

## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

ALABAMA	
<b>Mandatory Reporting Statute</b> <i>(Alabama)</i>	<b>AGAINST A CHILD</b>  ALA. CODE 1975 § 26-14-3 (West 2013)
<b>What has to be reported?</b> <i>(Alabama)</i>	ALA. CODE 1975 § 26-14-3 (West 2013)  (a) When the child is known or suspected to be a victim of child abuse or neglect.
<b>Relevant Definitions</b> <i>(Alabama)</i>	ALA. CODE 1975 § 26-14-1 (West 2013)  (3) “Child” means a person under the age of 18 years.  ALA. CODE 1975 § 26-14-1 (West 2013)  (1) “Abuse” means harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. "Sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children 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.  (2) “Neglect” means negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical

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<p><b>Relevant Definitions Cont'd</b> (Alabama)</p>	<p>treatment, supervision, clothing, or shelter.</p> <p>(4) “Duly constituted authority” means the chief of police of a municipality or municipality and county; or the sheriff, if the observation of child abuse or neglect is made in an unincorporated territory; or the Department of Human Resources; or any person, organization, corporation, group, or agency authorized and designated by the Department of Human Resources to receive reports of child abuse and neglect; provided that a "duly constituted authority" shall not include an agency involved in the acts or omissions of the reported child abuse or neglect.</p>
<p><b>Persons Required to Report</b> (Alabama)</p>	<p>ALA. CODE 1975 § 26-14-3 (West 2013)</p> <p>(a) All:</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement officials;</b></li> <li>• <b>Peace officers;</b></li> <li>• Hospitals;</li> <li>• Clinics;</li> <li>• Sanitariums;</li> <li>• Doctors;</li> <li>• Physicians;</li> <li>• Surgeons;</li> <li>• Medical examiners;</li> <li>• Coroners;</li> <li>• Dentists;</li> <li>• Osteopaths;</li> <li>• Optometrists;</li> <li>• Chiropractors;</li> <li>• Podiatrists;</li> <li>• Nurses;</li> </ul>

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<p><b>Persons Required to Report Cont'd</b> (Alabama)</p>	<ul style="list-style-type: none"> <li>• School teachers and officials;</li> <li>• Pharmacists;</li> <li>• Social workers;</li> <li>• Day care workers or employees;</li> <li>• Mental health professionals;</li> <li>• Members of the clergy;</li> <li>• Any other person called upon to render aid or medical assistance to any child. Private mental health center was not state actor for purposes of 42 U.S.C.A. § 1983 where it reported allegations made by plaintiff's ex-wife that plaintiff had abused his children; center was required by state law to report such allegations. Barber v. Dale County Mental Health Center, 898 F.Supp. 832 (M.D.Ala.1995), affirmed 98 F.3d 1353.</li> </ul>
<p><b>Reporting Procedures</b> (Alabama)</p>	<p>ALA. CODE 1975 § 26-14-3 (West 2013)</p> <p>(a) [A mandatory reporter] 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.</p>
<p><b>Penalty for Failure to Report</b> (Alabama)</p>	<p>ALA. CODE 1975 § 26-14-13 (West 2013)</p> <p>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 months' imprisonment or a fine of not more than \$500.00.</p>
<p><b>Mandatory Reporting Statute</b> (Alabama)</p>	<p><b>AGAINST AN ADULT</b></p> <p>ALA. CODE 1975 § 38-9-8 (West 2013)</p>

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<p><b>What has to be reported?</b> (Alabama)</p>	<p>ALA. CODE 1975 § 38-9-8 (West 2013)</p> <p>(a) Reasonable cause to believe that any protected person has been subjected to physical abuse, neglect, exploitation, sexual abuse, or emotional abuse.</p> <p>ALA. CODE 1975 § 38-9-8 (West 2013)</p> <p>(c) The county department of human resources shall not be required to investigate any report of abuse, neglect, exploitation, sexual abuse, or emotional abuse that occurs in any facility owned and operated by the Alabama Department of Corrections or the Alabama Department of Mental Health.</p>
<p><b>Relevant Definitions</b> (Alabama)</p>	<p>ALA. CODE 1975 § 38-9-2 (West 2013)</p> <p>(1) “Abuse” means the infliction of physical pain, injury, or the willful deprivation by a caregiver or other person of services necessary to maintain mental and physical health.</p> <p>(2) “Adult in need of protective services” is a person 18 years of age or older whose behavior indicates that he or she is mentally incapable of adequately caring for himself or herself and his or her interests without serious consequences to himself or herself or others, or who, because of physical or mental impairment, is unable to protect himself or herself from abuse, neglect, exploitation, sexual abuse, or emotional abuse by others, and who has no guardian, relative, or other appropriate person able, willing, and available to assume the kind and degree of protection and supervision required under the circumstances.</p> <p>(8) “Exploitation” means the expenditure, diminution, or use of the property, assets, or resources of a protected person without the express voluntary consent of that person or his or her legally authorized representative.</p> <p>(12) “Neglect” means the failure of a caregiver to provide food, shelter, clothing, medical services, or health care for the person unable to care for himself or herself; or the failure of the person to provide these basic needs for himself or herself when the failure is the result of the person’s mental or physical inability.</p>

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<p><b>Relevant Definitions Cont'd</b> <i>(Alabama)</i></p>	<p>(17) “Protected person” means any person over 18 years of age subject to protection under this chapter or any person, including, but not limited to, persons who are senile, mentally ill, developmentally disabled, or mentally retarded, or any person over 18 years of age that is mentally or physically incapable of adequately caring for himself or herself and his or her interests without serious consequences to himself or herself or others.</p> <p>(22) “Sexual abuse” means any conduct that is a crime including rape, sexual torture, sexual misconduct, sodomy, and sexual abuse.</p>
<p><b>Persons Required to Report</b> <i>(Alabama)</i></p>	<p>ALA. CODE 1975 § 38-9-8 (West 2013)</p> <p>(a) All physicians and other practitioners of the healing arts or any caregiver.</p>
<p><b>Reporting Procedures</b> <i>(Alabama)</i></p>	<p>ALA. CODE 1975 § 38-9-8 (West 2013)</p> <p>(a)(1) An oral report, by telephone or otherwise, shall be made immediately, followed by a written report, to the county department of human resources or to the chief of police of the city or city and county, or to the sheriff of the county if the observation is made in an unincorporated territory, except that reports of a nursing home employee who abuses, neglects, or misappropriates the property of a nursing home resident shall be made to the Department of Public Health. The requirements to report suspicion of suspected abuse, neglect, or misappropriation of property of a nursing home resident by an employee of a nursing home shall be deemed satisfied if the report is made in accordance with the rules of the State Board of Health.</p> <p>(a)(2) Within seven days following an oral report, an investigation of any alleged abuse, neglect, exploitation, sexual abuse, or emotional abuse shall be made by the county department of human resources or the law enforcement official, whichever receives the report, and a written report prepared which includes the following:</p> <ul style="list-style-type: none"> <li>a. Name, age, and address of the person.</li> <li>b. Nature and extent of injury suffered by the person.</li> </ul>

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<b>Reporting Procedures Cont'd</b> <i>(Alabama)</i>	<p>c. Any other facts or circumstances known to the reporter which may aid in the determination of appropriate action.</p> <p>(b) All reports prepared by a law enforcement official shall be forwarded to the county department of human resources within 24 hours.</p>
<b>Penalty for Failure to Report</b> <i>(Alabama)</i>	<p>ALA. CODE 1975 § 38-9-10 (West 2013)</p> <p>Any physician or other practitioner of the healing arts knowingly failing to make the report required by this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by imprisonment for not more than six months or a fine of not more than \$ 500.00.</p>
<b>ALASKA</b>	
<b>Mandatory Reporting Statute</b> <i>(Alaska)</i>	<p><b>AGAINST A CHILD</b></p> <p>ALASKA STAT. § 47.17.020 (2013)</p>
<b>What has to be reported?</b> <i>(Alaska)</i>	<p>ALASKA STAT. § 47.17.020 (2013)</p> <p>(a) Reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect.</p>
<b>Relevant Definitions</b> <i>(Alaska)</i>	<p>ALASKA STAT. § 47.17.290 (2013)</p> <p>(1) “child” means a person under 18 years of age                  (2) “child abuse or neglect” means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; in this paragraph, "mental injury" means an injury to the emotional well-being, or intellectual or psychological</p>

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<p><b>Relevant Definitions</b> <i>(Alaska)</i></p>	<p>capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function.</p> <p>(16) “sexual exploitation” includes:</p> <p>(16)(A) allowing, permitting, or encouraging a child to engage in prostitution by a person responsible for the child’s welfare;</p> <p>(16)(B) allowing, permitting, encouraging, or engaging in activity prohibited by a person responsible for the child’s welfare.</p>
<p><b>Persons Required to Report</b> <i>(Alaska)</i></p>	<p>ALASKA STAT. § 47.17.020 (2013)</p> <p>(a)(1-8):</p> <ul style="list-style-type: none"> <li>(1) Practitioners of the healing arts;</li> <li>(2) School teachers and school administrative staff members of public and private schools;</li> <li><b>(3) Peace officers and officers of the Department of Corrections;</b></li> <li>(4) Administrative officers of institutions;</li> <li>(5) Child care providers;</li> <li>(6) Paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs;</li> <li>(7) Paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;</li> <li>(8) Members of a child fatality review team or the multidisciplinary child protection team.</li> </ul> <p>(b) This section does not prohibit the named persons from reporting cases that have come to their attention in their non-occupational capacities, nor does it prohibit <b>any other person</b> from reporting a child's harm that the person has reasonable cause to suspect is a result of child abuse or neglect. These reports shall be made to the nearest office of the department.</p>
<p><b>Reporting Procedures</b> <i>(Alaska)</i></p>	<p>ALASKA STAT. § 47.17.020 (2013)</p> <p>(a) [A mandatory reporter] shall immediately report the harm to the nearest office of the department.</p> <p>(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall immediately take action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department.</p>

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<p><b>Reporting Procedures</b> <i>(Alaska)</i></p>	<p>(e) The department shall immediately notify the nearest law enforcement agency if the department</p> <ul style="list-style-type: none"> <li>(1) concludes that the harm was caused by a person who is not responsible for the child's welfare;</li> <li>(2) is unable to determine             <ul style="list-style-type: none"> <li>(A) who caused the harm to the child; or</li> <li>(B) whether the person who is believed to have caused the harm has responsibility for the child's welfare; or</li> </ul> </li> <li>(3) concludes that the report involves             <ul style="list-style-type: none"> <li>(A) possible criminal conduct under ALASKA STAT. §§ 11.41.410--11.41.458; or</li> <li>(B) abuse or neglect that results in the need for medical treatment of the child.</li> </ul> </li> </ul> <p>(g) A person required to report child abuse or neglect under (a) of this section who makes the report to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make the report to the department as required under (a) of this section.</p>
<p><b>Penalty for Failure to Report</b> <i>(Alaska)</i></p>	<p>ALASKA STAT. § 47.17.068 (2013)</p> <p>Class A Misdemeanor</p> <p>ALASKA STAT. § 12.55.135 (2013)</p> <p>Maximum of 1 year imprisonment</p> <p>ALASKA STAT § 12.55.035 (2013)</p> <p>(b)(5)Maximum of \$10,000 fine</p>

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<p><b>Mandatory Reporting Statute</b> <i>(Alaska)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>ALASKA STAT. § 47.24.010 (2013)</p>
<p><b>What has to be reported?</b> <i>(Alaska)</i></p>	<p>ALASKA STAT. § 47.24.010 (2013)</p> <p>(a) Reasonable cause to believe that in the performance of their professional duties a vulnerable adult suffers from abandonment, exploitation, abuse, neglect, or self-neglect.</p>
<p><b>Relevant Definitions</b> <i>(Alaska)</i></p>	<p>ALASKA STAT. § 47.24.900 (2013)</p> <p>(1) “Abandonment” means desertion of a vulnerable adult by a caregiver.</p> <p>(2) “Abuse” means:</p> <p style="padding-left: 20px;">(A) the intentional, knowing, or reckless nonaccidental, and nontherapeutic infliction of physical pain, injury, or mental or emotional distress; or</p> <p style="padding-left: 20px;">(B) sexual assault.</p> <p>(7) Exploitation means unjust or improper use of another person or another person's resources for one's own profit or advantage.</p> <p>(8) Incapacitated person means a person whose ability to receive and evaluate information or to communicate decisions is impaired to the extent that the person lacks the ability to provide or arrange for the essential requirements for the person's physical health or safety without court-ordered assistance.</p> <p>(9) Neglect means the intentional failure by a caregiver to provide essential care or services necessary to maintain the physical and mental health of the vulnerable adult.</p> <p>(16) Vulnerable adult means a person 18 years of age or older who, because of physical or mental impairment, is unable to meet the person's own needs or to seek help without assistance.</p>

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<p><b>Persons Required to Report</b> (Alaska)</p>	<p>ALASKA STAT. § 47.24.010 (2013)</p> <p>(a):</p> <ol style="list-style-type: none"> <li>(1) A physician or other licensed health care provider;</li> <li>(2) A mental health professional;</li> <li>(3) A pharmacist;</li> <li>(4) An administrator or employee of a nursing home, residential care or health care facility;</li> <li>(5) A guardian or conservator;</li> <li>(6) <b>A police officer;</b></li> <li>(7) <b>A village public safety officer;</b></li> <li>(8) A village health aide;</li> <li>(9) A social worker;</li> <li>(10) A member of the clergy;</li> <li>(11) A staff employee of a project funded by the Department of Administration for the provision of services to older Alaskans, the Department of Health and Social Services, or the Council on Domestic Violence and Sexual Assault;</li> <li>(12) An employee of a personal care or home health aide program;</li> <li>(13) An emergency medical technician or a mobile intensive care paramedic;</li> <li>(14) A caregiver of the vulnerable adult;</li> <li>(15) A certified nurse aide;</li> <li>(16) An educator or administrative staff member of a public or private educational institution.</li> </ol>
<p><b>Reporting Procedures</b> (Alaska)</p>	<p>ALASKA STAT. § 47.24.010 (2013)</p> <p>(a) Not later than 24 hours after first having cause for the belief, report the belief to the department's central information and referral service for vulnerable adults.</p>

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<b>Penalty for Failure to Report</b> <i>(Alaska)</i>	ALASKA STAT. § 12.55.135 (2013)  (b) Any Defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment not more than 90 days unless otherwise specified in the provision of law defining the offense.  ALASKA STAT. § 12.55.035 (2013)  (b)(6) Maximum of \$2,000 fine
<b>ARIZONA</b>	
<b>Mandatory Reporting Statute</b> <i>(Arizona)</i>	<b>AGAINST A CHILD</b>  ARIZ. REV. STAT. ANN. § 13-3620 (2013)
<b>What has to be reported?</b> <i>(Arizona)</i>	ARIZ. REV. STAT. ANN. § 13-3620 (2013)  (A) Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under § 36-2281.  (B) A report is not required under this section for sexual abuse and sexual conduct if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.

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<b>Relevant Definitions</b> ( <i>Arizona</i> )	<p>ARIZ. REV. STAT. ANN. § 8-201 (2013)</p> <p>(6) Child, youth or juvenile means an individual who is under the age of eighteen years. ARIZ. REV. STAT. ANN. § 13-3620 (2013)</p> <p>"Reasonable grounds" as used in subsections A and B means that if there are any facts from which one could reasonably conclude that a child had been abused, the person knowing those facts is required to report those facts to the appropriate authorities. L.A.R. ex rel. J.A.R. v. Ludwig, 170 Ariz. 24, 821 P.2d 291 (Ct. App. 1991).</p> <p>ARIZ. REV. STAT. ANN. § 8-201 (2013)</p> <p>(2) (Child) Abuse is the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse includes:</p> <ul style="list-style-type: none"><li>(a) Inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest, or child prostitution.</li><li>(b) Physical injury to a child that results from abuse.</li><li>(c) Unreasonable confinement of a child.</li></ul> <p>(22) "Neglect" or "neglected" means the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes substantial risk of harm to the child's health or welfare, except if the inability of a parent or guardian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.</p> <p>(e) Deliberate exposure of a child by a parent, guardian or custodian to sexual conduct, oral sexual contact or sexual intercourse</p>
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<b>Relevant Definitions Cont'd</b> <i>(Arizona)</i>	<p>contact, except sexual contact with the female breast, with a child under fifteen years of age.</p> <p>ARIZ. REV. STAT. ANN. § 13-3552 (2013)</p> <p>(A) A person commits commercial sexual exploitation of a minor by knowingly:</p> <ol style="list-style-type: none"><li>1. Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct.</li><li>2. Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain.</li><li>3. Permitting a minor under the person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct.</li><li>4. Transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct.</li></ol> <p>ARIZ. REV. STAT. ANN. § 13-3553 (2013)</p> <p>(A) A person commits sexual exploitation of a minor by knowingly</p> <ol style="list-style-type: none"><li>1. Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.</li><li>2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.</li></ol>
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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Arizona)</i></p>	<p>ARIZ. REV. STAT. ANN. § 13-3212 (2013)</p> <p>(A) A person commits child prostitution by knowingly:</p> <ol style="list-style-type: none"><li>1. Causing any minor to engage in prostitution.</li><li>2. Using any minor for purposes of prostitution.</li><li>3. Permitting a minor under such person's custody or control to engage in prostitution.</li><li>4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution.</li><li>5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor.</li><li>6. Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor.</li><li>7. Transporting or financing the transportation of any minor through or across this state with the intent that such minor engage in prostitution.</li></ol> <p>(B) A person who is at least eighteen years of age commits child prostitution by knowingly:</p> <ol style="list-style-type: none"><li>1. Engaging in prostitution with a minor who is under fifteen years of age.</li><li>2. Engaging in prostitution with a minor who the person knows is fifteen, sixteen or seventeen years of age.</li><li>3. Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.</li></ol> <p>ARIZ. REV. STAT. ANN. § 13-3620 (2013)</p> <p>(P)(4) Reportable Offense means:</p> <ol style="list-style-type: none"><li>1. [Sexual Offenses]</li><li>2. Surreptitious photographing, videotaping, filming or digitally recording of a minor</li><li>3. Child prostitution</li><li>4. Incest</li></ol>
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<p><b>Persons Required to Report</b> (<i>Arizona</i>)</p>	<p>ARIZ. REV. STAT. ANN. § 13-3620 (2013)</p> <p>(A): “Person” means:</p> <ol style="list-style-type: none"> <li>(1) Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient;</li> <li>(2) <b>Any peace officer</b>;<sup>1</sup> member of the clergy, priest or Christian science practitioner</li> <li>(3) The parent, stepparent or guardian of the minor;</li> <li>(4) School personnel or domestic violence victim advocate who develops the reasonable belief in the course of their employment;</li> <li>(5) <b>Any other person who has responsibility for the care or treatment of the minor.</b></li> </ol> <p>(E) A health care professional who is regulated pursuant to title 32 and who, after a routine newborn physical assessment of a newborn infant's health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in § 13-3401 shall immediately report this information, or cause a report to be made, to child protective services in the department of economic security. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.</p>
<p><b>Reporting Procedures</b> (<i>Arizona</i>)</p>	<p>ARIZ. REV. STAT. ANN. § 13-3620 (2013)</p> <p>(A) [A mandatory reporter] shall immediately report or cause reports to be made to a peace officer or to child protective services in the department of economic security, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.</p> <p>(D) Reports shall be made immediately by telephone or in person and shall be followed by a written report within seventy-two hours. The reports shall contain:</p> <ol style="list-style-type: none"> <li>1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor, if</li> </ol>

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<p><b>Reporting Procedures</b> (Arizona)</p>	<p>known. 2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect. 3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.</p>
<p><b>Penalty for Failure to Report</b> (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 13-3620 (2013)  (O) A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.  ARIZ. REV. STAT. ANN. § 13-802 (2013)  (A) Sentence to pay an amount not more than \$2,500.  ARIZ. REV. STAT. ANN. § 13-707 (2013)  (A)(1) A maximum sentence of six months imprisonment.</p>
<p><b>Mandatory Reporting Statute</b> (Arizona)</p>	<p><b>AGAINST AN ADULT</b>  ARIZ. REV. STAT. ANN. § 46-454 (2013)</p>
<p><b>What has to be reported?</b> (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 46-454 (2013)  Reasonable basis to believe that abuse or neglect of the adult has occurred.</p>

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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 46-451 (2013)</p> <p>1. “Abuse” means:</p> <ul style="list-style-type: none"> <li>(a) Intentional infliction of physical harm.</li> <li>(b) Injury caused by negligent acts or omissions.</li> <li>(c) Unreasonable confinement.</li> <li>(d) Sexual abuse or sexual assault.</li> </ul> <p>4. “Exploitation” means the illegal or improper use of an incapacitated or vulnerable adult or his resources for another’s profit or advantage.</p> <p>6. “Neglect” means a pattern of conduct without the person’s informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health.</p> <p>9. “Vulnerable adult” means an individual who is eighteen years of age or older and who is unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment. Vulnerable adult includes an incapacitated person.</p> <p>ARIZ. REV. STAT. ANN. § 14-5101 (2013)</p> <p>1. “Incapacitated person” means any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.</p>
<p><b>Persons Required to Report</b> (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 46-454 (2013)</p> <p>(A)</p> <ul style="list-style-type: none"> <li>• <b>Peace officer;</b></li> <li>• Physician;</li> <li>• Registered nurse practitioner;</li> </ul>

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<p><b>Persons Required to Report</b> <i>(Arizona)</i></p>	<ul style="list-style-type: none"> <li>• Hospital intern or resident;</li> <li>• Surgeon;</li> <li>• Dentist;</li> <li>• Psychologist;</li> <li>• Social worker; or</li> <li>• Other person who has the responsibility for the care of an incapacitated or vulnerable adult.</li> </ul>
<p><b>Reporting Procedures</b> <i>(Arizona)</i></p>	<p>ARIZ. REV. STAT. ANN. § 46-454 (2013)</p> <p>(A) Immediately report or cause reports to be made of such reasonable basis [to believe abuse or neglect has occurred] to a peace officer or to a protective services worker. The guardian or conservator of an incapacitated or vulnerable adult shall immediately report or cause reports to be made of such reasonable basis to the superior court. All of the above reports shall be made immediately in person or by telephone and shall be followed by a written report mailed or delivered within forty-eight hours or on the next working day if the forty-eight hours expire on a weekend or holiday.</p> <p>(C) Reports pursuant to subsection A shall contain:</p> <ol style="list-style-type: none"> <li>1. The names and addresses of the adult and any persons having control or custody of the adult, if known.</li> <li>2. The adult's age and the nature and extent of his incapacity or vulnerability.</li> <li>3. The nature and extent of the adult's injuries or physical neglect or of the exploitation of the adult's property.</li> <li>4. Any other information that the person reporting believes might be helpful in establishing the cause of the adult's injuries or physical neglect or of the exploitation of the adult's property.</li> </ol>
<p><b>Penalty for Failure to Report</b> <i>(Arizona)</i></p>	<p>ARIZ. REV. STAT. ANN. § 46-454 (2013)</p> <p>K. A person who violates any provision of this section is guilty of a class 1 misdemeanor.</p>

