate professions whose members are mandated by law to report child maltreatment. Individuals designated as mandatory reporters typically have frequent contact with children. The professionals most commonly mandated to report across the States include the following:

- Physicians, nurses, and other health-care workers (46 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands)<sup>3</sup>
- Teachers, principals, and other school personnel (44 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands)<sup>4</sup>
- Social workers (41 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands)<sup>5</sup>
- Law enforcement officers (40 States, the District of Columbia, the Northern Mariana Islands, and the Virgin Islands)<sup>6</sup>
- Counselors, therapists, and other mental health professionals (38 States, the District of Columbia, American Samoa, the Northern Mariana Islands, and the Virgin Islands)<sup>7</sup>
- Child care providers (36 States, the District of Columbia, American Samoa, the Northern Mariana Islands, and the Virgin Islands)<sup>8</sup>
- Members of the clergy (29 States and Guam)<sup>9</sup>
- Medical examiners or coroners (26 States, the District of Columbia, and American Samoa)<sup>10</sup>

<sup>2</sup> The word “approximately” is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through May 2023. As of this date, Indiana, New Jersey, North Carolina, 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> All States except Indiana, New Jersey, North Carolina, and Wyoming

<sup>4</sup> All States except Indiana, New Jersey, North Carolina, Rhode Island, Utah, and Wyoming

<sup>5</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin

<sup>6</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin

<sup>7</sup> Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin

<sup>8</sup> Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin

<sup>9</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, 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

<sup>10</sup> Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Washington, and Wisconsin

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

- Directors, employees, and volunteers at entities that provide organized activities for children, such as camps, day camps, youth centers, and recreation centers (14 States)<sup>11</sup>
- Substance abuse counselors (14 States)<sup>12</sup>
- Probation or parole officers (13 States)<sup>13</sup>
- Commercial film or photograph processors (12 States, Guam, and Puerto Rico)<sup>14</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>15</sup>
- Court-appointed special advocates (11 States)<sup>16</sup>
- Juvenile probation officers (9 States)<sup>17</sup>
- Animal control or humane officers (7 States and the District of Columbia)<sup>18</sup>
- Domestic violence workers (6 States and the District of Columbia)<sup>19</sup>

- Computer technicians (6 States)<sup>20</sup>
- Child welfare ombudspersons (3 States)<sup>21</sup>

## TRAINING REQUIREMENTS FOR MANDATORY REPORTERS

The laws and policies of 23 States,<sup>22</sup> Puerto Rico, and the Virgin Islands require that mandatory reporters be provided training to inform them of their responsibility to report and the process for making reports. This training can be offered by State social services agencies, departments of education, or other entities that license or certify the professionals required to report. In all these States, the websites of social services agencies provide information on reporting responsibilities and resources for completing the required training. While the laws and policies of 22 States<sup>23</sup> and the District of Columbia do not specifically require training for mandatory reporters, State child welfare agencies in those States do offer information and training resources on their agency websites.

<sup>11</sup> Arkansas, California, Hawaii, Illinois, Louisiana, Maine, Nevada, New York, Ohio, Oregon, Pennsylvania, Vermont, Virginia, and West Virginia

<sup>12</sup> Alaska, California, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Nevada, New York, North Dakota, Oregon, South Carolina, South Dakota, and Wisconsin

<sup>13</sup> California, Connecticut, Hawaii, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nevada, North Dakota, South Dakota, Vermont, and Virginia

<sup>14</sup> Alaska, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Maine, Missouri, Oklahoma, South Carolina, and West Virginia

<sup>15</sup> Alabama, Arkansas, California, Georgia, Illinois, Iowa (includes only instructors at community colleges), Louisiana, Oregon, Pennsylvania, Virginia, and Washington

<sup>16</sup> Arkansas, California, Louisiana, Maine, Montana, Ohio, Oregon, South Carolina, Virginia, Washington, and Wisconsin

