

CHILD ABUSE NEGLECT REPORTING LAWS

Since 1975 Alabama has had a statute on child abuse and neglect which, among other things, governs reporting child abuse neglect to duly constituted authorities by certain mandatory reporters. This statute is Code of Alabama 1975, Sections 26-14-1 through 26-14-113.

Section 26-14-1 defines “duly constituted authorities” as chief of police or a municipality; the sheriff if the observation of child abuse or neglect is in an unincorporated area; or the Department of Human Resources.

Section 26-14-3 (b) provides that when a report is made to a law enforcement official, such official subsequently shall inform the Department of Human Rescues of the report.

Section 26-14-3(a) lists, among other people, “school teachers and officials” as mandatory reporters and provides that they shall be required to report, or cause a report to be made of the same, orally, either by telephone or direct communication immediately, followed by a written report, to a duly constituted authority.

Section 26-14-9 of this statute provides immunity from liability for actions under the chapter of the law. It says that any person, firm, corporation or official participating in the making of a report pursuant to this chapter, or participating in a judicial proceeding resulting therefrom, shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Section 26-14-13 imposes a penalty for failure to make required reports. This section states that 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 month’s imprisonment or a fine of not more than \$500.00.

Attachments:

Questions and Answers Regarding Reporting Child Abuse/Neglect
DHR-FCS-1593 Written Report of Suspected Child Abuse/Neglect

Q & A for REPORTING CHILD/ABUSE NEGLECT

Your role as a day care provider makes you a mandated reporter of child abuse and neglect. You have been given information on how to recognize various types of abuses and neglect and behaviors of children that may signify they are being abused or neglected. The following is a discussion of the specifics of reporting abuse and some commonly asked questions:

When should I report? Whenever you know or suspect a child is being abused or neglected. You must use your professional training and experience to make the decision.

What if I am not sure a child is being abused? It is not necessary for you to prove abuse or neglect. If you are reasonably suspicious, you must report.

Am I the only one who has doubts about when to report? No. Very few situations are clear cut. Remember, the bottom line is protecting the child.

What if I am wrong? Sometimes mistakes are made, but the system must be used. It is better to err on the side of wrongful reporting than to risk the further injury or death of a child.

Will the parents be told that I reported? The Department of Human Resources' policy mandates confidentiality for all reporters of child abuse and neglect. When the Department must share information with law enforcement, the District Attorney, or the courts, the Department can no longer fully guarantee anonymity of reporters.

Can I be sued by the parents? As a mandated reporter of abuse and neglect, you are immune from civil or criminal liability. Anyone can file a lawsuit, but the law assumes you have reported in good faith and the courts probably will dismiss the case.

What if I don't report? You may be subject to criminal liability and could be found guilty of a misdemeanor. A misdemeanor carries a penalty of up to six months imprisonment or a fine not more than \$500.00. You could be subject to civil liability from a child who is injured by your failure to report. More importantly, a child could be injured or killed.

What if my supervisor will not allow me to report? Reporting is a personal responsibility. You do not need the permission of your supervisor, although you should approach your supervisor first and seek his/her cooperation. It is your responsibility to report.

What if I suspect my supervisor or another worker of abuse? You must report whenever you suspect abuse or neglect. Remember, as a mandated reporter the law will protect you.

How do I report? Call your local Department of Human Resources, the police in a

municipality, or the sheriff if you are in an unincorporated area.

Will child protective services take the child away from his/her parents? It is the goal of child protective services to maintain the family unit. Most abusive parents can be helped. The child will be removed only as a last resort. Any removal from parents would be done through the Court.

Will child protective services take the child away from his parents? It is the goal of child protective service workers to maintain the family unit. Most abusive parents can be helped. The child will be removed only as a last resort. Any removal from parents would be done through the Juvenile Court.

What information goes into a report? The report should include your name, the child's name, the child's location, the nature of the abuse, and specifics about the incident being reported. The child protective service agency will keep your name confidential, if possible. However, if the case goes to court, your name may be revealed. Make it clear to the person who receives your call whether you think emergency intervention is required. If the child is in imminent danger, the child protective agency will respond as soon as the report is received. A Department of Human Resources form, Written Report of Suspected Child Abuse/Neglect, should be available in the office of your school. If none are there, the local County Department will supply you with the form.

What happens after I report? The appropriate agency will respond. Response time will vary according to the nature of the report. Child protective service workers respond immediately to emergency calls where the child is in danger. They will respond in a timely manner when there is no imminent danger or injury.

Will I be questioned? Probably. Remember, information you give will be kept confidential if possible. When the court or the District Attorney's office is involved, the Department cannot ensure your complete confidentiality. You still have immunity in most cases.

Will I have to testify in court? The child protective service agency will do everything possible to protect the anonymity of the person placing the report. However, the court will not exclude testimony to protect confidentiality. You may be called to testify.

Will I be told what happened when the report was investigated? As a mandated reporter, you may request the results of an abuse investigation, if you have not already been informed. You will be given as much information as possible without violating the confidentiality of the child involved.

Do I need a lawyer to report? No. You are protected from legal action.