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<p><b>Penalty for Failure to Report</b> (<i>Arizona</i>)</p>	<p>ARIZ. REV. STAT. ANN. § 13-802 (West 2013)</p> <p>(A) A sentence to pay an amount not more than two thousand five hundred dollars.</p> <p>ARIZ. REV. STAT. ANN. § 13-707 (2013)</p> <p>(A)(1) Maximum of six months imprisonment</p>
<p><b>ARKANSAS</b></p>	
<p><b>Mandatory Reporting Statute</b> (<i>Arkansas</i>)</p>	<p><b>AGAINST A CHILD</b></p> <p>ARK. CODE ANN. § 12-18-402 (West 2013)</p>
<p><b>What has to be reported?</b> (<i>Arkansas</i>)</p>	<p>ARK. CODE ANN. § 12-18-402 (West 2013)</p> <p>(a) An individual listed as a mandated reporter under subsection (b) of this section shall immediately notify the Child Abuse Hotline if he or she:</p> <p>(1) Has reasonable cause to suspect that a child has:</p> <p style="padding-left: 40px;">(A) Been subjected to child maltreatment; or</p> <p style="padding-left: 40px;">(B) Died as a result of child maltreatment; or</p> <p>(2) Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment</p>

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<b>Relevant Definitions</b> (Arkansas)	ARK. CODE ANN. § 12-18-103 (West 2013)  (1)(A) Abandonment means: (i) Failure of a parent to provide reasonable support and to maintain regular contact with a child through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future or the failure of the parent to support or maintain regular contact with a juvenile without just cause; or (ii) An articulated intent to forego parental responsibility.  (2)(A) “Abuse” means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the child’s welfare, but excluding the spouse of a minor: (i) Extreme or repeated cruelty to a child (ii) Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ (iii) Injury to a child’s intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the child’s ability to function within the juvenile's normal range of performance and behavior (iv) Any injury that is at variance with the history given (v) Any nonaccidental physical injury (vi) Any of the following intentional or knowing acts, with physical injury and without justifiable cause: (a) Throwing, kicking, burning, biting, or cutting a child; (b) Striking a child with a closed fist; (c) Shaking a child; or (d) Striking a child on the face or head; or (vii) Any of the following intentional or knowing acts, with or without physical injury: (a) Striking a child age six (6) or younger on the face or head; (b) Shaking a child age three (3) or younger;
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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Arkansas)</i></p>	<p>(c) Interfering with a child's breathing;</p> <p>(d) Pinching, biting, or striking a child in the genital area;</p> <p>(e) Tying a child to a fixed or heavy object or binding or tying a child's limbs together;</p> <p>(f) Giving a child or permitting a child to consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions;</p> <p>(g) Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>(1) Marijuana;</li><li>(2) Alcohol, excluding alcohol given to a child during a recognized and established religious ceremony or service;</li><li>(3) A narcotic;</li><li>(4) An over-the-counter drug if a person purposely administers an overdose to a child or purposely gives an inappropriate over-the-counter drug to a child and the child is detrimentally impacted by the overdose or the over-the-counter drug;</li></ul> <p>(h) Exposing a child to a chemical that has the capacity to interfere with normal physiological functions, including, but not limited to, a chemical used or generated during the manufacture of methamphetamines</p> <p>(i) Subjecting a child to Munchausen's syndrome by proxy or a factitious illness by proxy if the incident is reported and confirmed by medical personnel.</p> <p>(5) "Child" or "juvenile" means an individual who is from birth to eighteen (18) years of age.</p> <p>(6) "Child maltreatment" means abuse, sexual abuse, neglect, sexual exploitation, or abandonment.</p> <p>(13)(A) "Neglect" means those acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the juvenile's care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible under state law for the juvenile's welfare, but excluding the spouse of a minor and the parents of the married minor, which constitute:</p> <ul style="list-style-type: none"><li>(i) Failure or refusal to prevent the abuse of the juvenile when the person knows or has reasonable cause to know the child is or has been abused;</li></ul>
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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Arkansas)</i></p>	<p>(ii) Failure or refusal to provide necessary food, clothing, shelter, and education required by law, excluding the failure to follow an individualized educational program, or medical treatment necessary for the child's well-being, except when the failure or refusal is caused primarily by the financial inability of the person legally responsible and no services for relief have been offered;</p> <p>(iii) Failure to take reasonable action to protect the child from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness when the existence of the condition was known or should have been known;</p> <p>(iv) Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional needs of the child, including the failure to provide a shelter that does not pose a risk to the health or safety of the child;</p> <p>(v) Failure to provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;</p> <p>(vi) Failure, although able, to assume responsibility for the care and custody of the child or to participate in a plan to assume such responsibility; or</p> <p>(vii) Failure to appropriately supervise the child that results in the child's being left alone at an inappropriate age or in inappropriate circumstances creating a dangerous situation or a situation that puts the child at risk of harm.</p> <p>(13)(B)(i) "Neglect" shall also include:</p> <p>(a) Causing a child to be born with an illegal substance present in the child's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the birth of the child; or</p> <p>(b) At the time of the birth of a child, the presence of an illegal substance in the mother's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the birth of the child.</p> <p>(ii) As used in this subdivision (13)(B), "illegal substance" means a drug that is prohibited to be used or possessed without a prescription under the Arkansas Criminal Code, § 5-1-101 et seq.</p> <p>(16) "Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;</p> <p>(17) "Severe maltreatment" means sexual abuse, sexual exploitation, acts or omissions which may or do result in death, abuse involving the use of a deadly weapon as defined by § 5-1-102, bone fracture, internal injuries, burns, immersions, suffocation,</p>
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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Arkansas)</i></p>	<p>abandonment, medical diagnosis of failure to thrive, or causing a substantial and observable change in the behavior or demeanor of the child.</p> <p>(18) “Sexual abuse” means:</p> <ul style="list-style-type: none"><li>(A) By a person thirteen (13) years of age or older to a person younger than eighteen (18) years of age:<ul style="list-style-type: none"><li>(i) Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;</li><li>(ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;</li><li>(iii) Indecent exposure; or</li><li>(iv) Forcing the watching of pornography or live sexual activity;</li></ul></li><li>(B) By a person eighteen (18) years of age or older to a person not his or her spouse who is younger than fifteen (15) years of age:<ul style="list-style-type: none"><li>(i) Sexual intercourse, deviate sexual activity, or sexual contact; or</li><li>(ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact;</li><li>(iii) Solicitation of sexual intercourse, deviate sexual activity, or sexual contact</li></ul></li><li>(C) By a person twenty (20) years of age or older to a person not his or her spouse who is younger than sixteen (16) years of age:<ul style="list-style-type: none"><li>(i) Sexual intercourse, deviate sexual activity, or sexual contact;</li><li>(ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact; or</li><li>(iii) Solicitation of sexual intercourse, deviate sexual activity, or sexual contact;</li></ul></li><li>(D) By a caretaker to a person younger than eighteen (18) years of age:<ul style="list-style-type: none"><li>(i) Sexual intercourse, deviate sexual activity, or sexual contact; or</li><li>(ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact;</li><li>(iii) Forcing or encouraging the watching of pornography;</li><li>(iv) Forcing, permitting, or encouraging the watching of live sexual activity;</li><li>(v) Forcing listening to a phone sex line; or</li><li>(vi) An act of voyeurism; or</li></ul></li></ul>
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<p><b>Relevant Definitions Cont'd</b> (Arkansas)</p>	<p>(E) By a person younger than thirteen (13) years of age to a person younger than eighteen (18) years of age:          (i) Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion; or          (ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;</p> <p>(19)(A)(i) “Sexual contact” means any act of sexual gratification involving:          (a) The touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female;          (b) The encouraging of a child to touch the offender in a sexual manner; or          (c) The offender requesting to touch a child in a sexual manner.          (ii) Evidence of sexual gratification may be inferred from the attendant circumstances surrounding the specific complaint of child maltreatment.          (B) ”Sexual contact” does not include normal affectionate hugging ;</p> <p>(20) Sexual exploitation means:          (A) Allowing, permitting, or encouraging participation or depiction of the child in:          (i) Prostitution;          (ii) Obscene photography;          (iii) Obscene filming; or          (B) Obscenely depicting, obscenely posing, or obscenely posturing a child for any use or purpose.</p>
<p><b>Persons Required to Report</b> (Arkansas)</p>	<p>ARK. CODE ANN. § 12-18-402 (West 2013)</p> <p>(b) The following are mandated reporters under this chapter:          (1) A child care worker or foster care worker;          (2) A coroner;          (3) A day care center worker;          (4) A dentist;          (5) A dental hygienist;          (6) A domestic abuse advocate;</p>

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<p><b>Persons Required to Report Cont'd</b> (Arkansas)</p>	<ul style="list-style-type: none"> <li>(7) A domestic violence shelter employee;</li> <li>(8) A domestic violence shelter volunteer;</li> <li>(9) An employee of the Department of Human Services;</li> <li>(10) An employee working under contract for the Division of Youth Services of the Department of Human Services;</li> <li>(11) A foster parent;</li> <li>(12) A judge;</li> <li>(13) <b>A law enforcement official;</b></li> <li>(14) A licensed nurse;</li> <li>(15) Medical personnel who may be engaged in the admission, examination, care or treatment of persons;</li> <li>(16) A mental health professional;</li> <li>(17) An osteopath;</li> <li>(18) <b>A peace officer;</b></li> <li>(19) A physician;</li> <li>(20) A prosecuting attorney;</li> <li>(21) A resident intern;</li> <li>(22) A school counselor;</li> <li>(23) A school official;</li> <li>(24) A social worker;</li> <li>(25) A surgeon;</li> <li>(26) A teacher;</li> <li>(27) A court-appointed special advocate program staff member or volunteer;</li> <li>(28) <b>A juvenile intake or probation officer;</b></li> <li>(29) A clergy member, which includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him or her, except to the extent the clergy member:             <ul style="list-style-type: none"> <li>(A) Has acquired knowledge of suspected child maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith; or</li> <li>(B) Received the knowledge of the suspected child maltreatment from the alleged offender in the context of a statement of</li> </ul> </li> </ul>
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<p><b>Persons Required to Report Cont'd</b> (Arkansas)</p>	<p>admission;</p> <p>(30) An employee of a child advocacy center.</p> <p>(31) An attorney ad litem in the course of his or her duties as an attorney ad litem</p> <p>(32) A sexual abuse advocate or sexual abuse volunteer who works with a victim of sexual abuse as an employee of a community-based victim service or mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families. A sexual abuse advocate or sexual abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;</p> <p>(33) A rape crisis advocate or rape crisis volunteer;</p> <p>(34) A child abuse advocate or child abuse volunteer who works with a child victim of abuse or maltreatment as an employee of a community-based victim services or a mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families. A child abuse advocate or child abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;</p> <p>(35) A victim/witness coordinator</p> <p>(36) A victim assistance professional or victim assistance volunteer; or</p> <p>(37) An employee of the Crimes Against Children Division of the Department of Arkansas State Police</p> <p>(c)(1) No privilege or contract shall prevent anyone from reporting child maltreatment when he or she is a mandated reporter and required to report under this section.</p> <p>(2) A school, Head Start program, or day care facility shall not prohibit an employee or a volunteer from directly reporting child maltreatment to the Child Abuse Hotline.</p> <p>(3) A school, Head Start program, or day care facility shall not require an employee or a volunteer to obtain permission or notify any person, including an employee or a supervisor, before reporting child maltreatment to the Child Abuse Hotline.</p>
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### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> <i>(Arkansas)</i></p>	<p>ARK. CODE ANN. § 12-18-402 (West 2011)</p> <p>(a) An individual listed as a mandated reporter under subsection (b) of this section shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment or has died as a result of child maltreatment or observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.</p>
<p><b>Penalty for Failure to Report</b> <i>(Arkansas)</i></p>	<p>ARK. CODE ANN. § 12-18-201 (West 2013)</p> <p>(a) A person commits the offense of failure to notify by a mandated reporter in the first degree if he or she knowingly fails to notify the Child Abuse Hotline of child maltreatment or suspected child maltreatment. (b) Failure to notify by a mandated reporter in the first degree is a class A misdemeanor.</p> <p>ARK. CODE ANN. § 12-18-202 (West 2013)</p> <p>(a) A person commits the offense of failure to notify by a mandated reporter in the second degree if he or she recklessly fails to notify the Child Abuse Hotline of child maltreatment or suspected child maltreatment. (b) Failure to notify by a mandated reporter in the second degree is a class C misdemeanor.</p> <p>ARK. CODE. ANN. § 12-18-206 (West 2013)</p> <p>A person required by this chapter to make a report of child maltreatment or suspected child maltreatment to the Child Abuse Hotline who purposely fails to do so is civilly liable for damages proximately caused by that failure.</p> <p>ARK. CODE ANN. § 5-4-201 (West 2013)</p> <p>(b)(1) Fine not exceeding two-thousand five hundred dollars (\$2,500) if the conviction is of a Class A Misdemeanor. (b)(3) Fine not exceeding five-hundred dollars (\$500) if the conviction is of a Class C Misdemeanor.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report Cont'd</b> (Arkansas)</p>	<p>ARK. CODE ANN. § 5-4-401 (West 2013)</p> <p>(b)(1) For a Class A Misdemeanor the sentence shall not exceed one (1) year. (b)(3) For a Class C Misdemeanor the sentence shall not exceed thirty (30) days.</p>
<p><b>Mandatory Reporting Statute</b> (Arkansas)</p>	<p><b>AGAINST AN ADULT</b></p> <p>ARK. CODE ANN. § 12-12-1708 (West 2013)</p>
<p><b>What has to be reported?</b> (Arkansas)</p>	<p>ARK. CODE ANN. § 12-12-1708 (West 2013)</p> <p>(a)(1) Whenever any [mandatory reporter has] observed or has reasonable cause to suspect that an endangered person or an impaired person has been subjected to conditions or circumstances that constitute adult maltreatment or long-term care facility resident maltreatment.</p>
<p><b>Relevant Definitions</b> (Arkansas)</p>	<p>ARK. CODE ANN. § 12-12-1703 (West 2013)</p> <p>(1)(A) “Abuse” means with regard to any long-term care facility resident or any patient at the Arkansas State Hospital by a caregiver:</p> <p>(i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered person or an impaired person, excluding court-ordered medical care or medical care requested by the patient or long-term care facility resident or a person legally authorized to make medical decisions on behalf of the patient or long-term care facility resident;</p> <p>(ii) Any intentional act that a reasonable person would believe subjects an endangered person or an impaired person, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm, excluding necessary care and treatment provided in accordance with generally recognized professional standards of care;</p> <p>(iii) Any intentional threat that a reasonable person would find credible and nonfrivolous to inflict pain on or cause injury to an</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Arkansas)</p>	<p>endangered person or an impaired person except in the course of medical treatment or for justifiable cause; or (iv) Any willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish.</p> <p>(B) “Abuse” means with regard to any person who is not a long-term care facility resident or a patient at the Arkansas State Hospital:</p> <p>(i) Any intentional and unnecessary physical act that inflicts pain on or causes injury to an endangered person or an impaired person; (ii) Any intentional act that a reasonable person would believe subjects an endangered person or an impaired person, regardless of age, ability to comprehend, or disability, to ridicule or psychological injury in a manner likely to provoke fear or alarm; or (iii) Any intentional threat that a reasonable person would find credible and nonfrivolous to inflict pain on or cause injury to an endangered person or an impaired person except in the course of medical treatment or for justifiable cause.</p> <p>(2) “Adult maltreatment” means abuse, exploitation, neglect, or sexual abuse of an adult.</p> <p>(3) “Caregiver” means any of the following that has the responsibility for the protection, care, or custody of an endangered person or an impaired person as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of a court: (A) A related person or an unrelated person; (B) An owner, an agent, or a high managerial agent of a public or private organization; or (C) A public or private organization;</p> <p>ARK. CODE ANN. § 5-28-101 (West 2013)</p> <p>(4) "Endangered person" means: (A) A person eighteen (18) years of age or older who: (i) is found to be in a situation or condition that poses a danger to himself or herself; and</p>
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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Arkansas)</i></p>	<p>(ii) Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition; or</p> <p>(B) A long--term care facility resident who:</p> <ul style="list-style-type: none"><li>(i) Is found to be in a situation or condition which poses an imminent risk of death or serious bodily harm to the person; and</li><li>(ii) Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition.</li></ul> <p>ARK. CODE ANN. § 12-12-1703 (West 2013)</p> <p>(6) “Exploitation” means the:</p> <ul style="list-style-type: none"><li>(A) Illegal or unauthorized use or management of an endangered person's or an impaired person's funds, assets, or property;</li><li>(B) Use of an adult endangered person's or an adult impaired person's power of attorney or guardianship for the profit or advantage of one's own self or another; or</li><li>(C) The fraudulent or otherwise illegal, unauthorized, or improper act or process of a person, including a caregiver or fiduciary, that uses the resources of an endangered person, impaired person, or long-term care facility resident for monetary or personal benefit, profit, or gain, or that results in depriving the endangered person, impaired person, or long-term care facility resident of rightful access to or use of benefits, resources, belongings or assets; or</li><li>(D) Misappropriation of property of a long-term care facility resident, that is, the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a long-term care facility resident's belongings or money without the long-term care facility resident's consent.</li></ul> <p>(8) “Imminent danger to health or safety” means a situation in which death or serious bodily harm could reasonably be expected to occur without intervention</p> <p>(9)(A) “Impaired person” means a person eighteen (18) years of age or older who as the result of mental or physical impairment is unable to protect himself or herself from abuse, sexual abuse, neglect or exploitation</p> <ul style="list-style-type: none"><li>(B) For purposes of this subchapter, a long-term facility resident is presumed to be an impaired person;</li></ul> <p>(10) “Long-term care facility” means:</p> <ul style="list-style-type: none"><li>(A) A nursing home;</li><li>(B) A residential care facility;</li><li>(C) A post-acute head injury retraining and residential facility;</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Arkansas)</i>	<p>(D) An assisted living facility; (E) An intermediate care facility for individuals with mental retardation; or (F) Any facility that provides long-term medical or personal care.</p> <p>(11) “Long-term care facility resident” means a person, regardless of age, living in a long-term care facility; (12) “Long-term care facility resident maltreatment” means abuse, exploitation, neglect, or sexual abuse of a long-term care facility resident; (13) “Maltreated adult” means an adult who has been abused, exploited, neglected, physically abused, or sexually abused. (14) “Maltreated person” means a person, regardless of age, who has been abused, exploited, neglected, physically abused, or sexually abused.</p> <p>(15) “Neglect” means: (A) An act or omission by an endangered person or an impaired person, for example, self-neglect; or (B) An act or omission by a caregiver responsible for the care and supervision of an endangered person or an impaired person constituting: (i) Negligently failing to provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, or medical services to an endangered person or an impaired person; (ii) Negligently failing to report health problems or changes in health problems or changes in the health condition of an endangered person or an impaired person to the appropriate medical personnel; (iii) Negligently failing to carry out a prescribed treatment plan; or (iv) Negligently failing to provide goods or services to a long-term care facility resident necessary to avoid physical harm, mental anguish, or mental illness as defined in regulations promulgated by the Office of Long-Term Care.</p> <p>(16)(A) “Physical injury” means the impairment of a physical condition or the infliction of substantial pain on a person (B) If the person is an endangered person or an impaired person, there is a presumption that any physical injury resulted in the infliction of substantial pain (17) “Serious bodily harm” means sexual abuse, physical injury, or serious physical injury. (18) “Serious physical injury” means physical injury to an endangered person or an impaired person that creates a substantial risk</p>
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## Fifty State Survey of Mandatory Reporting Statutes

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<p><b>Relevant Definitions Cont'd</b> (Arkansas)</p>	<p>of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.</p> <p>(19) “Sexual abuse” means deviate sexual activity, sexual contact, or sexual intercourse, with another person who is not the actor's spouse and who is incapable of consent because he or she is mentally defective, mentally incapacitated, or physically helpless.</p>
<p><b>Persons Required to Report</b> (Arkansas)</p>	<p>ARK. CODE ANN. § 12-12-1708 (West 2013)</p> <p>(a)(1):</p> <ul style="list-style-type: none"> <li>(A) A physician;</li> <li>(B) A surgeon;</li> <li>(C) A coroner;</li> <li>(D) A dentist;</li> <li>(E) A dental hygienist;</li> <li>(F) An osteopath;</li> <li>(G) A resident intern;</li> <li>(H) A nurse;</li> <li>(I) A member of a hospital's personnel who is engaged in the administration, examination, care, or treatment of persons;</li> <li>(J) A social worker;</li> <li>(K) A case manager;</li> <li>(L) A home health worker;</li> <li>(M) A mental health professional;</li> <li>(N) <b>A peace officer</b></li> <li>(O) <b>A law enforcement officer</b></li> <li>(P) A facility administrator or owner;</li> <li>(Q) An employee in a facility;</li> <li>(R) An employee of the Department of Health and Human Services;</li> <li>(S) A firefighter;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