<sup>17</sup> Alaska, Arkansas, Colorado, Connecticut, Missouri, Nevada, North Dakota, Texas, and Washington

<sup>18</sup> California, Colorado, Maine, Massachusetts, Ohio, Virginia, and West Virginia

<sup>19</sup> Alaska, Arizona, Arkansas, Connecticut, Maine, and South Dakota

<sup>20</sup> Alaska, California, Illinois, Missouri, Oklahoma, and South Carolina

<sup>21</sup> California, Colorado, and Washington

<sup>22</sup> Alabama, Alaska, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nevada, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Washington, West Virginia, and Wisconsin

<sup>23</sup> Arizona, Arkansas, Colorado, Georgia, Idaho, Indiana, Kansas, Kentucky, Michigan, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Texas, Virginia, and Wyoming

The topics covered in the mandatory reporter training typically include the following:

- The legal obligations of a mandatory reporter
- Definitions of child abuse and neglect
- The signs of child abuse and neglect
- Groups of children who may be at a higher risk for abuse or neglect
- How to respond to a child who discloses abuse or neglect
- When child abuse and neglect must be reported
- The process for making a report
- The information that needs to be included in a report
- What happens after a report is made

In Illinois, statute<sup>24</sup> requires that training must include a section on implicit bias, including, at a minimum, information on implicit bias and racial and ethnic sensitivity, with the goal of ultimately eliminating discriminatory behaviors. In the statute, the term “implicit bias” is defined as attitudes or internalized stereotypes that affect people’s perceptions, actions, and decisions unconsciously and that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics. Statute in New York requires that the training provided to mandatory reporters by the Office of Children and Family Services include protocols to reduce implicit bias in the decision-making processes, strategies

to identify adverse childhood experiences, and guidelines to assist in recognizing signs of abuse or maltreatment while interacting virtually.<sup>25</sup>

## REPORTING BY OTHER PERSONS

In approximately 17 States<sup>26</sup> and Puerto Rico, any person who suspects child abuse or neglect is required to report. Of these 17 States, 13 States<sup>27</sup> and Puerto Rico specify certain professionals who must report but also require all persons to report suspected abuse or neglect, regardless of profession. Four States—Indiana, New Jersey, North Carolina, and Wyoming—require all persons to report without specifying any professions. In all States, Territories, and the District of Columbia, any person is permitted to report when they have reason to believe that a child has been subjected to abuse or neglect. These voluntary reporters of maltreatment are often referred to as “permissive reporters.”

## INSTITUTIONAL RESPONSIBILITY TO REPORT

The term “institutional reporting” refers to situations in which the mandated reporter is working (or volunteering) as a staff member of an institution, such as a school or hospital, when they gain knowledge that leads them to suspect abuse or neglect. 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

<sup>24</sup> Comp. Stat. Ch. 325, § 5/4(j)-(k)

<sup>25</sup> Soc. Serv. Law § 413

<sup>26</sup> Delaware, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming

<sup>27</sup> Delaware, Idaho, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, Oklahoma, Rhode Island, Tennessee, Texas, and Utah

reported to child protective services or other appropriate authorities.

Statutes in 33 States,<sup>28</sup> the District of Columbia, and the Virgin Islands provide procedures that must be followed in those cases. In 18 States,<sup>29</sup> 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. In nine States,<sup>30</sup> 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 their designee is required to make the report. In 10 States,<sup>31</sup> the person who suspects maltreatment must first make the report to the appropriate child protection authority and then notify the institution that a report has been made. In Arizona, any person who supervises a mandatory reporter's work and believes that a child is being maltreated must make the report unless they reasonably believe the other mandatory reporter has already made the report.

