

Appendix L: CAN Reporting

Explanation of Certain Provisions of the Child Abuse and Neglect Reporting Law

The 1975 Alabama Legislature made considerable changes in the reporting of child abuse and neglect by the passage of Act No. 1124 (*now codified in Code of Alabama 1975, Sections 26-14- 1 through 26-14-13*), which amended and reenacted the former Child Abuse Reporting Act.

The purpose of this law is to protect children whose health and welfare may be adversely affected by abuse and neglect by providing for the reporting of such cases to duly constituted authorities.

The statute has provided specific vital definitions. Abuse has been defined as harm or threatened harm to a child's health or welfare, which can occur through non-accidental physical or mental injury, sexual abuse, or attempted sexual abuse; or sexual exploitation or attempted sexual exploitation. Sexual abuse includes rape, incest, and sexual molestation, as those acts are defined by Alabama law. Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes. Neglect has been defined as negligent treatment or maltreatment of a child, including failing to provide adequate food, medical treatment, clothing, or shelter.

However, a notable exception has been made by a parent or guardian legitimately practicing his religious belief in providing medical treatment for a child. A child has been defined as a person under the age of 18 years. Certain persons and institutions are *legally required* to report known or suspected child abuse or neglect *under a penalty of a misdemeanor fine or sentence*. Those who are required *by law to report* are hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, daycare workers or employees, mental health professionals, or any other person called upon to render aid or medical assistance to a known or suspected victim of child abuse or neglect.

Besides those persons who are required by law to report child abuse and neglect, any person may make such a report if such person has reasonable cause to suspect that a child is being abused or neglected.

The initial report should be made orally, either in person or by phone, to your local chief of police (if in a city), county sheriff (in rural areas), or your local County Department of Human Resources. In addition, a written report will be made containing all of the prescribed information that is known.

The law also contains *immunity* provisions so that any person participating in the good faith making of a report according to the statute is immune from any civil or criminal liability that might otherwise be incurred or imposed.

The law further provides that all reports of child abuse and neglect, investigative by the Department of Human Resources, and certain other records of child abuse and neglect are to be considered *confidential* under penalty by criminal law. However, the disclosure of certain information in the reports and records is permitted to individuals, such as physicians or law enforcement officials, under rules and regulations established by the Department of Pensions and Security. The law explains the various duties of the Department of Pensions and Security in following up on a report of child abuse or neglect. It contains provisions for protective custody when the child's life or health is in imminent danger. The

law also provides for the appointment of attorneys to serve as guardians for abused or neglected children when they are involved in judicial proceedings and changes specific evidentiary requirements concerning the doctrine of privileged communication in court proceedings.

If you desire more specific information on the content of *Code of Alabama 1975, Sections 26-14-1 through 26-14-13*, you may contact your local probate judge, sheriff, a lawyer, or clerk of the register of your circuit court, or the local County Department of Human Resources to review a copy of the statute.

Mandatory Reporting

Persons and institutions specifically identified by statute as required to report abuse or neglect are all hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, daycare workers or employees, mental health professionals or any other person called upon to render medical assistance to any child when such child is known or suspected to be a victim of child abuse or neglect. *Code of Alabama 1975, Section 26-14-13* also provides that any person who shall knowingly fail to make the report required by the Act shall be guilty of a misdemeanor and shall be punished by a sentence of not more than six months or a fine of not more than \$500. If the worker/supervisor knows a mandatory report (acting in their official position) failing to report child abuse and neglect, the local District Attorney should be notified in writing.

Because child abuse and neglect are problems that must be approached with assistance from many disciplines, effective communication, coordination, and cooperation among all community resources are essential. The County Department has the responsibility to persons and institutions mandated to inform them of this responsibility, provide them with reporting forms and instructions, and acquaint them with the protective services available. Prompt response to reports referred by these persons and institutions and sharing information as to the Department's decision on the referral are important components in maintaining a cooperative relationship.

When a report is made to a law enforcement official, such official subsequently shall inform the department of pensions and security of the report so that the department can carry out its responsibility to provide protective services to the respective child or children. (*Acts 1965, No. 563, p. 1049, §1; Acts 1967, No. 725, p. 1560; Acts 1975, No. 1124, § 1.*)

Permissive Reporting

In addition to those persons and institutions mandated to report child abuse and neglect, the *Code of Alabama 1975, Section 26-14-4* provides that any person may make such a report if that person has reasonable cause to suspect that a child is being abused or neglected.