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<p><b>Persons Required to Report</b> (Arkansas)</p>	<p>(T) An emergency medical technician;                  (U) An employee of a bank or other financial institution;                  (V) An employee of the United States Postal Service;                  (W) An employee or volunteer of a program or organization funded partially or wholly by the Department of Health and Human Services who enters the home of or has contact with an elderly person;                  (X) A person associated with the care and treatment of animals, such as animal control officers and humane society officials;                  (Y) An employee who enforces code requirements for a city, township, or municipality;                  (Z) Any clergyman, including without limitation a minister, a priest, a rabbi, an accredited Christian Science Practitioner, or any other similarly functionary of a religious organization, or an individual believed to be a minister, a priest, a rabbi, an accredited Christian Science Practitioner, or any other similarly functionary of a religious organization (except privilege or where knowledge of suspected maltreatment was received from offender in the context of a statement of admission).</p>
<p><b>Reporting Procedures</b> (Arkansas)</p>	<p>ARK. CODE ANN. § 12-12-1708 (West 2013)</p> <p>(a)(2) Whenever a person is required to report under this subchapter in his or her capacity as a member of the staff, an employee in or owner of a facility, or an employee of the department, he or she shall immediately notify the person in charge of the institution, facility, or agency, or that person's designated agent, who shall then become responsible for making a report or cause a report to be made within twenty-four (24) hours or on the next business day, whichever is earlier.</p> <p>(b)(1) A report for a long-term care facility resident shall be made:</p> <p style="padding-left: 40px;">(A) Immediately to the local law enforcement agency for the jurisdiction in which the long-term care facility is located; and                  (B) To the Office of Long-Term Care, under regulations of that office.</p> <p>(b)(2) A report of a maltreated adult who does not reside in a long-term care facility shall be made to the adult and long-term care facility maltreatment hotline provided in § 12-12-1707.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> (Arkansas)</p>	<p>ARK. CODE ANN. § 5-28-110 (West 2013)</p> <p>(a) Any person or caregiver required by the Adult and Long-Term Care Facility Resident Maltreatment Act, § 12-12-1701 et seq., to report a case of suspected adult maltreatment or long-term care facility resident maltreatment who purposely fails to do so is:</p> <ol style="list-style-type: none"> <li>(1) Guilty of a Class B misdemeanor; and</li> <li>(2) Civilly liable for damages proximately caused by the failure.</li> </ol> <p>ARK. CODE ANN. § 5-28-110 (West 2013)</p> <p>(e) Any person required to report suspected adult maltreatment or long-term care facility resident maltreatment who knowingly fails to make a report within twenty-four (24) hours or on the next business day, whichever is earlier, is guilty of a Class C misdemeanor.</p> <p>ARK. CODE ANN. § 5-4-201 (West 2013)</p> <p>(b) A defendant convicted of a misdemeanor may be sentenced to pay a fine:</p> <ol style="list-style-type: none"> <li>(2) Not exceeding one thousand dollars (\$1,000) if the conviction is of a Class B misdemeanor;</li> <li>(3) Not exceeding five hundred dollars (\$500) if the conviction is of a Class C misdemeanor</li> </ol> <p>ARK. CODE ANN. § 5-4-401 (West 2013)</p> <p>(b) A defendant convicted of a misdemeanor may be sentenced according to the following limitations:</p> <ol style="list-style-type: none"> <li>(2) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days.</li> <li>(3) For a Class C misdemeanor, the sentence shall not exceed thirty (30) days.</li> </ol>
<p><b>CALIFORNIA</b></p>	

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> <i>(California)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>CAL. PENAL CODE § 11166 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(California)</i></p>	<p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(a) Whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.</p>
<p><b>Relevant Definitions</b> <i>(California)</i></p>	<p>CAL. PENAL CODE § 11165 (West 2013)</p> <p>“Child” means a person under the age of 18 years.</p> <p>CAL. PENAL CODE § 11165.6 (West 2013)</p> <p>“Child abuse or neglect” includes physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child or the endangering of the person or health of a child, and unlawful corporal punishment or injury as defined in Section 11165.4. "Child abuse or neglect" does not include a mutual affray between minors. "Child abuse or neglect" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.</p> <p>CAL. PENAL CODE § 11165.3 (West 2013)</p> <p>“The willful harming or endangering of a child” means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation that his or her person or health is endangered.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions Cont'd</b> <i>(California)</i>	<p>CAL. PENAL CODE § 11165.4 (West 2013)</p> <p>“Unlawful corporal punishment or injury” means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. It does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil. It also does not include the exercise of the degree of physical control authorized by Section 44807 of the Education Code. It also does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.</p> <p>CAL. PENAL CODE § 11165.1 (West 2013)</p> <p>“Sexual Abuse” means sexual assault or sexual exploitation as defined by the following:</p> <p>(a) “Sexual assault” means one or more of the following: rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, or child molestation.</p> <p>(b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:</p> <ol style="list-style-type: none"><li>(1) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.</li><li>(2) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.</li><li>(3) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.</li><li>(4) The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.</li><li>(5) The intentional masturbation of the perpetrator's genitals in the presence of a child</li></ol>
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## Fifty State Survey of Mandatory Reporting Statutes

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<b>Relevant Definitions Cont'd</b> <i>(California)</i>	<p>(c) "Sexual exploitation" refers to any of the following:</p> <ol style="list-style-type: none"><li>(1) Conduct involving matter depicting a minor engaged in an obscene act (preparing, selling, or distributing obscene matter) or employment of minor to perform obscene acts.</li><li>(2) Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.</li><li>(3) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies.</li></ol> <p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(a)(1) "Reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.</p> <p>CAL. PENAL CODE § 831.5 (West 2013)</p> <p>(a) A custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of San Diego County, Fresno County, Kern County, Stanislaus County, Riverside County, Santa Clara County, or a county having a population of 425,000 or less who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a</p>
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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (California)</p>	<p>local detention facility used for the detention of persons usually pending arraignment or upon court order either for their own safekeeping or for the specific purpose of serving a sentence therein. Custodial officers of a county shall be employees of, and under the authority of, the sheriff, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it. A custodial officer includes a person designated as a correctional officer, jailer, or other similar title. The duties of a custodial officer may include the serving of warrants, court orders, writs, and subpoenas in the detention facility or under circumstances arising directly out of maintaining custody of prisoners and related tasks.</p> <p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(g) For the purposes of this section, “any other person” includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.</p>
<p><b>Persons Required to Report</b> (California)</p>	<p>CAL. PENAL CODE § 11165.7 (West 2013)</p> <p>(a) “Mandated Reporter” is defined as any of the following:</p> <ol style="list-style-type: none"> <li>(1) A teacher;</li> <li>(2) An instructional aide;</li> <li>(3) A teacher's aide or teacher's assistant employed by any public or private school;</li> <li>(4) A classified employee of any public school;</li> <li>(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school;</li> <li>(6) An administrator of a public or private day camp;</li> <li>(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization;</li> <li>(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children;</li> <li>(9) Any employee of a county office of education or California Department of Education, whose duties bring the employee into contact with children on a regular basis;</li> <li>(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility;</li> </ol>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Persons Required to Report Cont'd</b> <i>(California)</i>	<ul style="list-style-type: none"><li>(11) A Head Start program teacher;</li><li>(12) A licensing worker or licensing evaluator employed by a licensing agency;</li><li>(13) A public assistance worker;</li><li>(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities;</li><li>(15) A social worker, <b>probation officer</b>, or <b>parole officer</b>;</li><li><b>(16) An employee of a school district police or security department;</b></li><li>(17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school;</li><li>(18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor;</li><li>(19) <b>A peace officer</b>, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, who is not otherwise described in this section;</li><li>(20) A firefighter except for volunteer firefighters;</li><li>(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under the Business and Professions Code;</li><li>(22) Any emergency medical technician I or II, paramedic, or other person certified under the Health and Safety Code;</li><li>(23) A psychological assistant;</li><li>(24) A marriage and family therapist trainee;</li><li>(25) An unlicensed marriage and family therapist intern;</li><li>(26) A state or county public health employee who treats a minor for venereal disease or any other condition;</li><li>(27) A coroner;</li><li>(28) A medical examiner or any other person who performs autopsies;</li><li>(29) A commercial film and photographic print processor;</li><li>(30) A child visitation monitor;</li><li>(31) An animal control officer or human society officer;</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (California)</p>	<p>(32) A clergy member. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization;</p> <p>(33) Any custodian of records of a clergy member;</p> <p>(34) <b>Any employee of any Police Department, County, Sheriff's Department, County Probation Department, or County Welfare Department;</b></p> <p>(35) <b>An employee or volunteer of a Court appointed Special Advocate Program as defined in Rule 1424 of the California Rules of Court;</b></p> <p>(36) <b>A custodial officer</b></p> <p>(37) <b>Any person providing services to a minor child.</b></p> <p>(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not in and of itself a sufficient basis for reporting child abuse or neglect;</p> <p>(39) A clinical counselor or trainee;</p> <p>(40) A clinical counselor intern;</p>
<p><b>Reporting Procedures</b> (California)</p>	<p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(a) A mandated reporter shall make a report to an agency specified in § 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.</p> <p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(i)(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal,</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures Cont'd</b> <i>(California)</i>	<p>school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in § 11165.9.</p> <p>CAL. PENAL CODE § 11165.9 (West 2013)</p> <p>Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department.</p> <p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(b) If after reasonable efforts a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone follow-up call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written follow-up report.</p> <p>(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions which shall be reported only to the county welfare or probation department.</p> <p>CAL. PENAL CODE § 11165.7 (West 2013)</p> <p>(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> (California)</p>	<p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(c) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$ 1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in § 11165.9 discovers the offense.</p>
<p><b>Mandatory Reporting Statute</b> (California)</p>	<p><b>AGAINST AN ADULT</b></p> <p>CAL. WEL. &amp; INST. CODE § 15630 (West 2013)</p>
<p><b>What has to be reported?</b> (California)</p>	<p>CAL. WEL. &amp; INST. CODE § 15630 (West 2013)</p> <p>(b)(1) Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse.</p>
<p><b>Relevant Definitions</b> (California)</p>	<p>CA. WEL. &amp; INST. CODE § 15610.23 (West 2013)</p> <p>(a) “Dependent adult” means any person between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.</p> <p>CA. WEL. &amp; INST. CODE § 15610.63 (West 2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(California)</i></p>	<p>“Physical abuse” means any of the following:</p> <ul style="list-style-type: none"> <li>(a) Assault</li> <li>(b) Battery</li> <li>(c) Assault with a deadly weapon or force likely to produce great bodily injury</li> <li>(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.</li> <li>(e) Sexual assault, that means any of the following:             <ul style="list-style-type: none"> <li>(1) Sexual battery</li> <li>(2) Rape</li> <li>(3) Rape in concert</li> <li>(4) Spousal rape</li> <li>(5) Incest</li> <li>(6) Sodomy</li> <li>(7) Oral copulation</li> <li>(8) Sexual penetration</li> <li>(9) Lewd or lascivious acts.</li> </ul> </li> </ul>
<p><b>Persons Required to Report</b> <i>(California)</i></p>	<p>CAL. WEL. &amp; INST. CODE § 15630 (West 2013)</p> <p>(a) <b>Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult</b>, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or <b>a local law enforcement agency.</b></p>
<p><b>Reporting Procedures</b> <i>(California)</i></p>	<p>CAL. WEL. &amp; INST. CODE § 15630 (West 2013)</p> <p>(b)(1) A mandated reporter shall report the known or suspected instance of abuse by telephone or through a confidential Internet reporting tool, as authorized by Section 15658 immediately or as soon as practicably possible. If reported by telephone a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool established in Section</p>

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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> <i>(California)</i></p>	<p>15658, within two working days, as follows:</p> <p>(b)(1)(A) If the abuse has occurred in a long-term care facility, except a state mental health hospital or a state developmental center, the report shall be made to the local ombudsperson or the local law enforcement agency.... Except in an emergency, the local ombudsperson and the local law enforcement agency shall, as soon as practicable, do all of the following:</p> <ul style="list-style-type: none"><li>(i) Report to the State Department of Health Services any case of known or suspected abuse occurring in a long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.</li><li>(ii) Report to the State Department of Social Services any case of known or suspected abuse occurring in a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or in an adult day care facility, as defined in paragraph (2) of subdivision (a) of Section 1502.</li><li>(iii) Report to the State Department of Health Services and the California Department of Aging any case of known or suspected abuse occurring in an adult day health care center, as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.</li><li>(iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse any case of known or suspected criminal activity.</li></ul> <p>(b)(1)(B) If the suspected or alleged abuse occurred in a state mental hospital or a state developmental center, the report shall be made to designated investigators of the State Department of Mental Health or the State Department of Developmental Services, or to the local law enforcement agency..... Except in an emergency, the local law enforcement agency shall, as soon as practicable, report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.</p> <p>(b)(1)(C) The report shall be made to the adult protective services agency or the local law enforcement agency.</p> <p>(e) A telephone report or Internet report, as authorized by Section 15658, of a known or suspected instance of elder or dependent adult abuse shall include, if known, the name of the person making the report, the name and age of the elder or dependent adult, the present location of the elder or dependent adult, the names and addresses of family members or any other adult responsible for the elder's or dependent adult's care, the nature and extent of the elder's or dependent adult's condition, the date of the incident, and any other information, including information that led that person to suspect elder or dependent adult abuse, as requested by the agency receiving the report.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(California)</i>	CAL. WEL & INST CODE § 15630 (West 2013)  (h) Failure to report is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. Willful failure to report, or impedes or inhibits a report of, physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, where that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. Any mandated reporter who willfully fails to report or impedes or inhibits a report where that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. If a mandated reporter intentionally conceals his or her failure to report, the failure to report is a continuing offense until a law enforcement agency discovers the offense.
<b>COLORADO</b>	
<b>Mandatory Reporting Statute</b> <i>(Colorado)</i>	<b>AGAINST A CHILD</b>  COLO. REV. STAT. § 19-3-304 (2013)
<b>What has to be reported?</b> <i>(Colorado)</i>	COLO. REV. STAT. § 19-3-304 (2013)  (1) Reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect.
<b>Relevant Definitions</b> <i>(Colorado)</i>	COLO. REV. STAT. § 19-1-103 (2013)  (1)(a) “Abuse” or “child abuse or neglect” means an act or omission in one of the following categories that threatens the health or welfare of a child:

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions Cont'd</b> <i>(Colorado)</i>	<p>(I) Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence;</p> <p>(II) Any case in which a child is subjected to unlawful sexual behavior;</p> <p>(III) Any case in which a child is a child in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.</p> <p>(IV) Any case in which a child is subjected to emotional abuse. As used in this subparagraph (IV), "emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.</p> <p>(V) Any act or omission described in section 19-3-102(1)(a), (1)(b), or (1)(c);</p> <p>(VI) Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance, is manufactured or attempted to be manufactured;</p> <p>(VII) Any case in which a child tests positive at birth for either a schedule-I controlled substance, or a schedule-II controlled substance, unless the child tests positive for a schedule-II controlled substance as a result of the mother's lawful intake of such substance as prescribed.</p> <p>(18) "Child" means a person under eighteen years of age.</p> <p>(24.5) "Community placement" means the placement of a child for whom the state department of human services or a county department has placement and care responsibility pursuant to article 2 or 3 of this title in any licensed or certified twenty-four-hour, non-secure, care and treatment facility away from the child's parent or guardian. "Community placement" includes, but is not limited to, placement in a foster care home, group home, residential child care facility, or residential treatment facility.</p> <p>(40) "Detention" means the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment.</p> <p>(62) "Halfway house", as used in article 2 of this title, means a group care facility for juveniles who have been placed on probation or parole under the terms of this title.</p> <p>(66) "Institutional abuse", as used in part 3 of article 3 of this title, means any case of abuse, as defined in subsection (1) of this</p>
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<p><b>Relevant Definitions Cont'd</b> (Colorado)</p>	<p>section, that occurs in any public or private facility in the state that provides child care out of the home, supervision, or maintenance. "Facility" includes, but is not limited to, family child care homes, foster care homes, and any other facility subject to the Colorado "Child Care Licensing Act" and described in section 26-6-102, C.R.S. "Institutional abuse" shall not include abuse that occurs in any public, private, or parochial school system, including any preschool operated in connection with said system; except that, to the extent the school system provides extended day services, abuse that occurs while such services are provided shall be institutional abuse.</p> <p>(68) "Juvenile", as used in article 2 of this title, means a child as defined in subsection (18) of this section.</p> <p>(72) "Law enforcement officer" means a peace officer, as described in <a href="#">section 16-2.5-101</a>, C.R.S.</p> <p>(97) "Sexual conduct", as used in section 19-3-304 (2.5), means any of the following:</p> <ul style="list-style-type: none"><li>(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;</li><li>(b) Penetration of the vagina or rectum by any object;</li><li>(c) Masturbation;</li><li>(d) Sexual sadomasochistic abuse.</li></ul> <p>(108) "Third-party abuse", as used in part 3 of article 3 of this title, means a case in which a child is subjected to abuse, as defined in subsection (1) of this section, by any person who is not a parent, stepparent, guardian, legal custodian, spousal equivalent, as defined in subsection (101) of this section, or any other person not included in the definition of intrafamilial abuse, as defined in subsection (67) of this section.</p> <p>COLO. REV. STAT. § 16-22-102 (2013)</p> <p>(9) Unlawful sexual behavior: means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:</p> <ul style="list-style-type: none"><li>(a)(I) Sexual assault (II) Sexual assault in the first degree</li><li>(b) Sexual assault in the second degree</li><li>(c)(I) Unlawful sexual contact, (II) Sexual assault in the third degree;</li><li>(d) Sexual assault on a child;</li><li>(e) Sexual assault on a child by one in a position of trust;</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b>  <b>Cont'd</b>  <i>(Colorado)</i></p>	<p>(f) Sexual assault on a client by a psychotherapist;                  (g) Enticement of a child;                  (h) Incest;                  (i) Aggravated incest;                  (j) Trafficking in children;                  (k) Sexual exploitation of children;                  (l) Procurement of a child for sexual exploitation;                  (m) Indecent exposure;                  (n) Soliciting for child prostitution;                  (o) Pandering of a child;                  (p) Procurement of a child;                  (q) Keeping a place of child prostitution;                  (r) Pimping of a child;                  (s) Inducement of child prostitution;                  (t) Patronizing a prostituted child;                  (u) Engaging in sexual conduct in a correctional institution,                  (v) Wholesale promotion of obscenity to a minor,                  (w) Promotion of obscenity to a minor.                  (x) Class 4 felony internet luring of a child;(y) Internet sexual exploitation of a child;                  (z) Public indecency, committed in violation of section 18-7-301 (2) (b), C.R.S., if a second offense is committed within five years of the previous offense or a third or subsequent offense is committed;                  (aa) Invasion of privacy for sexual gratification, in violation of section 18-3-405.6, C.R.S.; or                  (bb) Second degree kidnapping, if committed in violation of section 18-3-302 (3) (a), C.R.S.</p> <p>COLO. REV. STAT. § 19-3-102 (2013)</p> <p>(1) A child is neglected or dependent if:                  (a) A parent, guardian, or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or a</p>
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<p><b>Relevant Definitions Cont'd</b> (Colorado)</p>	<p>parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;</p> <p>(b) The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian</p> <p>(c) The child's environment is injurious to his or her welfare.</p> <p>(2) A child is neglected or dependent if:</p> <p>(a) A parent, guardian, or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse; and</p> <p>(b) Such parent, guardian, or legal custodian has been the respondent in another proceeding under this article in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such parent's, guardian's, or legal custodian's abuse or neglect has caused the death of another child; and</p> <p>(c) The pattern of habitual abuse described in paragraph (a) of this subsection (2) and the type of abuse described in the allegations specified in paragraph (b) of this subsection (2) pose a current threat to the child.</p>
<p><b>Persons Required to Report</b> (Colorado)</p>	<p>COLO. REV. STAT. § 19-3-304 (2013)</p> <p>(2) A person required to report such abuse or neglect or circumstances or conditions shall include any</p> <p>(a) Physician or surgeon, including a physician in training;</p> <p>(b) Child health associate;</p> <p>(c) Medical examiner or coroner;</p> <p>(d) Dentist;</p> <p>(e) Osteopath;</p> <p>(f) Optometrist;</p> <p>(g) Chiropractor;</p> <p>(h) Podiatrist;</p> <p>(i) Registered nurse or licensed practical nurse;</p> <p>(j) Hospital personnel engaged in the admission, care, or treatment of patients;</p> <p>(k) Christian science practitioner;</p> <p>(l) Public or private school official or employee;</p>

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<p><b>Persons Required to Report Cont'd</b> (Colorado)</p>	<ul style="list-style-type: none"> <li>(m) Social worker or worker in any facility or agency;</li> <li>(n) Mental health professional;</li> <li>(o) Dental hygienist;</li> <li>(p) Psychologist;</li> <li>(q) Physical therapist;</li> <li>(r) Veterinarian;</li> <li><b>(s) Peace/Law enforcement officer;</b></li> <li>(t) Pharmacist;</li> <li>(u) Commercial film and photographic print processor as provided in subsection (2.5) of this section;</li> <li>(v) Firefighters;</li> <li>(w) Victim's advocate;</li> <li>(x) Licensed professional counselors;</li> <li>(y) Licensed marriage and family therapists;</li> <li>(z) Registered psychotherapists;</li> <li>(aa) (I) Clergy member (except through privilege);</li> <li>(bb) Registered dietician who holds a certificate through the commission on dietetic registration and who is otherwise prohibited by 7 CFR 246.26 from making a report absent a state law requiring the release of this information;</li> <li>(cc) Worker in the state department of human services;</li> <li><b>(dd) Juvenile parole and probation officers;</b></li> <li>(ee) Child and family investigators;</li> <li>(ff) Officers and agents of the state bureau of animal protection, and animal control officers;</li> <li>(gg) The child protection ombudsman as created in article 3.3 of this title;</li> <li>(hh) Educator providing services through a federal special supplemental nutrition program for women, infants, and children.<sup>2</sup></li> </ul>
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<p><b>Reporting Procedures</b> (Colorado)</p>	<p>COLO. REV. STAT. § 19-3-304 (2013)</p> <p>(1) A mandatory reporter shall immediately upon receiving such information report or cause a report to be made of such fact to the county department or local law enforcement agency.</p>
<p><b>Penalty for Failure to Report</b> (Colorado)</p>	<p>COLO. REV. STAT. § 19-3-304 (2013)</p> <p>(4) Any person who willfully violates this section:</p> <p>(4)(a) Commits a class 3 Misdemeanor.</p> <p>(4)(b) Shall be liable for damages proximately caused thereby.</p> <p>COLO. REV. STAT. § 18-1.3-501 (2012)</p> <p>Minimum sentence of fifty dollars (\$50) fine and a maximum of six (6) months in prison and/or seven hundred fifty dollar (\$750) fine.</p>
<p><b>Mandatory Reporting Statute</b> (Colorado)</p>	<p><b>AGAINST AN ADULT</b></p> <p>COLO. REV. STAT. § 26-3.1-102 (2013)</p>
<p><b>What has to be reported?</b> (Colorado)</p>	<p>COLO. REV. STAT. § 26-3.1-102 (2013)</p> <p>(1)(a) Observed the mistreatment, self-neglect, or exploitation of an at-risk adult or who has reasonable cause to believe that an at-risk adult has been mistreated, is self-neglected, or has been exploited and is at imminent risk of mistreatment, self-neglect, or exploitation.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> (Colorado)	<p>COLO. REV. STAT. § 26-3.1-101 (2013)</p> <p>(1) “At-risk adult” means an individual eighteen years of age or older who is susceptible to mistreatment as such term is defined in subsection (4) of this section or self-neglect as such term is defined in subsection (7) of this section because the individual is unable to perform or obtain services necessary for the individual's health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs.</p> <p>(2) “Caretaker” means a person, as such term is defined in subsection (5) of this section, who is responsible for the care of an at-risk adult, as such term is defined in subsection (1) of this section, as a result of a family or legal relationship or who has assumed responsibility for the care of an at-risk adult.</p> <p>(7) “Mistreatment” means an act or omission which threatens the health, safety, or welfare of an at-risk adult... or which exposes the adult to a situation or condition that poses an imminent risk of death, serious bodily injury, or bodily injury to the adult. "Mistreatment" includes, but is not limited to:</p> <ul style="list-style-type: none"><li>(a) Abuse which occurs:<ul style="list-style-type: none"><li>(I) Where there is infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation;</li><li>(II) Where unreasonable confinement or restraint is imposed; or</li><li>(III) Where there is subjection to nonconsensual sexual conduct or contact or contact classified as a crime;</li></ul></li><li>(b) Caretaker neglect which occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for the at-risk adult or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise; except that the withholding of artificial nourishment shall not be considered as abuse;</li><li>(c) Exploitation which is the illegal or improper use of an at-risk adult for another person's advantage.</li></ul> <p>(10) "Self-neglect" means an act or failure to act whereby an at-risk adult substantially endangers the adult's health, safety, welfare, or life by not seeking or obtaining services necessary to meet the adult's essential human needs. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect.</p>
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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (Colorado)</p>	<p>COLO. REV. STAT. § 26-3.1-102 (2013)</p> <p>(b) The following persons are urged to make an oral report within twenty-four hours:</p> <ul style="list-style-type: none"><li>(I) Physicians, surgeons, physicians' assistants, osteopaths, physicians in training, podiatrists, and occupational therapists;</li><li>(II) Medical examiners and coroners;</li><li>(III) Registered nurses, licensed practical nurses and nurse practitioners;</li><li>(IV) Hospital and long term care facility personnel engaged in the admission, care, or treatment of patients;</li><li>(V) Psychologists and other mental health professionals;</li><li>(VI) Social work practitioners;</li><li>(VII) Dentists;</li><li><b>(VIII) Law enforcement officials and personnel;</b></li><li>(IX) Court-appointed guardians and conservators;</li><li>(X) Fire protection personnel;</li><li>(XI) Pharmacists;</li><li>(XII) Community centered board staff;</li><li>(XIII) Personnel of banks, savings and loan associations, credit unions, and other lending or financial institutions; and</li></ul> <p>(XV) Any caretaker, staff member, or employee of or volunteer or consultant for a licensed or certified care facility, agency, home, or governing board, including but not limited to home health care providers.</p> <p>(c) In addition to those persons urged by this subsection (1) to report known or suspected mistreatment, self-neglect, or exploitation of an at-risk adult and circumstances or conditions which might reasonably result in mistreatment, self-neglect, or exploitation <b>any other person</b> may report such known or suspected mistreatment, self-neglect, or exploitation and circumstances or conditions which might reasonably result in mistreatment, self-neglect, or exploitation of an at-risk adult to the local law enforcement agency or the county department.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> (Colorado)</p>	<p>COLO. REV. STAT. § 26-3.1-102 (2013)</p> <p>(1)(a) Immediate oral report of abuse should be made or caused to be made within twenty-four hours to the county department or during non-business hours to a local law enforcement agency responsible for investigating violations of state criminal laws protecting at-risk adults.</p> <p style="padding-left: 40px;">(1) The report shall include:</p> <ul style="list-style-type: none"> <li>(a) The name and address of the at-risk adult;</li> <li>(b) The name and address of the at-risk adult's caretaker, if any;</li> <li>(c) The age, if known, of such the at-risk adult;</li> <li>(d) The nature and extent of such the at-risk adult's injury, if any;</li> <li>(e) The nature and extent of the condition that will reasonably result in mistreatment, or self-neglect, or exploitation; and</li> <li>(f) Any other pertinent information.</li> </ul> <p>(7)(a) Except as provided in paragraph (b) of this subsection (7), reports of the mistreatment or self-neglect of an at-risk adult, including the name and address of any at-risk adult, member of said adult's family, or informant, or any other identifying information contained in such reports, shall be confidential, and shall not be public information.</p>
<p><b>Penalty for Failure to Report</b> (Colorado)</p>	<p>COLO. REV. STAT. § 26-3.1-102 (2013)</p> <p>(1)(b) No enumerated sanctions; reporting is “urged,” not required.</p>
<p><b>CONNECTICUT</b></p>	