Laws in 17 States,<sup>32</sup> 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 their responsibility to report. In 12 States,<sup>33</sup> an employer is expressly prohibited from taking action to prevent or discourage an employee from making a report. In 17 States,<sup>34</sup> an employer is expressly prohibited from retaliating against an employee who has made a report. 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 their official capacity, *suspects or has reason to believe* that a child has been abused or neglected. Another frequently used standard is being required 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 they have reasonable cause to suspect that a child is not living with the child's family (e.g., the child has been placed with another family without judicial authorization).

<sup>28</sup> Alaska, Arizona, 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>29</sup> California, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana (applies to staff of a licensed hospital), Maine, Maryland, Massachusetts, Michigan, New York, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming

<sup>30</sup> Georgia, Idaho, Indiana (applies to staff of a licensed hospital), Kentucky, Maine, Massachusetts, South Dakota, Virginia, and Wyoming

<sup>31</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>32</sup> Alaska, California, Florida, Indiana, Iowa, Kentucky, Maine, Michigan, Missouri, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, West Virginia, and Wyoming

<sup>33</sup> Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Iowa, Maine, Missouri, New York, Oklahoma, and Tennessee

<sup>34</sup> Alabama, California, Connecticut, Iowa, Kansas, Massachusetts, Michigan, Missouri, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Wisconsin, and Wyoming



In nine States,<sup>35</sup> Guam, and Puerto Rico, film and photographic print processors must report when they know of or observe any film, photograph, videotape, negative, or slide depicting a child engaged in an act of sexual conduct. In five States,<sup>36</sup> a report is required when a computer technician knows of or observes a computer-generated image or picture depicting a child engaged in any actual or simulated sexual conduct.

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, i.e., persons who are not required to report but may opt to report, 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>37</sup> The physician-patient and spousal privileges are the most common to be denied by States. The attorney-client privilege is most commonly affirmed. The clergy-penitent privilege is also widely affirmed, although that privilege usually is limited to confessional communications and, in some States, denied altogether.<sup>38</sup> In Louisiana, a mental health or social services practitioner is not required to report if an attorney engages the practitioner to assist in the provision of legal services to a child.

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

Most States maintain toll-free telephone numbers for receiving reports of abuse or neglect.<sup>39</sup> Reports may be made anonymously to most of these reporting numbers. Still, States find it helpful to their investigations to know the identity of reporters. Approximately 19 States,<sup>40</sup> 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. Connecticut, Delaware, and Washington laws allow child protection

<sup>35</sup> Alaska, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Missouri, and Oklahoma

<sup>36</sup> Alaska, California, Illinois, Missouri, and Oklahoma

<sup>37</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 these States’ statutes, such as in rules of evidence.

<sup>38</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 Child Welfare Information Gateway’s [Clergy as Mandated Reporters of Child Abuse and Neglect](#).

<sup>39</sup> For State-specific information about these hotlines, see Information Gateway’s [State Child Abuse and Neglect Reporting Numbers](#).

<sup>40</sup> Arizona, California, Colorado, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Pennsylvania, and Vermont

workers to request the reporter's name. In Wyoming, the reporter does not have to provide their identity as part of the written report, but if the person takes and submits photographs or x-rays of the child, their 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 reporter's identity is specifically protected from disclosure to the alleged perpetrator in 44 States,<sup>41</sup> the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico. 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, such as, 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>42</sup> In six States,<sup>43</sup> the District of Columbia, and Guam, the reporter can waive confidentiality and give consent to the release of their name.

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

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<sup>41</sup> The statutes in Alaska, Delaware, Idaho, Massachusetts, Rhode Island, Wyoming, and the Virgin Islands do not specifically protect a reporter's identity but do provide for confidentiality of records in general. For more information about this issue, see Information Gateway's [Disclosure of Confidential Child Abuse and Neglect Records](#).

<sup>42</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. For more information, see Information Gateway's [Penalties for Failure to Report and False Reporting of Child Abuse and Neglect](#).

<sup>43</sup> California, Florida, Minnesota, Tennessee, Texas, and Vermont



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