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> <i>(Connecticut)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>CONN. GEN. STAT. ANN. § 17a-101a (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Connecticut)</i></p>	<p>CONN. GEN. STAT. ANN. § 17a-101a (West 2013)</p> <p>In the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (1) has been abused or neglected, (2) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (3) is placed at imminent risk of serious harm, shall report or cause a report to be made.</p>
<p><b>Relevant Definitions</b> <i>(Connecticut)</i></p>	<p>CONN. GEN. STAT. ANN. § 46b-120 (West 2013)</p> <p>(1) “Child” means any person under eighteen years of age who has not been legally emancipated;</p> <p>(2) (A) “Youth” means any person sixteen or seventeen years of age who has not been legally emancipated;</p> <p>(6) A child or youth may be found “neglected” who (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, or (C) is permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth, except no child or youth may be found neglected solely because the child or youth is impoverished;</p> <p>(7) A child or youth may be found “abused” who (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.</p> <p>(8) A child or youth may be found “uncared for” who is homeless or whose home cannot provide the specialized care that the</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Connecticut)</p>	<p>physical, emotional or mental condition of the child or youth requires.</p> <p>CONN. GEN. STAT. ANN. § 52-146K (West 2013)</p> <p>(2) “Battered women's counselor” means any person engaged in a battered women's center (A) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of battering, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system and information about state and community resources for battered women, (B) who is certified as a counselor by the battered women's center which provided such training, (C) who is under the control of a direct service supervisor of a battered women's center, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, battered women.</p> <p>(5) “Sexual assault counselor” means any person engaged in a rape crisis center who (A) has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of sexual assault and incest, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system, information about hospital and medical systems and information about state and community resources for sexual assault victims, (B) is certified as a counselor by the sexual assault center which has provided such training, (C) is under the control of a direct services supervisor of a rape crisis center, and (D) whose primary purpose is the rendering of advice, counseling and assistance to, and the advocacy of the cause of, victims of sexual assault.</p>
<p><b>Persons Required to Report</b> (Connecticut)</p>	<p>CONN. GEN. STAT. ANN. § 17a-101(b) (West 2013)</p> <p>(b) The following persons shall be mandated reporters:</p> <ul style="list-style-type: none"> <li>• <b>Police Officer;</b></li> <li>• <b>Juvenile or adult parole officer;</b></li> <li>• Any physician or surgeon licensed under the provisions of chapter 370;</li> <li>• Any resident physician or intern in any hospital in this state, whether or not so licensed;</li> <li>• Any registered nurse;</li> <li>• Licensed practical nurse;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Connecticut)</p>	<ul style="list-style-type: none"><li>• medical examiner;</li><li>• Dentist;</li><li>• Dental hygienist;</li><li>• Psychologist;</li><li>• School employee</li><li>• Coach of intramural or interscholastic athletics;</li><li>• Social worker;</li><li>• Member of the clergy;</li><li>• Pharmacist;</li><li>• Physical therapist;</li><li>• Optometrist;</li><li>• Chiropractor;</li><li>• Podiatrist;</li><li>• Clergyman,</li><li>• Psychologist;</li><li>• Mental health professional or physician assistant;</li><li>• Any person who is a licensed or certified emergency medical services provider;</li><li>• Any person who is a licensed or certified alcohol and drug counselor;</li><li>• Any person who is a licensed marital and family therapist;</li><li>• Any person who is a sexual assault counselor or a battered women's counselor;</li><li>• Any person who is a licensed professional counselor;</li><li>• Any person paid to care for a child in any public or private facility;</li><li>• A child day care center, group day care home or family day care home licensed by the state;</li><li>• Any employee of the Department of Children and Families;</li><li>• Any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps, the Child Advocate;</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Connecticut)</p>	<ul style="list-style-type: none"> <li>• Any employee of the Office of Child Advocate;</li> <li>• Any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department</li> </ul>
<p><b>Reporting Procedures</b> (Connecticut)</p>	<p>CONN. GEN. STAT. ANN. § 17a-101b (West 2013)</p> <p>(a) An oral report shall be made by a mandated reporter as soon as practicable but not later than twelve hours after the mandated reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm, by telephone or in person to the Commissioner of Children and Families or a law enforcement agency. If a law enforcement agency receives an oral report, it shall immediately notify the Commissioner of Children and Families.</p>
<p><b>Penalty for Failure to Report</b> (Connecticut)</p>	<p>CONN. GEN. STAT. ANN. § 17a-101a (2013)</p> <p>(b) Any mandated reporter who fails to report to the Commissioner of Children and Families shall be required to participate in an educational and training program established by the commissioner. . .the entire costs of the program shall be paid from fees charged to participants.</p> <p>CON. GEN. STAT. ANN. § 17a-101a (West 2013)</p> <p>Any person who fails to make such a report shall be fined not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) and shall be required to participate in an educational and training program.</p>
<p><b>Mandatory Reporting Statute</b> (Connecticut)</p>	<p><b>AGAINST AN ADULT</b></p> <p>CONN. GEN. STAT. ANN. § 17b-451 (West 2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> <i>(Connecticut)</i></p>	<p>CONN. GEN. STAT. ANN. § 17b-451 (West 2013)</p> <p>(a) Reasonable cause to suspect or believe that any elderly person has been abused, neglected, exploited or abandoned, or is in a condition which is the result of such abuse, neglect, exploitation or abandonment, or is in need of protective services.</p>
<p><b>Relevant Definitions</b> <i>(Connecticut)</i></p>	<p>CONN. GEN. STAT. ANN. § 17b-450 (West 2013)</p> <p>(1) The term “elderly person” means any resident of Connecticut who is sixty years of age or older.                  (2) An elderly person shall be deemed to be “in need of protective services” if such person is unable to perform or obtain services which are necessary to maintain physical and mental health.                  (5) The term “caretaker” means a person who has the responsibility for the care of an elderly person as a result of family relationship or who has assumed the responsibility for the care of the elderly voluntarily, by contract or by order of a court of competent jurisdiction.</p>
<p><b>Persons Required to Report</b> <i>(Connecticut)</i></p>	<p>CONN. GEN. STAT. ANN. § 17b-451(a) (West 2013)</p> <ul style="list-style-type: none"> <li>• <b>Police officer;</b></li> <li>• Any physician or surgeon licensed under the provisions of chapter 370;</li> <li>• Any resident physician or intern in any hospital in this state, whether or not so licensed;</li> <li>• Any registered nurse;</li> <li>• Any nursing home administrator, nurse's aide or orderly in a nursing home facility;</li> <li>• Any person paid for caring for a patient in a nursing home facility;</li> <li>• Any staff person employed by a nursing home facility;</li> <li>• Any patients' advocate;</li> <li>• Any licensed practical nurse;</li> <li>• Medical examiner;</li> <li>• Dentist;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Connecticut)</p>	<ul style="list-style-type: none"> <li>• Optometrist;</li> <li>• Chiropractor;</li> <li>• Podiatrist;</li> <li>• Social worker;</li> <li>• Clergyman;</li> <li>• Pharmacist;</li> <li>• Psychologist; or</li> <li>• Physical therapist.</li> </ul>
<p><b>Reporting Procedures</b> (Connecticut)</p>	<p>CONN. GEN. STAT. ANN. § 17b-451 (West 2013)</p> <p>(a) Not later than seventy-two hours after such suspicion or belief arose, report such information or cause a report to be made in any reasonable manner to the Commissioner of Social Services or to the person or persons designated by the commissioner to receive such reports.</p> <p>(b) Such report shall contain the name and address of the involved elderly person, information regarding the nature and extent of the abuse, neglect, exploitation or abandonment, and any other information which the reporter believes might be helpful in an investigation of the case and the protection of such elderly person.</p>
<p><b>Penalty for Failure to Report</b> (Connecticut)</p>	<p>CONN. GEN. STAT. ANN. § 17b-451 (West 2013)</p> <p>(a) Any person required to report under the provisions of this section who fails to make such report within the prescribed time period shall be fined not more than five hundred dollars (\$500), except that, if such person intentionally fails to make such report within the prescribed time period, such person shall be guilty of a class C misdemeanor for the first offense and a class A misdemeanor for any subsequent offense.</p>

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report Cont'd</b> <i>(Connecticut)</i>	CONN. GEN. STAT. ANN. § 53a-26 (West 2013)  (a) An offense for which a person may be sentenced to a term of imprisonment of not more than one year is a misdemeanor. (b) Misdemeanors are classified for the purposes of sentence as follows: (1) Class A, (2) class B, (3) class C and (4) unclassified.
<b>DELEWARE</b>	
<b>Mandatory Reporting Statute</b> <i>(Delaware)</i>	<b>AGAINST A CHILD</b>  DEL. CODE ANN. tit. 16, § 903 (2013)
<b>What has to be reported?</b> <i>(Delaware)</i>	DEL. CODE ANN. tit. 16, § 903 (2013)  Knowledge or good faith suspicion of child abuse or neglect.
<b>Relevant Definitions</b> <i>(Delaware)</i>	DEL. CODE ANN. tit 16, § 902 (2013)  (3) “Child” shall mean any person who has not reached his or her 18th birthday.  DEL. CODE. ANN. tit. 10, § 901 (2013)  a. (1) “Abuse” or “abused child” means that a person: Causes or inflicts sexual abuse on a child; or b. Has care, custody or control of a child, and causes or inflicts: 1. Physical injury through unjustified force; 2. Emotional abuse;

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions Cont'd</b> <i>(Delaware)</i>	<ol style="list-style-type: none"><li>3. Torture;</li><li>4. Exploitation; or</li><li>5. Maltreatment or mistreatment</li></ol> <p>(3) "Care, custody and control" or "those responsible for care custody and control" shall mean a person or persons in a position of trust, authority, supervision or control over a child. It may include:</p> <ol style="list-style-type: none"><li>a. A parent, guardian, or custodian;</li><li>b. Other members of the child's family or household, meaning persons living together permanently or temporarily without regard to whether they are related to each other and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the child's household;</li><li>c. Any person who, regardless of whether a member of the child's household, is defined as family or relatives in this section or as an adult individual defined in § 1009(b)(3)a. of this title;</li><li>d. Persons temporarily responsible for the child's well-being or care such as a healthcare provider, aide, teacher, instructor, coach, sitter, day care or child care provider, or any other person having regular direct contact with children through affiliation with a school, church, or religious institution, health care facility, athletic or charitable organization or any other organization whether such a person is compensated or acting as a volunteer; or</li><li>e. Any person who has assumed control of or responsibility for the child.</li></ol> <p>(6) "Custodian" means any person who is charged by law with or who has assumed responsibility for a child's care.</p> <p>(10) "Emotional abuse" means threats to inflict undue physical or emotional harm, and/or chronic or recurring incidents of ridiculing, demeaning, making derogatory remarks or cursing.</p> <p>(11) "Exploitation" means taking advantage of a child for unlawful or unjustifiable personal or sexual gain.</p> <p>(13) "Institutional child abuse or neglect" is child abuse or neglect which has occurred to a child in the DSCYF's custody and/or placed in a facility, center or home operated, contracted or licensed by the DSCYF.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions Cont'd</b> (Delaware)	<p>(16) "Mistreatment" or "maltreatment" are behaviors that inflict unnecessary or unjustifiable pain or suffering on a child without causing physical injury. Behaviors included will consist of actions and omissions, ones that are intentional and ones that are unintentional.</p> <p>(18) "Neglect" or "neglected child" means that a person:</p> <ul style="list-style-type: none"><li>(a) is responsible for the care, custody, and/or control of the child; and</li><li>(b) has the ability and financial means to provide for the care of the child; and<ul style="list-style-type: none"><li>1. fails to provide necessary care with regard to: food, clothing, shelter, education, health, medical or other care necessary for the child's emotional, physical, or mental health, or safety and general well-being; or</li><li>2. chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for his or her safety and general well-being, or</li><li>3. fails to provide necessary supervision appropriate for a child when the child is unable to care for his or her own basic needs or safety, after considering such factors as the child's age, mental ability, physical condition, the length of the caretaker's absence, and the context of the child's environment.</li></ul></li></ul> <p>(21) "Sexual abuse" means any act against a child that is described as a sex offense in § 761(g) of Title 11.</p> <p>DEL. CODE ANN. tit. 11, § 761 (2013)</p> <ul style="list-style-type: none"><li>(b) "Cunnilingus" means any oral contact with the female genitalia.</li><li>(c) "Fellatio" means any oral contact with the male genitalia.</li><li>(d) "Object" means any item, device, instrument, substance or any part of the body. It does not mean a medical instrument used by a licensed medical doctor or nurse for the purpose of diagnosis or treatment.</li><li>(e) "Position of trust, authority or supervision over a child" includes, but is not limited to:<ul style="list-style-type: none"><li>(1) Familial, guardianship or custodial authority or supervision; or</li><li>(2) A teacher, coach, counselor, advisor, mentor or any other person providing instruction or educational services to a child or children, whether such person is compensated or acting as a volunteer; or</li></ul></li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Delaware)</i></p>	<p>(3) A babysitter, child care provider, or child care aide, whether such person is compensated or acting as a volunteer; or</p> <p>(4) A health professional, meaning any person who is licensed or who holds himself or herself out to be licensed or who otherwise provides professional physical or mental health services, diagnosis, treatment or counseling which shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists, whether such person is compensated or acting as a volunteer; or</p> <p>(5) Clergy, including but not limited to any minister, pastor, rabbi, lay religious leader, pastoral counselor or any other person having regular direct contact with children through affiliation with a church or religious institution, whether such person is compensated or acting as a volunteer; or</p> <p>(6) Any law-enforcement officer, as that term is defined in § 222 of this title, and including any person acting as an officer or counselor at a correctional or counseling institution, facility or organization, whether such person is compensated or acting as a volunteer; or</p> <p>(7) Any other person who because of that person's familial relationship, profession, employment, vocation, avocation or volunteer service has regular direct contact with a child or children and in the course thereof assumes responsibility, whether temporarily or permanently, for the care or supervision of a child or children.</p> <p>(f) "Sexual contact" means:</p> <p>(1) Any intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person; or</p> <p>(2) Any intentional touching of another person with the defendant's anus, breast, buttocks or genitalia; or</p> <p>(3) Intentionally causing or allowing another person to touch the defendant's anus, breast, buttocks or genitalia which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature. Sexual contact shall also include touching when covered by clothing.</p> <p>(g) "Sexual intercourse" means:</p> <p>(1) Any act of physical union of the genitalia or anus of 1 person with the mouth, anus or genitalia of another person. It occurs upon any penetration, however slight. Ejaculation is not required. This offense encompasses the crimes commonly known as rape and sodomy; or</p>
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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Delaware)</p>	<p>(2) Any act of cunnilingus or fellatio regardless of whether penetration occurs. Ejaculation is not required.</p> <p>(h) “Sexual offense” means any offense defined by §§ 763-780 and §§ 1108-1112A, 1352(2) and 1353(2) of this title.</p> <p>(i) “Sexual penetration” means:</p> <p>(1) The unlawful placement of an object, as defined in subsection (d) of this section, inside the anus or vagina of another person; or</p> <p>(2) The unlawful placement of the genitalia or any sexual device inside the mouth of another person.</p> <p>(j) “Without consent” means:</p> <p>(1) The defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title, or by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim’s refusal to consent known to the defendant; or</p> <p>(2) The defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or</p> <p>(3) The defendant knew that the victim suffered from a cognitive disability, mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct or incapable of consenting; or</p> <p>(4) Where the defendant is a health professional, as defined herein, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, “health professional” includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Delaware)</p>	<p>provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or</p> <p>(5) The defendant had substantially impaired the victim's power to appraise or control the victim's own conduct by administering or employing without the other person's knowledge or against the other person's will, drugs, intoxicants or other means for the purpose of preventing resistance.</p> <p>(k) A child who has not yet reached that child's sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child. Children who have not yet reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances.</p>
<p><b>Persons Required to Report</b> (Delaware)</p>	<p>DEL. CODE ANN. tit. 16, § 903 (2013)</p> <ul style="list-style-type: none"> <li>• Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect</li> <li>• Any physician</li> <li>• Any other person in the healing arts including any person licensed to render services in medicine, osteopathy, dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or <b>law enforcement agency</b>.</li> </ul>
<p><b>Reporting Procedures</b> (Delaware)</p>	<p>DEL. CODE ANN. tit. 16, § 903 (2013)</p> <p>Any mandatory reporter shall make a report in accordance with § 904 of this title. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures</b> <i>(Delaware)</i>	<p>DEL. CODE ANN. tit. 16, § 904 (2013)</p> <p>Any report required to be made under this chapter shall be made to the Division of Child Protective Services of the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division of Child Protective Services, or in accordance with the rules and regulations adopted by the Division.</p>
<b>Penalty for Failure to Report</b> <i>(Delaware)</i>	<p>DEL. CODE ANN. tit. 16, § 914 (2013)</p> <p>(a) Whoever violates § 903 of this title shall be liable for a civil penalty not to exceed \$10,000 for the first violation, and not to exceed \$50,000 for any subsequent violation.</p>
<b>Mandatory Reporting Statute</b> <i>(Delaware)</i>	<p><b>AGAINST AN ADULT</b></p> <p>DEL. CODE. ANN. tit. 31, § 3910 (2013)</p>
<b>What has to be reported?</b> <i>(Delaware)</i>	<p>DEL. CODE. ANN. tit. 31, § 3910 (2013)</p> <p>(a) Reasonable cause to believe that an adult person is impaired or incapacitated as defined in § 3902 of this title and is in need of protective services as defined in § 3904 of this title</p>
<b>Relevant Definitions</b> <i>(Delaware)</i>	<p>DEL. CODE. ANN. tit. 31, § 3902 (2013)</p> <p>(1) “Abuse” means:</p> <ul style="list-style-type: none"> <li>a. Physical abuse by unnecessarily inflicting pain or injury on an infirm adult; or</li> <li>b. A pattern of emotional abuse, which includes, but is not limited to, ridiculing or demeaning an infirm adult making derogatory remarks to an infirm adult or cursing or threatening to inflict physical or emotional harm on an infirm adult.</li> </ul> <p>(2) “Adult who is impaired” shall mean any person 18 years of age or over who, because of physical or mental disability, is substantially impaired in the ability to provide adequately for the person’s own care and custody.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Delaware)</p>	<p>(3) "Caregiver" means any adult who has assumed the permanent or temporary care, custody or responsibility for the supervision of an adult who is impaired.</p> <p>(9) "Exploitation" means the illegal or improper use or abuse of a person who is impaired, the resources or rights of the person who is impaired, by another person, whether for profit or other advantage.</p> <p>(13) "Mistreatment" means the failure to provide appropriate physical or emotional care to an adult who is impaired, including the inappropriate use of medications, isolation or physical or chemical restraints on or of an adult who is impaired.</p> <p>(14) "Neglect" means:</p> <ul style="list-style-type: none"> <li>a. Lack of attention by a caregiver to physical needs of an adult who is impaired including but not limited to toileting, bathing, meals and safety;</li> <li>b. Failure by a caregiver to carry out a treatment plan prescribed by a health care professional for an adult who is impaired; or</li> <li>c. Intentional and permanent abandonment or desertion in any place of an adult who is impaired by a caregiver who does not make reasonable efforts to ensure that essential services, as defined in this section, will be provided for said adult who is impaired.</li> </ul> <p>(15) "Person who is incapacitated" means a person for whom a guardian of person or property, or both, shall be appointed, under § 3901 of Title 12.</p> <p>(16) "Physical or mental disability" shall include any physical or mental disability and shall include, but not be limited to, intellectual and developmental disabilities, brain damage, physical degeneration, deterioration, senility, disease, habitual drunkenness or addiction to drugs, and mental or physical impairment.</p> <p>(19) "Substantially impaired in the ability to provide adequately for the person's own care and custody" means the person who is impaired is unable to perform or obtain for himself or herself essential services.</p>
<p><b>Persons Required to Report</b> (Delaware)</p>	<p>DEL. CODE ANN. tit. 31, § 3910 (2013)</p> <p>(a) <b>Any person</b> having reasonable cause to believe that an adult person is infirm or incapacitated and is in need of protective services.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures</b> <i>(Delaware)</i>	DEL. CODE ANN. tit. 31, § 3910 (2013)  (a) Report such information to the Department of Health and Social Services.
<b>Penalty for Failure to Report</b> <i>(Delaware)</i>	No enumerated sanctions.
<b>DISTRICT OF COLUMBIA</b>	
<b>Mandatory Reporting Statute</b> <i>(District of Columbia)</i>	<b>AGAINST A CHILD</b> D.C. CODE § 4-1321.02 (2013)
<b>What has to be reported?</b> <i>(District of Columbia)</i>	D.C. CODE § 4-1321.02 (2013)  (a) Knowledge or reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child.
<b>Relevant Definitions</b> <i>(District of Columbia)</i>	D.C. CODE § 4-1341.01 (2013)  (1) “Child” means a person under 18 years of age.  (2) “Child abuse” means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which occurs through the intentional infliction of physical or emotional injury or an act of sexual abuse, which includes a violation of any provision of subchapter of this chapter.  (3) “Child neglect” means harm to a child’s health or welfare which occurs through the failure to provide adequate food, clothing,

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>District of Columbia</i>)</p>	<p style="text-indent: 2em;">shelter, education, or medical care.</p> <p>D.C. CODE § 14-310 (2013)</p> <p>(2) “Domestic violence counselor” means an employee, contractor, or volunteer of a domestic violence program who:</p> <ul style="list-style-type: none"> <li>(A) Is rendering support, counseling, or assistance to a victim;</li> <li>(B) Has undergone not less than 40 hours of domestic violence counselor training conducted by a domestic violence program that includes dynamics of domestic violence, trauma resulting from domestic violence, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; an</li> <li>(C) (i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or (ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves victims.</li> </ul> <p>D.C. CODE § 7-1201.01 (2008)</p> <p>(11) Mental health professional means any of the following persons engaged in the provision of professional services:</p> <ul style="list-style-type: none"> <li>(A) A person licensed to practice medicine;</li> <li>(B) A person licensed to practice psychology;</li> <li>(C) A licensed social worker;</li> <li>(D) A professional marriage, family, or child counselor;</li> <li>(E) A rape crisis or sexual abuse counselor who has undergone at least 40 hours of training and is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist;</li> <li>(F) A licensed nurse who is a professional psychiatric nurse; or</li> <li>(G) Any person reasonably believed by the client to be a mental health professional within the meaning of subparagraphs (A) through (F) of this paragraph.</li> </ul>
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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<b>Persons Required to Report</b> <i>(District of Columbia)</i>	<p>D.C. CODE § 4-1321.02 (2013)</p> <p>(b) Every:</p> <ul style="list-style-type: none"><li>• <b>Law enforcement officer;</b><sup>3</sup></li><li>• Child and Family Services Agency employees, agents and contractors;</li><li>• Physician;</li><li>• Psychologist;</li><li>• Medical examiner;</li><li>• Dentist;</li><li>• Chiropractor;</li><li>• Registered nurse;</li><li>• Licensed practical nurse;</li><li>• Person involved in the care and treatment of patients;</li><li>• Humane officer of any agency charged with the enforcement of animal cruelty laws;</li><li>• School official;</li><li>• Teacher;</li><li>• Athletic coach;</li><li>• Department of Parks and Recreation employee;</li><li>• Public housing resident manager;</li><li>• Social service worker;</li><li>• Day care worker;</li><li>• Human trafficking counselor</li><li>• Mental health professional; and</li><li>• Domestic violence counselor.</li></ul>
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### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> <i>(District of Columbia)</i></p>	<p>D.C. CODE § 4-1321.02(a) (2013)</p> <p>(a) Immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency</p> <p>(b) Whenever a person is required to report in his or her capacity as a member of the staff of a hospital, school, social agency or similar institution, he or she shall immediately notify the person in charge of the institution or his or her designated agent who shall then be required to make the report. The fact that such a notification has been made does not relieve the person who was originally required to report from his or her duty under subsection (a) of this section of having a report made promptly to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.</p>
<p><b>Penalty for Failure to Report</b> <i>(District of Columbia)</i></p>	<p>D.C. CODE § 4-1321.07 (2013)</p> <p>Any person required to make a report under this subchapter who willfully fails to make such a report shall be fined not more than \$300 or imprisoned for not more than 90 days or both.</p>
<p><b>Mandatory Reporting Statute</b> <i>(District of Columbia)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>D.C. CODE § 7-1903 (2013)</p>
<p><b>What has to be reported?</b> <i>(District of Columbia)</i></p>	<p>D.C. CODE § 7-1903 (2013)</p> <p>(a)(1) A mandatory reporter who as a result of his or her appointment, employment, or practice has substantial cause to believe that an adult is in need of protective services because of abuse, neglect or exploitation by another.</p>
<p><b>Relevant Definitions</b> <i>(District of Columbia)</i></p>	<p>D.C. CODE § 7-1901 (2013)</p> <p>(1)(A) “Abuse” means:</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions Cont'd</b> <i>(District of Columbia)</i>	<ul style="list-style-type: none"><li>(i) The intentional or reckless infliction of serious physical pain or injury;</li><li>(ii) The use or threatened use of violence to force participation in "sexual conduct,"</li><li>(iii) The repeated, intentional imposition of unreasonable confinement or threats to impose unreasonable confinement, resulting in severe mental distress;</li><li>(iv) The repeated use of threats or violence, resulting in shock or an intense, expressed fear for one's life or of serious physical injury; or</li><li>(v) The intentional or deliberately indifferent deprivation of essential food, shelter, or health care in violation of a caregiver's responsibilities, when that deprivation constitutes a serious threat to one's life or physical health.</li></ul> <p>(1A) "Adult" means an individual 18 years of age or older.</p> <p>(2)(A) "Adult in need of protective services" means an individual 18 years of age or older who:</p> <ul style="list-style-type: none"><li>(i) Is highly vulnerable to abuse, neglect, self-neglect, or exploitation because of a physical or mental impairment, self neglect, or incapacity;</li><li>(ii) Has recently been or is being abused, neglected, or exploited by another or meets the criteria for self-neglect; and</li><li>(iii) Has no one willing and able to provide adequate protection.</li></ul> <p>(4) "Caregiver" means a person that, by law, contract, court order, or voluntary action, is charged with or has assumed the responsibility for an adult's essential food, shelter, or health-care needs.</p> <p>(8) "Exploitation" means the unlawful appropriation or use of another's "property," defined in § 22-3201, for one's own benefit or that of a 3rd person.</p> <p>(8A) "Incapacity" means the state of being an incapacitated individual as defined by § 21-2011(11).</p> <p>(9)(A) "Neglect" means:</p> <ul style="list-style-type: none"><li>(i) The repeated, careless infliction of serious physical pain or injury;</li><li>(ii) The repeated failure of a caregiver to take reasonable steps, within the purview of his or her responsibilities, to protect against acts of abuse described in paragraph (1)(B) of this section;</li><li>(iii) The repeated, careless imposition of unreasonable confinement, resulting in severe mental distress; or</li><li>(iv) The careless deprivation of essential food, shelter, or health care in violation of a caregiver's responsibilities, when that deprivation constitutes a serious threat to one's life or physical health.</li></ul> <p>(B) An adult shall not be considered neglected under this chapter for the sole reason that he or she seeks, or his or her caregiver</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions Cont'd</b> <i>(District of Columbia)</i>	<p>provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.</p> <p>(13)(A) Self-neglect means the failure of an adult, due to physical or mental impairments or incapacity, to perform essential self-care tasks, including:</p> <ul style="list-style-type: none"><li>(i) Providing essential food, clothing, shelter, or medical care;</li><li>(ii) Obtaining goods or services necessary to maintain physical health, mental health, emotional well-being, and general safety; or</li><li>(iii) Managing his or her financial affairs.</li></ul> <p>(B) An adult shall not be considered to be committing self-neglect under this chapter for the sole reason that he or she seeks treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.</p> <p>D.C. CODE § 22-3101 (2013)</p> <p>(5) Sexual conduct means:</p> <ul style="list-style-type: none"><li>(A) Actual or simulated sexual intercourse:<ul style="list-style-type: none"><li>(i) Between the penis and the vulva, anus, or mouth;</li><li>(ii) Between the mouth and the vulva or anus; or</li><li>(iii) Between an artificial sexual organ or other object or instrument used in the manner of an artificial sexual organ and the anus or vulva;</li></ul></li><li>(B) Masturbation;</li><li>(C) Sexual bestiality;</li><li>(D) Sadomasochistic sexual activity for the purpose of sexual stimulation; or</li><li>(E) Lewd exhibition of the genitals.</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> <i>(District of Columbia)</i></p>	<p>D.C. CODE § 7-1903 (2013)</p> <p>(a)(1)</p> <ul style="list-style-type: none"> <li>• <b>Police officer;</b></li> <li>• Conservator;</li> <li>• Court-appointed mental retardation advocate;</li> <li>• Guardian;</li> <li>• Health-care administrator;</li> <li>• Licensed health professional;</li> <li>• Humane officer of any agency charged with the enforcement of animal cruelty laws;</li> <li>• Bank manager;</li> <li>• Financial manager; or</li> <li>• Social worker.</li> </ul>
<p><b>Reporting Procedures</b> <i>(District of Columbia)</i></p>	<p>D.C. CODE§ 7-1903 (2011)</p> <p>(a)(1) [A mandated reporter] shall immediately report this belief in accordance with subsection (c) of this section.</p> <p>(c) A report made pursuant to this section may be either oral or written and shall be transmitted to the division within the Department designated by the Mayor to receive these reports. Each report shall include, if known: The name, age, physical description, and location of the adult alleged to be in need of protective services; the name and location of the person(s) allegedly responsible for the abuse, neglect, or exploitation; the nature and extent of the abuse, neglect, self-neglect, or exploitation; the basis of the reporter's knowledge; and any other information the reporter believes might be helpful to an investigation. A reporter may be required to identify himself or herself only when obliged to report under subsection (a)(1) of this section.</p>

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(District of Columbia)</i>	D.C. CODE § 7-1912 (2011)  (a)(1) Any person required to report under § 7-1903(a)(1) who willfully fails to do so shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$ 300.
<b>FLORIDA</b>	
<b>Mandatory Reporting Statute</b> <i>(Florida)</i>	<b>AGAINST A CHILD</b>  FLA. STAT. ANN. § 39.201 (West 2013)

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> (Florida)</p>	<p>FLA. STAT. ANN. § 39.201 (West 2013)</p> <p>(1)(a) Any person who knows, has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.</p> <p>(b) Any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).</p> <p>(c) Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).</p>
<p><b>Relevant Definitions</b> (Florida)</p>	<p>FLA. STAT. ANN. § 39.01 (West 2013)</p> <p>(1) “Abandoned” or “abandonment” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, makes no provision for the child's support and has failed to establish or maintain a substantial and positive relationship with the child. For the purposes of this subsection, “establish or maintain a substantial and positive relationship” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communications with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain and substantial and positive relationship with a child. The term “abandoned” does not include an abandoned newborn infant as described in s. 383.50, a “child in need of services” as defined in chapter 984, or a “family in need of services” as defined in chapter 984. The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.</p> <p>(2) “Abuse” means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions Cont'd</b> (Florida)	<p>likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.</p> <p>(10) "Caregiver" means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection (47).</p> <p>(12) "Child" or "youth" means any unmarried person under the age of 18 years who has not been emancipated by order of the court.</p> <p>(15) "Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court:</p> <ul style="list-style-type: none"><li>(a) To have been abandoned, abused, or neglected by the child's parent or parents or legal custodians;</li><li>(b) To have been surrendered to the department, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;</li><li>(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;</li><li>(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;</li><li>(e) To have no parent or legal custodians capable of providing supervision and care; or</li><li>(f) To be at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians.</li></ul> <p>(32) "Harm" to a child's health or welfare can occur when any person:</p> <ul style="list-style-type: none"><li>2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Florida)</i>	<p>3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.</p> <p>(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.</p> <p>(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:</p> <ol style="list-style-type: none"><li>1. Solicit for or engage in prostitution; or</li><li>2. Engage in a sexual performance, as defined by chapter 827.</li></ol> <p>(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.</p> <p>(j) Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.</p> <p>(33) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care.</p> <p>(42) "Mental injury" means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.</p> <p>(44) "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:</p> <ol style="list-style-type: none"><li>(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or</li><li>(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and</li></ol>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Florida)</i>	<p>practices of a well-recognized church or religious organization.</p> <p>Neglect of a child includes acts or omissions.</p> <p>(47) “Other person responsible for a child's welfare” includes the child's legal guardian or foster parent; an employee of any school, public or private child day care center, residential home, institution, facility, or agency; a law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include the following persons when they are acting in an official capacity: law enforcement officers, except as otherwise provided in this subsection; employees of municipal or county detention facilities; or employees of the Department of Corrections.</p> <p>(48) “Out-of-home” means a placement outside of the home of the parents or a parent.</p> <p>(67) “Sexual abuse of a child” means one or more of the following acts:</p> <p>(a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.</p> <p>(b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.</p> <p>(c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.</p> <p>(d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:</p> <ol style="list-style-type: none"><li>1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or</li><li>2. Any act intended for a valid medical purpose.</li></ol> <p>(e) The intentional masturbation of the perpetrator's genitals in the presence of a child.</p> <p>(f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Florida)</i>	<p>(g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:</p> <ol style="list-style-type: none"><li>1. Solicit for or engage in prostitution; or</li><li>2. Engage in a sexual performance, as defined by chapter 827.</li></ol> <p>FLA. STAT. ANN. § 827.03 (West 2013)</p> <p>(1) “Child Abuse” means</p> <ol style="list-style-type: none"><li>(a) Intentional infliction of physical or mental injury upon a child;</li><li>(b) An intentional act that could reasonably be expected to result in physical or mental injury to a child; or</li><li>(c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.</li></ol> <p>(2) “Aggravated child abuse” occurs when a person:</p> <ol style="list-style-type: none"><li>(a) Commits aggravated battery on a child;</li><li>(b) Willfully tortures, maliciously punishes, or willfully and unlawfully cages a child; or</li><li>(c) Knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.</li></ol> <p>A person who commits aggravated child abuse commits a felony of the first degree.</p> <p>(3)(a) “Neglect of a child” means</p> <ol style="list-style-type: none"><li>1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or</li><li>2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person. Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.</li></ol> <ol style="list-style-type: none"><li>(b) A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree.</li></ol>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Florida)</i></p>	<p>(c) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree.</p>
<p><b>Persons Required to Report</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 39.201 (West 2013)</p> <p>(b): Reporters in the following occupation categories:</p> <ol style="list-style-type: none"> <li>(1) Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;</li> <li>(2) Health or mental health professional other than one listed in the preceding paragraph;</li> <li>(3) Practitioner who relies solely on spiritual means for healing;</li> <li>(4) School teacher or other school official or personnel;</li> <li>(5) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;</li> <li>(6) <b>Law enforcement officer</b>; or</li> <li>(7) Judge.</li> </ol>
<p><b>Reporting Procedures</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 39.201 (West 2013)</p> <p>(2)(a) Each report of known or suspected child abuse, abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, except those solely under s. 827.04(3), and each report that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall be made immediately to the department's central abuse. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report. Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions shall be accepted for the protective investigation pursuant to part III of this chapter.</p> <p>(b) Each report of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall be made immediately to the department's central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> <i>(Florida)</i></p>	<p>Such reports or calls shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline</p> <p>(c) Reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior shall be made and received by the department.</p> <ol style="list-style-type: none"> <li>1. The department shall determine the age of the alleged offender, if known.</li> <li>2. If the alleged offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the report or call to the county sheriff's office. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.</li> <li>3. If the alleged offender is 13 years of age or older, the central abuse hotline shall immediately electronically transfer the report or call to the appropriate county sheriff's office and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.</li> </ol> <p>(3) Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements.</p>
<p><b>Penalty for Failure to Report</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 39.205 (West 2013)</p> <p>(1) A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 775.082 (West 2013) (3) A person who has been convicted of a designated misdemeanor may be sentenced as follows:     (a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year.</p> <p>FLA. STAT. ANN. § 775.083 (West 2013) (1)(d) \$1,000 fine when the conviction is of a misdemeanor of the first degree.</p>
<p><b>Mandatory Reporting Statute</b> <i>(Florida)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>FLA. STAT. ANN. § 944.35 (West 2013)</p> <p>FLA. STAT. ANN. § 415.1034(West 2013)</p>
<p><b>What has to be reported?</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 944.35 (West 2013)</p> <p>(4)(d) Witnessing, or reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct.</p> <p>FLA. STAT. ANN. § 415.1034 (West 2013)</p> <p>(1)(a) Any [mandated reporter] who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline.</p>
<p><b>Relevant Definitions</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 944.35 (West 2013)</p> <p>(3)(b)(1) “Sexual misconduct” means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <i>(Florida)</i></p>	<p>anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty.</p>
<p><b>Persons Required to Report</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 944.35 (West 2013)</p> <p>(3)(d) <b>Each employee</b> who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct.</p> <p>FLA. STAT. ANN. § 415.1034 (West 2013/2012)</p> <p>(1)(a) <b>Any person</b>, including, but not limited to, any:</p> <ol style="list-style-type: none"> <li>1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in the admission, examination, care, or treatment of vulnerable adults;</li> <li>2. Health professional or mental health professional other than one listed in subparagraph 1;</li> <li>3. Practitioner who relies solely on spiritual means for healing;</li> <li>4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;</li> <li>5. <b>State, county, or municipal criminal justice employee or law enforcement officer;</b></li> <li>6. An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032;</li> <li>7. Florida advocacy council member or long-term care ombudsman council member; or</li> <li>8. Bank, savings and loan, or credit union officer, trustee, or employee.</li> </ol>
<p><b>Reporting Procedures</b> <i>(Florida)</i></p>	<p>FLA. STAT. ANN. § 944.35 (West 2013)</p> <p>(3)(d) Immediately prepare, date, and sign an independent report specifically describing the nature of the force used or the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The report shall be delivered to the inspector general of the department with a copy to be delivered to the warden of the institution or the regional administrator. The</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> <i>(Florida)</i></p>	<p>inspector general shall immediately conduct an appropriate investigation, and, if probable cause is determined that a violation of this subsection has occurred, the respective state attorney in the circuit in which the incident occurred shall be notified.</p> <p>FLA. STAT. ANN. § 415.1034 (West 2013)</p> <p>(1)(b) To the extent possible, a report made pursuant to paragraph (a) must contain, but need not be limited to, the following information:</p> <ol style="list-style-type: none"> <li>1. Name, age, race, sex, physical description, and location of each victim alleged to have been abused, neglected, or exploited.</li> <li>2. Names, addresses, and telephone numbers of the victim's family members.</li> <li>3. Name, address, and telephone number of each alleged perpetrator.</li> <li>4. Name, address, and telephone number of the caregiver of the victim, if different from the alleged perpetrator.</li> <li>5. Name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation.</li> <li>6. Description of the physical or psychological injuries sustained.</li> <li>7. Actions taken by the reporter, if any, such as notification of the criminal justice agency.</li> <li>8. Any other information available to the reporting person which may establish the cause of abuse, neglect, or exploitation that occurred or is occurring.</li> </ol>
<p><b>Penalty for Failure to Report</b> <i>(Florida)</i></p>	<p>(1)(d) FLA. STAT. ANN. § 944.35 (West 2013)</p> <p>(4)(a) Any employee required to report pursuant to this section who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree.</p> <p>FLA. STAT. ANN. § 775.082 (West 2013)</p> <p>(4)(a) Definite term of imprisonment not exceeding 1 year.</p> <p>FLA. STAT. ANN. § 775.083 (West 2013)</p> <p>(1)(d) A fine not exceeding \$1,000</p>

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### The Project on Addressing Prison Rape

GEORGIA	
<b>Mandatory Reporting Statute</b> <i>(Georgia)</i>	<p style="background-color: yellow;"><b>AGAINST A CHILD</b></p> <p>GA. CODE ANN § 19-7-5 (2013)</p>
<b>What has to be reported?</b> <i>(Georgia)</i>	<p>GA. CODE ANN. § 19-7-5 (2013)</p> <p>(c)(1) Reasonable cause to believe that a child has been abused.</p> <p>GA. CODE ANN. § 19-7-5 (2013)</p> <p>(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law.</p>
<b>Relevant Definitions</b> <i>(Georgia)</i>	<p>GA. CODE ANN § 19-7-5 (2013)</p> <p>(b) As used in this Code section, the term:</p> <p>(2) “Abused” means subjected to child abuse</p> <p>(3) “Child” means any person under 18 years of age.</p> <p>(4) Child abuse:</p> <p style="padding-left: 20px;">(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, physical forms of discipline may be used as long as there is no physical injury to the child;</p> <p style="padding-left: 20px;">(B) Neglect or exploitation of a child by a parent or caretaker thereof;</p> <p style="padding-left: 20px;">(C) Sexual abuse of a child; or</p> <p style="padding-left: 20px;">(D) Sexual exploitation of a child.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Georgia)</p>	<p>(10) “Sexual abuse” means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act which involves:</p> <ul style="list-style-type: none"> <li>(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;</li> <li>(B) Bestiality;</li> <li>(C) Masturbation;</li> <li>(D) Lewd exhibition of the genitals or pubic area of any person;</li> <li>(E) Flagellation or torture by or upon a person who is nude;</li> <li>(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;</li> <li>(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;</li> <li>(H) Defecation or urination for the purpose of sexual stimulation; or</li> <li>(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.</li> </ul> <p>“Sexual abuse” shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.</p> <p>(11) “Sexual exploitation” means conduct by a child's parent or caretaker who allows, permits, encourages, or requires that child to engage in:</p> <ul style="list-style-type: none"> <li>(A) Prostitution, or</li> <li>(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.</li> </ul>
<p><b>Persons Required to Report</b> (Georgia)</p>	<p>GA. CODE ANN § 19-7-5 (2013)</p> <p>(c)(1) (A) Physicians licensed to practice medicine, interns, or residents;</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Georgia)</p>	<p>(B) Hospital or medical personnel;                  (C) Dentists;                  (D) Licensed psychologists and persons participating in internships to obtain licensing;                  (E) Podiatrists;                  (F) Registered professional nurses, licensed practical nurses, and nurses aides;                  (G) Professional counselors, social workers, or marriage and family therapists;                  (H) School teachers;                  (I) School administrators;                  (J) School guidance counselors, visiting teachers, school social workers, or school psychologists;                  (K) Child welfare agency personnel;                  (L) Child-counseling personnel;                  (M) Child service organization personnel;                  (N) <b>Law enforcement personnel</b>                  (O) Reproductive health care facility or pregnancy resource center personnel and volunteers.</p>
<p><b>Reporting Procedures</b> (Georgia)</p>	<p>GA. CODE ANN § 19-7-5 (2013)</p> <p>(e) An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe that a child has been abused, by telephone or otherwise and followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Resources, or, in the absence of such agency, to an appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of allegations by hospital staff employees or volunteers, physicians, law enforcement personnel, school officials, or staff employees or volunteers of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such photograph photographs shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority.”</p>

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<p><b>Penalty for Failure to Report</b> (Georgia)</p>	<p>GA. CODE ANN § 19-7-5 (2013)</p> <p>(h) Any person or official required by subsection (c) of this Code section to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.</p> <p>GA. CODE ANN. § 17-10-3 (2013)</p> <p>(a)(1) A crime declared to be a misdemeanor shall be punished by a fine not to exceed \$1,000 or by confinement for a total term not to exceed 12 months, or both.</p>
<p><b>Mandatory Reporting Statute</b> (Georgia)</p>	<p><b>AGAINST AN ADULT</b></p> <p>GA. CODE ANN. § 30-5-4 (2013)</p>
<p><b>What has to be reported?</b> (Georgia)</p>	<p>GA. CODE ANN § 30-5-4 (2013)</p> <p>(a)(1)(A) Reasonable cause to believe that a disabled adult or elder person has had a physical injury or injuries inflicted upon such disabled adult or elder person, other than by accidental means, or has been neglected or exploited.</p>
<p><b>Relevant Definitions</b> (Georgia)</p>	<p>GA. CODE ANN § 30-5-3 (2013)</p> <p>(1) “Abuse” means the willful infliction of physical pain, physical injury, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person.</p> <p>(2) "Caretaker" means a person who has the responsibility for the care of a disabled adult or elder person as a result of family relationship, contract, voluntary assumption of that responsibility, or by operation of law.</p> <p>(6) “Disabled adult” means a person 18 years of age or older who is not a resident of a long-term care facility, but who is mentally or physically incapacitated or has Alzheimer’s disease.</p> <p>(7) “Disabled adult in need of protective services” means a disabled adult who is subject to abuse, neglect, or exploitation as a</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Georgia)</p>	<p>result of that adult's mental or physical incapacity.            (7.1) "Elder person" means a person 65 years of age or older who is not a resident of a long-term care facility.            (9) "Exploitation" means the illegal or improper use of a disabled adult or elder person or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for another's profit or advantage.            (10) "Neglect" means the absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a disabled adult or elder person.</p>
<p><b>Persons Required to Report</b> (Georgia)</p>	<p>GA. CODE ANN § 30-5-4 (2013)</p> <p>(a)(1)A) Any</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement personnel;</b></li> <li>• Physician;</li> <li>• Osteopath;</li> <li>• Intern;</li> <li>• Resident;</li> <li>• Other hospital or medical personnel;</li> <li>• Dentist;</li> <li>• Psychologist;</li> <li>• Chiropractor;</li> <li>• Podiatrist;</li> <li>• Pharmacist;</li> <li>• Physical therapist;</li> <li>• Occupational therapist;</li> <li>• Licensed professional counselor;</li> <li>• Nursing personnel;</li> <li>• Social work personnel;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Georgia)</p>	<ul style="list-style-type: none"> <li>• Day-care personnel;</li> <li>• Coroner,</li> <li>• Medical examiner;</li> <li>• Employee of a public or private agency engaged in professional health related services to elder persons or disabled adults.</li> </ul>
<p><b>Reporting Procedures</b> (Georgia)</p>	<p>GA. CODE ANN § 30-5-4 (2013)</p> <p>(b)(1) A report that a disabled adult or elder person is in need of protective services or has been the victim of abuse, neglect, or exploitation shall be made to an adult protection agency providing protective services, as designated by the department or, if such agency is unavailable, to an appropriate law enforcement agency or prosecuting attorney.</p> <p>(2) The report may be made by oral or written communication. The report shall include the name and address of the disabled adult or elder person and should include the name and address of the disabled adult's or elder person's caretaker, the age of the disabled adult or elder person, the nature and extent of the disabled adult's or elder person's injury or condition resulting from abuse, exploitation, or neglect, and other pertinent information. All such reports prepared by a law enforcement agency shall be forwarded to the director within 24 hours.</p>
<p><b>Penalty for Failure to Report</b> (Georgia)</p>	<p>GA. CODE ANN § 30-5-8 (West 2013)</p> <p>(b) (1) It shall be unlawful for any person or official required by paragraph (1) of subsection (a) of Code Section 30-5-4 to report a case of disabled adult or elder person abuse to fail knowingly and willfully to make such report.</p> <p>(2) Any person violating the provisions of this subsection shall be guilty of a misdemeanor.</p> <p>(c) Any violation of this Code section shall constitute a separate offense.</p> <p>GA. CODE ANN. § 17-10-3 (West 2008)</p> <p>(a)(1) Every crime declared to be a misdemeanor shall be punished by a fine not to exceed \$1,000 or by confinement for a total term not to exceed 12 months, or both.</p>

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GUAM	
<b>Mandatory Reporting Statute</b> <i>(Guam)</i>	<p style="background-color: yellow;"><b>AGAINST A CHILD</b></p> <p>GUAM CODE ANN. tit. 19, § 13201 (2013)</p>
<b>What has to be reported?</b> <i>(Guam)</i>	<p>GUAM CODE ANN. tit. 19, § 13201 (2013)</p> <p>(a) Any person who has reason to suspect in course of employment and on the basis of his medical, professional or other training and experience that a child is an abused or neglected child.</p> <p>No person may claim "privileged communications" as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.</p>
<b>Relevant Definitions</b> <i>(Guam)</i>	<p>GUAM CODE ANN. tit. 19, § 13101 (2013)</p> <p>(a) “Abandonment” means the desertion or willful forsaking of a minor by the person responsible for the child's welfare under circumstances in which a reason able person would continue to provide care or custody;</p> <p>(b) “Abused” or “neglected child” means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child's welfare;</p> <p>(d) “Child” means a person under the age of 18 years.</p> <p>GUAM CODE ANN. tit. 19, § 13201 (2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Guam)</p>	<p>(c) As used in this section, sexual conduct means any of the following:</p> <ol style="list-style-type: none"> <li>(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex or between humans and animals;</li> <li>(2) Penetration of the vagina or rectum by any object;</li> <li>(3) Masturbation, for the purpose of sexual stimulation or the viewer;</li> <li>(4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer; or</li> <li>(5) Exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation to the viewer.</li> </ol>
<p><b>Persons Required to Report</b> (Guam)</p>	<p>GUAM CODE ANN. tit. 19, § 13201 (2013)</p> <p>(a) Mandated reporter shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child.</p> <p>(b) Persons required to report suspected child abuse <b>include but are not limited to</b> any:</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement official;</b></li> <li>• <b>Peace officer;</b></li> <li>• Licensed physician;</li> <li>• Medical examiner;</li> <li>• Dentist;</li> <li>• Osteopath;</li> <li>• Optometrist;</li> <li>• Chiropractor;</li> <li>• Podiatrist;</li> <li>• Intern;</li> <li>• Registered nurse;</li> <li>• Licensed practical nurse;</li> <li>• Hospital personnel engaged in the admission, examination, care or treatment of persons;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Guam)</p>	<ul style="list-style-type: none"> <li>• Christian Science practitioner;</li> <li>• Clergy member of any religious faith or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship;</li> <li>• School administrator, school teacher, school nurses, school counselor;</li> <li>• Social services worker;</li> <li>• Day care center worker or any other child care or foster care worker;</li> <li>• Mental health professional.</li> </ul> <p>(c) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative or slide depicting a child under the age of 18 engaged in an act of sexual conduct shall report such instances of suspected child abuse to Child Protective Services immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative or slide attached within 48 hours of receiving the information concerning the incident.</p>
<p><b>Reporting Procedures</b> (Guam)</p>	<p>GUAM CODE ANN. tit. 19, § 13203 (2013)</p> <p>(a) Reports suspected child abuse or neglect from persons required to report shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.</p>
<p><b>Penalty for Failure to Report</b> (Guam)</p>	<p>GUAM CODE ANN. tit. 19, § 13207 (2013)</p> <p>Any person required to report who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement for a term not to exceed six months, by a fine of not more than \$1,000 or by both. A second or subsequent conviction shall be a felony in the third degree.</p>

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### The Project on Addressing Prison Rape

<b>Mandatory Reporting Statute</b> <i>(Guam)</i>	<b>AGAINST AN ADULT</b>  GUAM CODE ANN. tit. 10, § 2952 (2013)
<b>What has to be reported?</b> <i>(Guam)</i>	GUAM CODE ANN. tit. 10, § 2952 (2013)  (a) Actual knowledge or reasonable cause to believe that an elderly or disabled adult is suffering from or has died as a result of abuse
<b>Relevant Definitions</b> <i>(Guam)</i>	GUAM CODE ANN. tit. 10, § 2951 (2013)  (a) <i>Abandonment</i> refers to the desertion or willful forsaking of an elderly or disabled adult by his or her caregiver under circumstances in which a reasonable person would continue to provide care or custody.  (e) <i>Elderly</i> refers to a person sixty (60) years of age or older.  (f) <i>Elderly or disabled adult abuse</i> means any one (1) or more of the following acts inflicted on an elderly or disabled adult by other than accidental means by another person: physical abuse, neglect, abandonment or self neglect. (h) <i>Mental or Emotional Abuse</i> includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, harassment, isolation which provokes fear, agitation, confusion or severe depression.  (i) <i>Neglect</i> means the failure of a caregiver to provide for the physical, mental or emotional health and well-being of the elderly or disabled adult and includes but is not limited to: (1) Failure to assist or provide personal hygiene for the elderly or disabled adult. (2) Failure to provide adequate food, water, clothing or shelter. (3) Failure to provide medical care for the physical and mental health of the elderly or disabled adult. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Guam)</p>	<p>prayer alone in lieu of medical treatment.</p> <p>(4) Failure to protect an elderly or disabled adult from health and safety hazards.</p> <p>(j) <i>Physical Abuse</i> means the willful infliction of injury which results in physical harm. It includes but is not limited to cruel punishment resulting in physical harm or pain or mental anguish, such as direct beatings, slapping, kicking, biting, choking, burning, sexual assault or molestation, or unreasonable physical restraint or confinement resulting in physical injury.</p> <p>(k) <i>Physical Harm</i> means bodily pain, injury, impairment or disease.</p> <p>(n) <i>Disabled Adult</i> is any person over the age of eighteen (18) years who:</p> <ol style="list-style-type: none"> <li>(1) Has a physical or mental impairment which substantially limits one (1) or more major life activities; or</li> <li>(2) Has a history of, or has been classified as having an impairment which substantially limits one or more major life activities.</li> </ol>
<p><b>Persons Required to Report</b> (Guam)</p>	<p>GUAM CODE ANN. tit. 10, § 2952 (2013)</p> <p>(a) Any person who, in the course of his or her employment, occupation or professional practice comes into contact with elderly or disabled adults.</p> <p>(b) Persons required to report abuse <b>include but are not limited to:</b></p> <ul style="list-style-type: none"> <li>• <b>Police officers;</b></li> <li>• <b>Probation officers;</b></li> <li>• Physicians;</li> <li>• Medical interns;</li> <li>• Medical examiners;</li> <li>• Nurses;</li> <li>• Chiropractors;</li> <li>• Hospital personnel engaged in the admission, examination, care or treatment of persons;</li> </ul>

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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Guam)</p>	<ul style="list-style-type: none"> <li>• Social workers;</li> <li>• Employees of nursing homes and adult day care facilities;</li> <li>• Employees of homemaker service agencies.</li> </ul>
<p><b>Reporting Procedures</b> (Guam)</p>	<p>GUAM CODE ANN. tit. 10, § 2952 (2013)</p> <p>(a) Immediately make a verbal report of such information or cause a report to be made to the Adult Protective Services Unit and shall, within forty-eight (48) hours, make a written report to the unit.</p> <p>(d) Oral or written reports from persons required to report under subsection A and B shall include the following information, if available:</p> <ol style="list-style-type: none"> <li>(1) The name of the person making the report and where he or she can be reached. The identity of the person making the report shall be confidential, but made available to an agency contracted by the Adult Protective Services to provide case investigation;</li> <li>(2) The name, address and approximate age of the elderly or disabled adult;</li> <li>(3) Information regarding the nature and extent of the abuse, the name of the person's caretaker, if known, and any medical treatment being received or immediately required, if known;</li> <li>(4) The name of the person or persons responsible for causing the suspected abuse;</li> <li>(5) The source of the report;</li> <li>(6) Any other information which may assist in the investigation of the suspected abuse. The identity of the person making the report shall be confidential.</li> </ol>
<p><b>Penalty for Failure to Report</b> (Guam)</p>	<p>GUAM CODE ANN. tit. 10, § 2954 (2013)</p> <p>Any person who fails to so report shall be liable for a fine of not more than \$500, except that for a second or subsequent offense, such person shall be guilty of a misdemeanor.</p>

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HAWAII	
<b>Mandatory Reporting Statute</b> <i>(Hawaii)</i>	<p style="background-color: yellow;"><b>AGAINST A CHILD</b></p> <p>HAW. REV. STAT. § 350-1.1 (2013)</p>
<b>What has to be reported?</b> <i>(Hawaii)</i>	<p>HAW. REV. STAT. § 350-1.1 (2013)</p> <p>(a) Persons who, in their professional or official capacity, have reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future.</p>
<b>Relevant Definitions</b> <i>(Hawaii)</i>	<p>HAW. REV. STAT. § 350-1 (2013)</p> <p>“Child abuse or Neglect” means the acts or omissions of any person who, or legal entity which, is in any manner or degree related to the child, is residing with the child, or is otherwise responsible for the child's care, that have resulted in the physical or psychological health or welfare of the child, who is under the age of eighteen, to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed. The acts or omissions are indicated for the purposes of reports by circumstances that include but are not limited to:</p> <p>(1) When the child exhibits evidence of:</p> <ul style="list-style-type: none"> <li>(A) Substantial or multiple skin bruising or any other internal bleeding;</li> <li>(B) Any injury to skin causing substantial bleeding;</li> <li>(C) Malnutrition;</li> <li>(D) Failure to thrive;</li> <li>(E) Burn or burns;</li> <li>(F) Poisoning;</li> <li>(G) Fracture of any bone;</li> </ul>

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<p><b>Relevant Definitions Cont'd</b> (Hawaii)</p>	<p>(H) Subdural hematoma;                  (I) Soft tissue swelling;                  (J) Extreme pain;                  (K) Extreme mental distress;                  (L) Gross degradation;                  (M) Death;                  and such injury is not justifiably explained, or when the history given concerning such condition or death is at variance with the degree or type of such condition or death, or circumstances indicates that such condition or death may not be the product of an accidental occurrence; or</p> <p>(2) When the child has been the victim of sexual contact or conduct, including, but not limited to, sexual assault as defined in the penal code, molestation, sexual fondling, incest, or prostitution; obscene or pornographic photographing, filming, or depiction; or other similar forms of sexual exploitation; or</p> <p>(3) When there exists injury to the psychological capacity of a child as is evidenced by an observable and substantial impairment in the child's ability to function; or</p> <p>(4) When the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision; or</p> <p>(5) When the child is provided with dangerous, harmful, or detrimental drugs; provided that this paragraph shall not apply when such drugs are provided to the child pursuant to the direction or prescription of a practitioner.</p>
<p><b>Persons Required to Report</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 350-1.1 (2013)<sup>1</sup></p> <p>(a) The following persons in their professional or official capacity:</p> <p>(1) Licensed or registered professional of the healing arts or any health-related occupation who examines, attends, treats, or provides other professional or specialized services, including but not limited to physicians, including physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and</p>

<sup>1</sup> Proposed legislation would also add family members who have reached the age of majority.

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<p><b>Persons Required to Report Cont'd</b> (Hawaii)</p>	<p>other health-related professionals;</p> <p>(2) Employees or officers of any public or private school;</p> <p>(3) Employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or mental health services, including financial assistance;</p> <p>(4) <b>Employees or officers of any law enforcement agency, including but not limited to the courts, police departments, department of public safety correctional institutions, and parole or probation offices;</b></p> <p>(5) Individual providers of child care, or employees or officers of any licensed or registered child care facility, foster home, or similar institution;</p> <p>(6) Medical examiners or coroners; and</p> <p>(7) Employees of any public or private agency providing recreational or sports activities.</p>
<p><b>Reporting Procedures</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 350-1.1 (2013)</p> <p>(a) [A mandatory reporter] shall immediately report the matter orally to the department of social services or to the police department.</p> <p>(c) The initial oral report shall be followed as soon as possible by a report in writing to the department. . . . All written reports shall contain the name and address of the child and the child's parents or other persons responsible for the child's care, if known, the child's age, the nature and extent of the child's injuries, and any other information that the reporter believes might be helpful or relevant to the investigation of the child abuse or neglect. This subsection shall not be construed to serve as a cause of action against the department or the police.</p>
<p><b>Penalty for Failure to Report</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 350-1.2 (2013)</p> <p>Any [mandated reporter] who knowingly prevents another person from reporting, or who knowingly fails to provide information as required, shall be guilty of a petty misdemeanor.</p> <p>HAW. REV. STAT. § 706-640 (2013)</p> <p>(e) Maximum fine of \$1000 when the conviction is a petty misdemeanor or a violation</p>

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<p><b>Penalty for Failure to Report</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 706-663 (2013)</p> <p>The court may sentence a person who has been convicted of a petty misdemeanor to imprisonment for a definite term to be fixed by the court and not to exceed a maximum of 30 days imprisonment in the case of a petty misdemeanor.</p>
<p><b>Mandatory Reporting Statute</b> (Hawaii)</p>	<p><b>AGAINST AN ADULT</b></p> <p>HAW. REV. STAT. § 346-224 (2013)</p>
<p><b>What has to be reported?</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 346-224 (2013)</p> <p>(a) A mandatory reporter in the performance of their professional or official duties who has reason to believe that a vulnerable adult has incurred abuse or is in danger of abuse if immediate action is not taken.</p>
<p><b>Relevant Definitions</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 346-222 (2013)</p> <p>“Abuse” means any of the following, separately or in combination:</p> <ol style="list-style-type: none"> <li>(1) Physical abuse;</li> <li>(2) Psychological abuse;</li> <li>(3) Sexual abuse;</li> <li>(4) Financial exploitation;</li> <li>(5) Caregiver neglect; or</li> <li>(6) Self-neglect;</li> </ol> <p>each as further defined in this chapter. Abuse does not include, and a determination of abuse shall not be based solely on, physical, psychological, or financial conditions that result when a vulnerable adult seeks, or when a caregiver provides or permits to be provided, treatment with the express consent of the vulnerable adult or in accordance with the vulnerable adult's religious or spiritual practices.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Hawaii)</p>	<p>“Capacity” means the ability to understand and appreciate the nature and consequences of making decisions concerning one's person or to communicate these decisions.</p> <p>“Caregiver” means any person who has knowingly and willingly assumed, on a part-time or full-time basis, the care, supervision, or physical control of, or who has a legal or contractual duty to care for the health, safety, and welfare of a vulnerable adult.</p> <p>“Caregiver neglect” means the failure of a caregiver to exercise that degree of care for a vulnerable adult that a reasonable person with the responsibility of a caregiver would exercise within the scope of the caregiver's assumed, legal or contractual duties, including but not limited to the failure to:</p> <ol style="list-style-type: none"> <li>(1) Assist with personal hygiene;</li> <li>(2) Protect the vulnerable adult from abandonment;</li> <li>(3) Provide, in a timely manner, necessary food, shelter, or clothing;</li> <li>(4) Provide, in a timely manner, necessary health care, access to health care, prescribed medication, psychological care, physical care, or supervision;</li> <li>(5) Protect the vulnerable adult from dangerous, harmful, or detrimental drugs, as defined in section 712-1240; provided that this paragraph shall not apply to drugs that are provided to the vulnerable adult pursuant to the direction or prescription of a practitioner, as defined in section 712-1240;</li> <li>(6) Protect the vulnerable adult from health and safety hazards; or</li> <li>(7) Protect the vulnerable adult from abuse by third parties.</li> </ol> <p>“Financial exploitation” means the wrongful taking, withholding, appropriation, or use of a vulnerable adult's money, real property, or personal property, including but not limited to:</p> <ol style="list-style-type: none"> <li>(1) The breach of a fiduciary duty, such as the misuse of a power of attorney or the misuse of guardianship privileges, resulting in the unauthorized appropriation, sale, or transfer of property;</li> <li>(2) The unauthorized taking of personal assets;</li> <li>(3) The misappropriation or misuse of moneys belonging to the vulnerable adult from a personal or joint account; or</li> <li>(4) The failure to effectively use a vulnerable adult's income and assets for the necessities required for the vulnerable adult's support and maintenance, by a person with a duty to expend income and assets on behalf of the vulnerable adult for such purposes.</li> </ol> <p>Financial exploitation may be accomplished through coercion, manipulation, threats, intimidation, misrepresentation, or exertion of undue influence.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Hawaii)</i>	<p>“Physical abuse” means:</p> <ol style="list-style-type: none"><li>(1) The nonaccidental infliction of physical or bodily injury, pain, or impairment, including but not limited to hitting, slapping, causing burns or bruises, poisoning, or improper physical restraint; or</li><li>(2) Causing physical injuries that are not justifiably explained or where the history given for an injury is at variance with the degree or type of injury.</li></ol> <p>“Psychological abuse” means the infliction of mental or emotional distress by use of threats, insults, harassment, humiliation, provocation, intimidation, or other means that profoundly confuse or frighten a vulnerable adult.</p> <p>“Self-neglect” means:</p> <ol style="list-style-type: none"><li>(1) A vulnerable adult's inability or failure, due to physical or mental impairment, or both, to perform tasks essential to caring for oneself, including but not limited to:<ol style="list-style-type: none"><li>(A) Obtaining essential food, clothing, shelter, and medical care;</li><li>(B) Obtaining goods and services reasonably necessary to maintain minimum standards of physical health, mental health, emotional well-being, and general safety; or</li><li>(C) Management of one's financial assets and obligations to accomplish the activities in subparagraphs (A) and (B); and</li></ol></li><li>(2) The vulnerable adult appears to lack sufficient understanding or capacity to make or communicate responsible decisions and appears to be exposed to a situation or condition that poses an immediate risk of death or serious physical harm.</li></ol> <p>“Sexual abuse” means nonconsensual sexual contact or conduct caused by another person, including but not limited to:</p> <ol style="list-style-type: none"><li>(1) Sexual assault, molestation, sexual fondling, incest, or prostitution; or</li><li>(2) Pornographic photographing, filming, or depiction.</li></ol> <p>“Vulnerable adult” means a person eighteen years of age or older who, because of mental, developmental, or physical impairment, is unable to:</p> <ol style="list-style-type: none"><li>(1) Communicate or make responsible decisions to manage the person's own care or resources;</li><li>(2) Carry out or arrange for essential activities of daily living; or</li><li>(3) Protect oneself from abuse, as defined in this part.</li></ol>
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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 346-224 (2013)</p> <p>(a) The following persons in the performance of their professional or official duties:</p> <ol style="list-style-type: none"> <li>(1) Any licensed or registered professional of the healing arts and any health-related occupation who examines, treats, or provides other professional or specialized services to a vulnerable adult, including, physicians, physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals;</li> <li>(2) Employees or officers of any public or private agency or institution providing social, medical, hospital or mental health services, including financial assistance;</li> <li>(3) <b>Employees or officers of any law enforcement agency including, but not limited to, the courts, police departments, correctional institutions, and parole or probation offices;</b></li> <li>(4) Employees or officers of any adult residential care home, adult day care center, or similar institution; and</li> <li>(5) Medical examiners or coroners.</li> <li>(6) Social workers licensed pursuant to chapter 467E and non-licensed person employed in a social worker position pursuant to section 467E-6(2).</li> </ol>
<p><b>Reporting Procedures</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 346-224 (2013)</p> <p>(a) Shall promptly report the matter orally to the department of human services.</p> <p>(b) The initial oral report required by subsection (a) shall be followed as soon as possible by a written report to the department [of human services]; provided that where a police department is the initiating agency, a written report shall not be required unless the police department declines to take further action and the department informs the police department that it intends to pursue the matter of the orally reported incident of abuse. A written report shall contain:</p> <ol style="list-style-type: none"> <li>(1) The name and address of the vulnerable adult, if known;</li> <li>(2) The name and address of the party who is alleged to have committed or been responsible for the abuse, if known;</li> <li>(3) The nature and extent of the vulnerable adult's injury or harm; and</li> <li>(4) Any other information the reporter believes may be helpful in establishing the cause of the abuse.</li> </ol>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> (Hawaii)</p>	<p>HAW. REV. STAT. § 346-224 (2013)</p> <p>(e) Any person who knowingly fails to report as required by this section or who willfully prevents another person from reporting pursuant to this section shall be guilty of a petty misdemeanor.</p> <p>HAW. REV. STAT. § 706-663 (2013)</p> <p>The court may sentence a person who has been convicted of a petty misdemeanor to imprisonment for a definite term to be fixed by the court and not to exceed a maximum of 30 days.</p> <p>HAW. REV. STAT. § 706-640 (2013)</p> <p>When the conviction is for a petty misdemeanor the maximum fine is \$1,000.</p>
<p><b>IDAHO</b></p>	
<p><b>Mandatory Reporting Statute</b> (Idaho)</p>	<p><b>AGAINST A CHILD</b></p> <p>IDAHO CODE ANN. § 16-1605 (2013)</p>
<p><b>What has to be reported?</b> (Idaho)</p>	<p>IDAHO CODE ANN. § 16-1605 (2013)</p> <p>(1) Reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect.</p>

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## The Project on Addressing Prison Rape

<b>Relevant Definitions</b> (Idaho)	IDAHO CODE ANN. § 16-1602 (2013)  (1) “Abused” means any case in which a child has been the victim of: (a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or (b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.  (2) “Abandoned” means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.  (7) “Child” means an individual who is under the age of eighteen (18) years.  (12) "Custodian" means a person, other than a parent or legal guardian, to whom legal or joint legal custody of the child has been given by court order.  (13) “Department” means the department of health and welfare and its authorized representatives.  (16) "Foster care" means twenty-four (24) hour substitute parental care for children placed away from their parents or guardians by persons who may or may not be related to the children and for whom the state agency has placement and care responsibility.  (22) “Law enforcement agency” means a city police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county. (23) "Legal custody" means a relationship created by court order, which vests in a custodian the following rights and
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Idaho)</p>	<p>responsibilities:</p> <p>(a) To have physical custody and control of the child, and to determine where and with whom the child shall live.</p> <p>(b) To supply the child with food, clothing, shelter and incidental necessities.</p> <p>(c) To provide the child with care, education and discipline.</p> <p>(d) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children; and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.</p> <p>(e) Where the parents share legal custody, the custodian may be vested with the custody previously held by either or both parents.</p> <p>(24) "Mental injury" means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.</p> <p>(25) "Neglected" means a child:</p> <p style="padding-left: 40px;">(a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or</p> <p style="padding-left: 40px;">(b) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being ; or</p> <p style="padding-left: 40px;">(c) Who has been placed for care or adoption in violation of law; <b>or</b></p> <p style="padding-left: 40px;">(d) Who is without proper education because of the failure to comply with section 33-202, Idaho Code.</p>
<p><b>Persons Required to Report</b> (Idaho)</p>	<p>IDAHO CODE ANN. § 16-1605 (2013)</p> <p>(1) Any:</p> <ul style="list-style-type: none"> <li>• Physician, resident on a hospital staff, intern, nurse, coroner;</li> <li>• School teacher;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> <i>(Idaho)</i></p>	<ul style="list-style-type: none"> <li>• Day care personnel;</li> <li>• Social worker; or</li> <li>• <b>Other person</b> having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect.</li> </ul>
<p><b>Reporting Procedures</b> <i>(Idaho)</i></p>	<p>IDAHO CODE ANN. § 16-1605 (2013)</p> <p>(1) A mandatory reporter shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the department.</p>
<p><b>Penalty for Failure to Report</b> <i>(Idaho)</i></p>	<p>IDAHO CODE ANN. § 16-1605 (2013)</p> <p>(4) Failure to report as required by this section shall be a misdemeanor.</p> <p>IDAHO CODE ANN. § 16-1607 (2013)</p> <p><u>Civil penalties:</u> Any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of two thousand five hundred dollars (\$ 2,500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.</p> <p>IDAHO CODE ANN. § 18-113 (2013)</p> <p>(1) Except in cases where a different punishment is prescribed in this code, every offense declared to be a misdemeanor, is</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report Cont'd</b> <i>(Idaho)</i>	punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.
<b>Mandatory Reporting Statute</b> <i>(Idaho)</i>	<b>AGAINST AN ADULT</b>  IDAHO CODE ANN. § 39-5303 (2013)
<b>What has to be reported?</b> <i>(Idaho)</i>	IDAHO CODE ANN. § 39-5303 (2013)  (1) Reasonable cause to believe that a vulnerable adult is being or has been abused, neglected or exploited.
<b>Relevant Definitions</b> <i>(Idaho)</i>	IDAHO CODE ANN. § 39-5302 (2013)  (10) Vulnerable adult means a person eighteen (18) years of age or older who is unable to protect himself from abuse, neglect or exploitation due to physical or mental impairment which affects the person's judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person.  (1) Abuse means the intentional or negligent infliction of physical pain, injury or mental injury.  (2) "Caretaker" means any individual or institution that is responsible by relationship, contract, or court order to provide food, shelter or clothing, medical or other life-sustaining necessities to a vulnerable adult.  (3) Commission means the Idaho commission on aging.  (7) "Exploitation" means an action which may include, but is not limited to, the unjust or improper use of a vulnerable adult's financial power of attorney, funds, property, or resources by another person for profit or advantage.  (8) "Neglect" means failure of a caretaker to provide food, clothing, shelter or medical care reasonably necessary to sustain the life

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Idaho)</i>	and health of a vulnerable adult, or the failure of a vulnerable adult to provide those services for himself.
<b>Persons Required to Report</b> <i>(Idaho)</i>	IDAHO CODE ANN. § 39-5303 (2013)  (1) Any: <ul style="list-style-type: none"> <li>• <b>Police officer;</b></li> <li>• Physician;</li> <li>• Nurse;</li> <li>• Employee of a public or private health facility, or a state licensed or certified residential facility serving vulnerable adults,</li> <li>• medical examiner;</li> <li>• Dentist;</li> <li>• Ombudsman for the elderly;</li> <li>• Osteopath;</li> <li>• Optometrist;</li> <li>• Chiropractor;</li> <li>• Podiatrist;</li> <li>• Social worker;</li> <li>• Pharmacist;</li> <li>• Physical therapist; or</li> <li>• Home care worker.</li> </ul>
<b>Reporting Procedures</b> <i>(Idaho)</i>	IDAHO CODE ANN. § 39-5303 (2013)  (1) Immediately report such information to the commission [on aging]. When there is reasonable cause to believe that abuse or sexual assault has resulted in death or serious physical injury jeopardizing the life, health or safety of a vulnerable adult, any

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### The Project on Addressing Prison Rape

<b>Reporting Procedures</b> <i>(Idaho)</i>	person required to report under this section shall also report such information within four (4) hours to the appropriate law enforcement agency.
<b>Penalty for Failure to Report</b> <i>(Idaho)</i>	<p>IDAHO CODE ANN. § 39-5303 (2013)</p> <p>(2) Failure to report as provided under this section is a misdemeanor.</p> <p>IDAHO CODE ANN. § 18-113 (2013)</p> <p>(1) Punishable by imprisonment in a county jail not exceeding six (6) months or by a fine not exceeding one thousand dollars (\$1,000), or by both.</p>
<b>ILLINOIS</b>	
<b>Mandatory Reporting Statute</b> <i>(Illinois)</i>	<p><b>AGAINST A CHILD</b></p> <p>325 ILL. COMP. STAT. ANN. 5/4 (West 2013)</p>
<b>What has to be reported?</b> <i>(Illinois)</i>	<p>325 ILL. COMP. STAT. ANN. 5/4 (West 2013)</p> <p>§4: Reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child.</p> <p>The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.</p>

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### The Project on Addressing Prison Rape

<p><b>What has to be reported? Cont'd</b> <i>(Illinois)</i></p>	<p>A member of the clergy may claim the privilege.</p>
<p><b>Relevant Definitions</b> <i>(Illinois)</i></p>	<p>325 ILL. COMP. STAT. ANN. 5/3 (West 2013)</p> <p>§ 3:</p> <p>“Child” means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.</p> <p>“Department” means Department of Children and Family Services.</p> <p>“Abused child” means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:</p> <ul style="list-style-type: none"> <li>(a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;</li> <li>(b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;</li> <li>(c) commits or allows to be committed any sex offense against such child and extending those definitions of sex offenses to include children under 18 years of age;</li> <li>(d) commits or allows to be committed an act or acts of torture upon such child;</li> <li>(e) inflicts excessive corporal punishment;</li> <li>(f) commits or allows to be committed the offense of female genital mutilation, against the child; or</li> <li>(g) causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance except for controlled substances that are prescribed and are dispensed to such child in a manner that substantially complies with the prescription;</li> </ul>

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## The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Illinois)</i></p>	<p>(h) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude or a minor, or trafficking in persons for forced labor or services.</p> <p>A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.</p> <p>“Neglected child” means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.</p> <p>“Person responsible for the child's welfare” means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Persons Required to Report</b> <i>(Illinois)</i>	325 ILL. COMP. STAT. ANN. 5/4 (West 2013)  § 4:  Persons required to report: <ul style="list-style-type: none"><li>• <b>Law enforcement officer;</b></li><li>• <b>Probation officer;</b></li><li>• Field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), <b>Corrections</b>, Human Rights, or Children and Family Services, <b>Juvenile Justice;</b></li><li>• Physician;</li><li>• Resident;</li><li>• Intern;</li><li>• Hospital;</li><li>• Hospital administrator and personnel engaged in examination, care and treatment of persons;</li><li>• Surgeon;</li><li>• Dentist;</li><li>• Dentist hygienist;</li><li>• Osteopath;</li><li>• Chiropractor;</li><li>• Podiatrist;</li><li>• Physician assistant;</li><li>• Substance abuse treatment personnel;</li><li>• Funeral home director or employee;</li><li>• Coroner;</li><li>• Medical examiner;</li><li>• Emergency medical technician;</li></ul>
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**NOTE:**

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American University, Washington College of Law  
Current as of January 2014

## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> <i>(Illinois)</i></p>	<ul style="list-style-type: none"><li>• Acupuncturist;</li><li>• Crisis line or hotline personnel;</li><li>• School personnel (including administrators and both certified and non-certified school employees);</li><li>• Educational advocate assigned to a child pursuant to the School Code;</li><li>• Member of a school board or the Chicago Board of Education of the governing body of a private school (but only to the extent required in accordance with other provisions of this Section expressly concerning the duty of school board members to report suspected child abuse);</li><li>• Truant officers;</li><li>• Social worker</li><li>• Social services administrator;</li><li>• Domestic violence program personnel;</li><li>• Registered nurse;</li><li>• Licensed practical nurse;</li><li>• Genetic counselor;</li><li>• Respiratory care practitioner;</li><li>• Advanced practice nurse;</li><li>• Home health aide;</li><li>• Director or staff assistant of a nursery school or a child day care center;</li><li>• Recreational program or facility personnel;</li><li>• Licensed professional counselor;</li><li>• Licensed clinical professional counselor;</li><li>• Registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist;</li><li>• Supervisor and administrator of general assistance under the Illinois Public Aid Code;</li><li>• Or any other foster parent, homemaker or child care worker.</li></ul>
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<p><b>Reporting Procedures</b> <i>(Illinois)</i></p>	<p>325 ILL. COMP. STAT. ANN. 5/4 (West 2013)</p> <p>§ 4: Immediately report or cause a report to be made to the Department.</p> <p>325 ILL. COMP. STAT. ANN. 5/7 (West 2013)</p> <p>§ 7: All reports of suspected child abuse or neglect made under this Act shall be made immediately by telephone to the central register...on the single, State-wide, toll-free telephone number (800-25-ABUSE)..., or in person or by telephone through the nearest Department office.</p>
<p><b>Penalty for Failure to Report</b> <i>(Illinois)</i></p>	<p>325 ILL. COMP. STAT. ANN. 5/4 (West 2013)</p> <p>§ 4: Any person required by this Act to report suspected child abuse and neglect who willfully fails to report such is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.</p> <p>325 ILL. COMP. STAT. ANN. 5/4.02 (West 2013)</p> <p>§ 4.02: Any physician who willfully fails to report suspected child abuse or neglect as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action. Any dentist or dental hygienist who willfully fails to report suspected child abuse or neglect as required by this Act shall be referred to the Department of Professional Regulation for action.</p>

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### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> <i>(Illinois)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>320 ILL. COMP. STAT. ANN. 20/4 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Illinois)</i></p>	<p>320 ILL. COMP. STAT. ANN. 20/4 (West 2013)</p> <p>(a) Suspicion of abuse, neglect, financial exploitation, or self-neglect of an eligible adult.</p>
<p><b>Relevant Definitions</b> <i>(Illinois)</i></p>	<p>320 ILL. COMP. STAT. ANN. 20/2 (West 2013)</p> <p>(a) “Abuse” means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.</p> <p>(a-7) “Caregiver” means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.</p> <p>(e) “Eligible adult” means either an adult with disabilities aged 18 through 59 or a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual.</p> <p>(g) “Neglect” means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.</p> <p>(i-5) “Self-neglect” means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health,</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Illinois)</i></p>	<p>mental health, emotional well-being, and general safety.</p>
<p><b>Persons Required to Report</b> <i>(Illinois)</i></p>	<p>320 ILL. COMP. STAT. ANN. 20/4 (West 2011)</p> <p>(a) <b>Any person</b> who suspects the abuse, neglect, financial exploitation, or self-neglect of an eligible adult.</p> <p>320 ILL. COMP. STAT. ANN. 20/2 (West 2011)</p> <p>(f-5) “Mandated reporter” means any of the following persons while engaged in carrying out their professional duties:</p> <p>(1) A professional or professional's delegate while engaged in: (i) social services, (ii) <b>law enforcement</b>, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;</p> <p>(1.5) An employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;</p> <p>(2) An employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;</p> <p>(3) An administrator, employee, or person providing services in or through an unlicensed community based facility;</p> <p>(4) Any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;</p>

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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> <i>(Illinois)</i></p>	<p>(5) Field personnel of the Department of Public Health, and Department of Human Services, Department of Public Aid, and any county or municipal health department;</p> <p>(6) Personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;</p> <p>(7) Any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services to all other persons having direct contact with eligible adults;</p> <p>(8) A person who performs the duties of a coroner or medical examiner; or</p> <p>(9) A person who performs the duties of a paramedic or an emergency medical technician.</p>
<p><b>Reporting Procedures</b> <i>(Illinois)</i></p>	<p>320 ILL. COMP. STAT. ANN. 20/4 (West 2013)</p> <p>(a-5) If any mandated reporter has reason to believe that an eligible adult, who because of dysfunction is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, neglect, or financial exploitation, the mandated reporter shall, within 24 hours after developing such belief, report this suspicion to an agency designated to receive such reports under this Act or to the Department [on Aging of the State of Illinois]. Whenever a mandated reporter is required to report under this Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, board and care home, or agency, he or she shall make a report to an agency designated to receive such reports under this Act or to the Department in accordance with the provisions of this Act and may also notify the person in charge of the institution, facility, board and care home, or agency or his or her designated agent that the report has been made.</p> <p>Under no circumstances shall any person in charge of such institution, facility, board and care home, or agency, or his or her designated agent to whom the notification has been made, exercise any control, restraint, modification, or other change in the report or the forwarding of the report to an agency designated to receive such reports under this Act or to the Department. The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused, neglected, or financially exploited eligible adults and shall not constitute grounds for failure to report as required by this Act.</p>

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Illinois)</i>	320 ILL. COMP. STAT. ANN. 20/4 (West 2013)  (e) Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board. Any dentist or dental hygienist who willfully fails to report as required by this Act shall be referred to the Department of Professional Regulation. Any optometrist who willfully fails to report as required by this Act shall be referred to the Department of Financial and Professional Regulation. Any other mandated reporter required by this Act to report suspected abuse, neglect, or financial exploitation who willfully fails to report the same is guilty of a Class A misdemeanor.
<b>INDIANA</b>	
<b>Mandatory Reporting Statute</b> <i>(Indiana)</i>	<b>AGAINST A CHILD</b>  IND. CODE ANN. § 31-33-5-1 (West 2013)
<b>What has to be reported?</b> <i>(Indiana)</i>	IND. CODE ANN. § 31-33-5-1 (West 2013)  Sec. 1 Reason to believe that a child is a victim of child abuse or neglect.
<b>Relevant Definitions</b> <i>(Indiana)</i>	IND. CODE ANN. § 31-9-2-14 (West 2013)  Sec. 14 (a) Child abuse or neglect...refers to a child who is alleged to be a child in need of services.  IND. CODE ANN. § 31-34-1-1 (West 2013)  Sec. 1. A child is a child in need of services if before the child becomes eighteen (18) years of age: (1) The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or

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<p><b>Relevant Definitions Cont'd</b> (Indiana)</p>	<p>neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision; and</p> <p>(2) The child needs care, treatment, or rehabilitation that:</p> <p style="padding-left: 20px;">(A) the child is not receiving; and</p> <p style="padding-left: 20px;">(B) is unlikely to be provided or accepted without the coercive intervention of the court.</p> <p>IND. CODE ANN. § 31-34-1-3 (West 2013)</p> <p>(a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:</p> <p style="padding-left: 20px;">(1) the child is the victim of a sex offense under:</p> <p style="padding-left: 40px;">(A) rape;</p> <p style="padding-left: 40px;">(B) criminal deviate conduct;</p> <p style="padding-left: 40px;">(C) child molesting;</p> <p style="padding-left: 40px;">(D) child exploitation;</p> <p style="padding-left: 40px;">(E) child seduction;</p> <p style="padding-left: 40px;">(F) sexual misconduct with a minor;</p> <p style="padding-left: 40px;">(G) public indecency; indecent exposure;</p> <p style="padding-left: 40px;">(H) prostitution;</p> <p style="padding-left: 40px;">(I) incest;</p> <p style="padding-left: 40px;">(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I).</p>
<p><b>Persons Required to Report</b> (Indiana)</p>	<p>IND. CODE ANN. § 31-33-5-1 (West 2013)</p> <p><b>An individual</b> who has reason to believe that a child is a victim of child abuse or neglect.</p>

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<p><b>Reporting Procedures</b> <i>(Indiana)</i></p>	<p>IND. CODE ANN. § 31-33-5-4 (West 2013)</p> <p>Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:</p> <p style="padding-left: 20px;">(1) the department; or</p> <p style="padding-left: 20px;">(2) the local law enforcement agency.</p>
<p><b>Penalty for Failure to Report</b> <i>(Indiana)</i></p>	<p>IND. CODE ANN. § 31-33-22-1 (West 2013)</p> <p>Sec. 1. (a) A person who knowingly fails to make a report required by IND. CODE ANN. § 31-33-5-1 commits a Class B misdemeanor.</p> <p style="padding-left: 40px;">(b) A person who knowingly fails to make a report required by IND. CODE ANN. § 31-33-5-2 commits a Class B misdemeanor. This penalty is in addition to the penalty imposed by subsection (a).</p> <p>IND. CODE ANN. § 35-50-3-3 (West 2013)</p> <p>Class B misdemeanor</p> <p>Sec. 3. A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than one hundred eighty (180) days; in addition, he may be fined not more than one thousand dollars (\$1,000).</p>
<p><b>Mandatory Reporting Statute</b> <i>(Indiana)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>IND. CODE ANN. § 35-46-1-13 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Indiana)</i></p>	<p>IND. CODE ANN. § 35-46-1-13 (West 2013)</p> <p>(a)(1) Believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation.</p>

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<p><b>Relevant Definitions</b> <i>(Indiana)</i></p>	<p>IND. CODE ANN. § 12-10-3-2 (West 2013)</p> <p>(b) “Endangered Adult” means an individual who is:</p> <ul style="list-style-type: none"> <li>(1) at least eighteen (18) years of age;</li> <li>(2) incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and</li> <li>(3) harmed or threatened with harm as a result of: <ul style="list-style-type: none"> <li>(A) neglect; or</li> <li>(B) battery</li> </ul> </li> </ul> <p>(c) An individual is not an endangered adult solely:</p> <ul style="list-style-type: none"> <li>(1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or</li> <li>(2) on the basis of being physically unable to provide self care when appropriate care is being provided.</li> </ul>
<p><b>Persons Required to Report</b> <i>(Indiana)</i></p>	<p>IND. CODE ANN. § 35-46-1-13 (West 2013)</p> <p>(a)(1) <b>A person</b> who believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation.</p>
<p><b>Reporting Procedures</b> <i>(Indiana)</i></p>	<p>IND. CODE ANN. § 35-46-1-13 (West 2013)</p> <p>(a)(2) Report the facts supporting that belief to the division of disability and rehabilitative services, the adult protective services unit, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult.</p>
<p><b>Penalty for Failure to Report</b> <i>(Indiana)</i></p>	<p>IND. CODE ANN. § 35-46-1-13 (West 2013)</p> <p>(a)(2) Class B Misdemeanor</p> <p>(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay or</p>

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<p><b>Penalty for Failure to Report Cont'd</b> <i>(Indiana)</i></p>	<p>work privileges, or takes other action to retaliate against an individual who in good faith makes a report concerning an endangered individual commits a Class A infraction.</p> <p>IND. CODE ANN. § 35-50-3-3 (West 2013)</p> <p>Class B Misdemeanor: A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than one hundred eighty (180) days; in addition, he may be fined not more than one thousand dollars (\$1000)</p>
<p><b>IOWA</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Iowa)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>IOWA CODE § 232.69 (2013)</p>
<p><b>What has to be reported?</b> <i>(Iowa)</i></p>	<p>IOWA CODE § 232.69 (2013)</p> <p>(1)The classes of persons enumerated in this section shall make a report within twenty-four hours of cases of child abuse. In addition, the classes of persons enumerated in this subsection shall make a report of abuse of a child who is under twelve years of age and may make a report of abuse of a child who is twelve years of age or older which would be defined as child abuse under section 232.68, subsection 2, paragraph “a”, subparagraph (3) or (5), except that the abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child.</p>

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<b>Relevant Definitions</b> (Iowa)	IOWA CODE § 232.68 (2013)  1. “Child” means any person under the age of eighteen years. 2. a. “Child Abuse” or “Abuse” means: (1) Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child. (2) Any mental injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional. (3) The commission of a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the care of the child. The commission of a sexual offense under this paragraph includes any sexual offense referred to in this paragraph with or to a person under the age of eighteen years. (4) The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child, however this provision shall not preclude a court from ordering that medical service be provided to the child where the child's health requires it. (5) The acts or omissions of a person responsible for the care of a child which allow, permit, or encourage the child to engage in acts prohibited. Acts or omissions under this paragraph include an act or omission referred to in this paragraph with or to a person under the age of eighteen years. (6) An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child. (7) The person responsible for the care of a child has, in the presence of the child, manufactured a dangerous substance, or in the presence of the child possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance. (8) The commission of bestiality in the presence of a minor by a person who resides in a home with a child, as a result of the
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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Iowa)</p>	<p>acts or omissions of a person responsible for the care of the child.</p> <p>(9) Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry under chapter 692A for a violation of section 726.6.</p> <p>(10) The person responsible for the care of the child has knowingly allowed the child access to obscene material as defined in section 728.1 or has knowingly disseminated or exhibited such material to the child.</p> <p>7. "Person responsible for the care of a child" means:</p> <ol style="list-style-type: none"> <li>a. A parent, guardian, or foster parent.</li> <li>b. A relative or any other person with whom the child resides and who assumes care or supervision of the child, without reference to the length of time or continuity of such residence.</li> <li>c. An employee or agent of any public or private facility providing care for a child, including an institution, hospital, health care facility, group home, mental health center, residential treatment center, shelter care facility, detention center, or child care facility.</li> <li>d. Any person providing care for a child, but with whom the child does not reside, without reference to the duration of the care.</li> </ol>
<p><b>Persons Required to Report</b> (Iowa)</p>	<p>IOWA CODE § 232.69 (2013)</p> <p>(1)(a) Every health practitioner who in the scope of professional practice examines, attends, or treats a child.</p> <p>(1)(b) Any of the following persons who, in the scope of professional practice or in their employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes a child has suffered abuse:</p> <ol style="list-style-type: none"> <li>(1) A social worker;</li> <li>(2) An employee or operator of a public or private health care facility;</li> <li>(3) A certified psychologist;</li> <li>(4) A licensed school employee, certified para-educator, holder of a coaching authorization, or an instructor employed by a community college;</li> <li>(5) An employee or operator of a licensed child care center, registered child development home, head start program, family development and self-sufficiency grant program or healthy opportunities for parents to experience success-</li> </ol>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Iowa)</p>	<p>healthy families Iowa program;</p> <p>(6) An employee or operator of a substance abuse program or facility;</p> <p>(7) An employee of a department of human services institution;</p> <p>(8) <b>An employee or operator of a juvenile detention</b> or juvenile shelter care facility;</p> <p>(9) An employee or operator of a foster care facility;</p> <p>(10) An employee or operator of a mental health center;</p> <p>(11) <b>A peace officer</b>;</p> <p>(12) A counselor or mental health professional;</p> <p>(13) An employee or operator of a provider of services to children funded under a federally approved medical assistance home and community-based services waiver.</p> <p>2. Any other person who believes that a child has been abused may make a report.</p>
<p><b>Reporting Procedures</b> (Iowa)</p>	<p>IOWA CODE § 232.69 (2013)</p> <p>(1) The classes of person enumerated in this subsection shall make report within 24 hours.</p> <p>IOWA CODE § 232.70 (2013)</p> <p>1. Each report made by a mandatory reporter shall be made both orally and in writing. Each report made by a permissive reporter may be oral, written, or both.</p> <p>2. The employer or supervisor of a person who is a mandatory or permissive reporter shall not apply a policy, work rule, or other requirement that interferes with the person making a report of child abuse.</p> <p>3. The oral report shall be made by telephone or otherwise to the department of human services. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.</p> <p>4. The written report shall be made to the department of human services within forty-eight hours after such oral report.</p> <p>6. The oral and written reports shall contain the following information, or as much thereof as the person making the report is able</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> (Iowa)</p>	<p>to furnish:</p> <ol style="list-style-type: none"> <li>a. The names and home address of the child and the child's parents or other persons believed to be responsible for the child's care;</li> <li>b. The child's present whereabouts if not the same as the parent's or other person's home address;</li> <li>c. The child's age;</li> <li>d. The nature and extent of the child's injuries, including any evidence of previous injuries;</li> <li>e. The name, age and condition of other children in the same home;</li> <li>f. Any other information which the person making the report believes might be helpful in establishing the cause of the injury to the child, the identity of the person or persons responsible for the injury, or in providing assistance to the child; and</li> <li>g. The name and address of the person making the report.</li> </ol>
<p><b>Penalty for Failure to Report</b> (Iowa)</p>	<p>IOWA CODE § 232.75 (2013)</p> <p>(1) Any person, official, agency or institution required to report a suspected case of child abuse who knowingly and willfully failed to do so is guilty of a simple misdemeanor.</p> <p>(2) Any person, official, agency, or institution required to report a suspected case of child abuse who knowingly fails to do so or who knowingly interferes with the making of such a report is civilly liable for the damages proximately caused by such failure or interference.</p> <p>IOWA CODE § 903.1 (2013)</p> <p>1. a. For a simple misdemeanor, there shall be a fine of at least sixty-five dollars [\$65.00] but not to exceed six hundred twenty-five dollars [\$625.00]. The court may order imprisonment not to exceed thirty [30] days in lieu of a fine or in addition to a fine.</p>

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### The Project on Addressing Prison Rape

<b>Mandatory Reporting Statute</b> <i>(Iowa)</i>	<b>AGAINST AN ADULT</b>  IOWA CODE § 235B.3 (2013)
<b>What has to be reported?</b> <i>(Iowa)</i>	IOWA CODE § 235B.3 (2013)  2. A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse.
<b>Relevant Definitions</b> <i>(Iowa)</i>	IOWA CODE § 235B.2 (2013)  1. “Caretaker” means a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.  4. “Dependent adult” means a person eighteen years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule.  5. a. “Dependent adult abuse” means: (1) Any of the following as a result of the willful or negligent acts or omissions of a caretaker: (a) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult. (b) The commission of a sexual offense with or against a dependent adult. (c) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses. (d) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Iowa)</p>	<p>necessary to maintain a dependent adult's life or health.</p> <p>(2) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.</p> <p>(3)(a) Sexual exploitation of a dependent adult by a caretaker.</p> <p>(3)(b) "Sexual exploitation" means any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to the treatment or diagnosis or as part of an ongoing assessment, evaluation or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.</p>
<p><b>Persons Required to Report</b> (Iowa)</p>	<p>IOWA CODE § 235B.3 (2013)</p> <p>(2) Persons required to report include all of the following:</p> <ul style="list-style-type: none"> <li>a. A member of the staff of a community mental health center.</li> <li>b. <b>A peace officer.</b></li> <li>c. An in-home homemaker-home health aide.</li> <li>d. An individual employed as an outreach person.</li> <li>e. A health practitioner.</li> <li>f. A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center.</li> <li>g. A social worker.</li> <li>h. A certified psychologist.</li> </ul>

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### The Project on Addressing Prison Rape

<b>Reporting Procedures</b> <i>(Iowa)</i>	IOWA CODE § 235B.3 (2013)  2. Report the suspected dependent adult abuse to the department of human services.
<b>Penalty for Failure to Report</b> <i>(Iowa)</i>	IOWA CODE § 235B.3 (2013)  12. A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so commits a simple misdemeanor. A person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly interferes with the making of such a report or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure.  IOWA CODE § 903.1 (2013)  (1)(a) For a simple misdemeanor, there shall be a fine of at least sixty-five dollars [\$65.00] but not to exceed six hundred twenty-five dollars [\$625.00]. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine.
<b>KANSAS</b>	
<b>Mandatory Reporting Statute</b> <i>(Kansas)</i>	<b>AGAINST A CHILD</b>  KAN. STAT. ANN. § 38-2202 (2013) Article 22. Revised Kansas Code for Care of Children
<b>What has to be reported?</b> <i>(Kansas)</i>	KAN. STAT. ANN. § 38-2223 (2013)  (a) reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse. ...

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### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> ( <i>Kansas</i> )	KAN. STAT. ANN. § 38-2202 (2013)  (a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child. (b) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders. (c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child. (d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to KAN. STAT. ANN. 38-2242, and amendments thereto, who:  (1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian; (2) is without the care or control necessary for the child's physical, mental or emotional health; (3) has been physically, mentally or emotionally abused or neglected or sexually abused; (4) has been placed for care or adoption in violation of law; (5) has been abandoned or does not have a known living parent; (6) is not attending school as required by KAN. STAT. ANN. § 72-977 or 72-1111, and amendments thereto; (7) except in the case of a violation of KAN. STAT. ANN. § 21-4204a, 41-727, subsection (j) of KAN. STAT. ANN. § 74-8810 or subsection (m) or (n) of KAN. STAT. ANN. § 79-3321, and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult; (8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by KAN. STAT. ANN. § 21-3105, and amendments thereto (9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian (10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;
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<p><b>Relevant Definitions Cont'd</b> (Kansas)</p>	<p>(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused</p> <p>(12) while less than 10 years of age commits the offense defined in KAN. STAT. ANN. § 21-4204a, and amendments thereto; or</p> <p>(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve.</p> <p>(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by KAN. STAT. ANN. § 38-2207 and 38-2208, and amendments thereto.</p> <p>(g) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in KAN. STAT. ANN. § 38-2206, and amendments thereto, in a proceeding pursuant to this code</p> <p>(h) "Custody" whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court</p> <p>(i) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the home.</p> <p>(j) "Educational institution" means all schools at the elementary and secondary levels.</p> <p>(k) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in subsection (a) of KAN. STAT. ANN. § 72-89b03, and amendments thereto.</p> <p>(l) "Harm" means physical or psychological injury or damage.</p> <p>(m) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to KAN. STAT. ANN. § 38-2241, and amendments thereto or Indian tribe seeking to intervene that is not a party.</p> <p>(n) "Jail" means:</p> <p style="margin-left: 20px;">(1) An adult jail or lockup; or</p> <p style="margin-left: 20px;">(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable</p>
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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Kansas)</i></p>	<p>standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.</p> <p>(o) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.</p> <p>(p) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to KAN. STAT. ANN. § 75-7023, and amendments thereto.</p> <p>(q) "Kinship care" means the placement of a child in the home of the child's relative or in the home of another adult with whom the child or the child's parent already has a close emotional attachment</p> <p>(r) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.</p> <p>(t) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:</p> <ol style="list-style-type: none"><li>(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;</li><li>(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or</li><li>(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of KAN. STAT. ANN. § 38-2217, and amendments thereto.</li></ol> <p>(u) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.</p> <p>(x) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 38-2272, and</p>
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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Kansas)</i></p>	<p>amendments thereto.</p> <p>(y) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.</p> <p>(z) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.</p> <p>(aa) "Relative" means a person related by blood, marriage or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.</p> <p>(cc) "Secure facility" means a facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.</p> <p>(dd) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.</p> <p>(ee) "Shelter facility" means any public or private facility or home other than a juvenile detention facility that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.</p> <p>(hh) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.</p>
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<p><b>Persons Required to Report</b> (<i>Kansas</i>)</p>	<p>KAN. STAT. ANN. § 38-2223 (2013)</p> <p>(a) Persons making reports. (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);</p> <p>(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed professional or practical nurses; and chief administrative officers of medical care facilities;</p> <p>(B) The following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;</p> <p>(C) Teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; and</p> <p>(D) Firefighters, emergency medical services personnel, <b>law enforcement officers, juvenile intake and assessment workers, court services officers and community corrections officers</b>, case managers appointed under K.S.A. 23-1001 et seq., and amendments thereto, and mediators appointed under KAN. STAT. ANN. § 23- 602, and amendments thereto.</p> <p>(E) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.</p> <p>(2) In addition to the reports required under subsection (a)(1), <b>any person</b> who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).</p>
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<p><b>Reporting Procedures</b> (<i>Kansas</i>)</p>	<p>KAN. STAT. ANN. § 38-2223 (2013)</p> <p>(b) Form of report. (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.</p> <p>(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.</p> <p>(c) To whom made. Reports made pursuant to this section shall be made to the secretary, except as follows:</p> <p>(1) When the department of social and rehabilitation services is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to KAN. STAT. ANN. 2010 Supp. § 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.</p> <p>(2) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the department of social and rehabilitation services shall be made to the appropriate law enforcement agency.</p> <p>(d) Death of child. Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.</p>
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<p><b>Penalty for Failure to Report</b> (<i>Kansas</i>)</p>	<p>KAN. STAT. ANN. § 38-2223 (2013)</p> <p>(e) Violations. (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report. (2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor. (3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.</p> <p>(f) Immunity from liability. Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.</p> <p>KAN. STAT. ANN. § 21-6602 (2013)</p> <p>(a)(2) Class B, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six months.</p> <p>KAN. STAT. ANN. § 21-6611 (2013)</p> <p>(b) A person who has been convicted of a misdemeanor, in addition to or instead of the imprisonment authorized by law, may be sentenced to pay a fine which shall be fixed by the court as follows:(2) For a class B misdemeanor, a sum not exceeding \$1000</p>
<p><b>Mandatory Reporting Statute</b> (<i>Kansas</i>)</p>	<p><b>AGAINST AN ADULT</b></p> <p>KAN. STAT. ANN. § 39-1431 (2013); KAN. STAT. ANN. § 39-1402 (2011)</p>

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### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> (<i>Kansas</i>)</p>	<p>KAN. STAT. ANN. § 39-1431 (2013)</p> <p>(a) Reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services;</p> <p>KAN. STAT. ANN. § 39-1402 (2013)</p> <p>(a) Reasonable cause to believe that a resident is being or has being abused, neglected or exploited, or is in a conditions which is the result of such abuse, neglect or exploitation or is in need of protective services</p>
<p><b>Relevant Definitions</b> (<i>Kansas</i>)</p>	<p>KAN. STAT. ANN. § 39-1430 (2013)</p> <p>(a) “Adult” means an individual 18 years of age or older alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by either another individual or through their own action or inaction when (1) such person is residing in such person's own home, the home of a family member or the home of a friend, (2) such person resides in an adult family home, or (3) such person is receiving services through a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services or the department on aging or a residential facility.</p> <p>(b) “Abuse” means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:</p> <ul style="list-style-type: none"> <li>(1) Infliction of physical or mental injury;</li> <li>(2) any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;</li> <li>(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;</li> <li>(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Kansas)</i></p>	<p>with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult;</p> <p>(5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;</p> <p>(6) fiduciary abuse; or</p> <p>(7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.</p> <p>(c) "Neglect" means the failure or omission by one's self, caretaker or another person with a duty to supply or provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.</p> <p>(i) "Caretaker" means a person who has assumed the responsibility, whether legally or not, for an adult's care or financial management or both.</p> <p>KAN. STAT. ANN. § 39-1401 (2013)</p> <p>(a) "Resident" means:</p> <p>(1) Any resident, as defined by KAN. STAT. ANN. § 39-923 and amendments thereto; or</p> <p>(2) any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility; or</p> <p>(3) any individual, kept, cared for, treated, boarded or otherwise accommodated in a state psychiatric hospital or state institution for the mentally retarded.</p> <p>(f) "Abuse" means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a resident, including:</p> <p>(1) Infliction of physical or mental injury;</p> <p>(2) any sexual act with a resident when the resident does not consent or when the other person knows or should know that the resident is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;</p> <p>(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm a resident;</p> <p>(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health</p>
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**NOTE:**

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>Kansas</i>)</p>	<p>and safety of the resident or another resident;                      (5) a threat or menacing conduct directed toward a resident that results or might reasonably be expected to result in fear or emotional or mental distress to a resident;                      (6) fiduciary abuse; or                      (7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.</p> <p>(g) “Neglect” means the failure or omission by one's self, caretaker or another person with a duty to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.</p> <p>(i) “Exploitation” means misappropriation of resident property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.</p>
<p><b>Persons Required to Report</b> (<i>Kansas</i>)</p>	<p>KAN. STAT. ANN. § 39-1431 (2013)</p> <p>(a)</p> <ul style="list-style-type: none"> <li>• <b>A law enforcement officer;</b></li> <li>• Any person who is licensed to practice any branch of the healing arts;</li> <li>• a licensed psychologist;</li> <li>• A licensed master level psychologist;</li> <li>• A licensed clinical psychotherapist;</li> <li>• The chief administrative officer of a medical care facility;</li> <li>• A teacher;</li> <li>• A licensed social worker;</li> <li>• A licensed professional nurse;</li> <li>• A licensed practical nurse;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (<i>Kansas</i>)</p>	<ul style="list-style-type: none"> <li>• A licensed dentist;</li> <li>• A licensed marriage and family therapist;</li> <li>• A licensed clinical marriage and family therapist;</li> <li>• Licensed professional counselor;</li> <li>• Licensed clinical professional counselor;</li> <li>• Registered alcohol and drug abuse counselor;</li> <li>• A case manager;</li> <li>• A rehabilitation counselor;</li> <li>• A bank trust officer or any other officers of financial institutions;</li> <li>• A legal representative;</li> <li>• A governmental assistance provider;</li> <li>• An owner or operator of a residential care facility;</li> <li>• An independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services.</li> </ul>
<p><b>Reporting Procedures</b> (<i>Kansas</i>)</p>	<p>KAN. STAT. ANN. § 39-1431 (2013)</p> <p>(a) Shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner.... Reports shall be made to the department of social and rehabilitation services during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time social and rehabilitation services are not in operation. Law enforcement shall submit the report and appropriate information to the department of social and rehabilitation services on the first working day that social and rehabilitation services is in operation after receipt of such information.</p> <p>(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures Cont'd</b> <i>(Kansas)</i>	the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.
<b>Penalty for Failure to Report</b> <i>(Kansas)</i>	<p>KAN. STAT. ANN. § 39-1431 (2013)</p> <p>(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.</p> <p>KAN. STAT. ANN. § 21-6602 (2013)</p> <p>(a)(2) class B, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six months.</p> <p>KAN. STAT. ANN. § 21-6611 (2013)</p> <p>(b)(2) for a class B misdemeanor, a sum not exceeding \$1,000</p>
<b>KENTUCKY</b>	
<b>Mandatory Reporting Statute</b> <i>(Kentucky)</i>	<p><b>AGAINST A CHILD</b></p> <p>KY. REV. STAT. ANN. § 620.030 (West 2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> <i>(Kentucky)</i></p>	<p>KY. REV. STAT. ANN. § 620.030 (West 2013)</p> <p>(1) Knowledge or reasonable cause to believe that a child is dependent, neglected, or abused.</p>
<p><b>Relevant Definitions</b> <i>(Kentucky)</i></p>	<p>KY. REV. STAT. ANN. § 600.020 (West 2013)</p> <p>(1) “Abused or neglected child” means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:</p> <ul style="list-style-type: none"> <li>(a) Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;</li> <li>(b) Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;</li> <li>(c) Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, parental incapacity due to alcohol and other drug abuse;</li> <li>(d) Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;</li> <li>(e) Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;</li> <li>(f) Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;</li> <li>(g) Abandons or exploits the child;</li> <li>(h) Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child; or</li> <li>(i) Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) of the most recent twenty-two (22) months.</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Kentucky)</p>	<p>(8) “Child” means any person who has not reached his eighteenth birthday, unless otherwise provided.</p> <p>(16) “Court-designated worker” means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;</p>
<p><b>Persons Required to Report</b> (Kentucky)</p>	<p>KY. REV. STAT. ANN. § 620.030 (West 2013)</p> <p>(1) <b>Any person</b> who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's attorney or the county attorney; by telephone or otherwise.</p> <p>(2) <b>Any person</b>, including but not limited to:<sup>4</sup></p> <ul style="list-style-type: none"> <li>• <b>Peace officer;</b></li> <li>• Physician;</li> <li>• Osteopathic physician;</li> <li>• Nurse;</li> <li>• Teacher;</li> <li>• School personnel;</li> <li>• Social worker;</li> <li>• Coroner;</li> <li>• Medical examiner;</li> <li>• Child-caring personnel;</li> <li>• Resident;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> <i>(Kentucky)</i></p>	<ul style="list-style-type: none"> <li>• Intern;</li> <li>• Chiropractor;</li> <li>• Dentist;</li> <li>• Optometrist;</li> <li>• Emergency medical technician;</li> <li>• Paramedic;</li> <li>• Health professional;</li> <li>• Mental health professional; or</li> <li>• <b>Any organization or agency for any of the above.</b></li> </ul>
<p><b>Reporting Procedures</b> <i>(Kentucky)</i></p> <p><b>Reporting Procedures Cont'd</b> <i>(Kentucky)</i></p>	<p>KY. REV. STAT. ANN. § 620.030 (West 2013)</p> <p>(1) Immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's attorney or the county attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect or abuse shall promptly make a report to the proper authorities for investigation.</p> <p>(2) If requested, in addition to the report required in subsection (1), [a mandatory reporter shall] file with the local law enforcement agency or the Department of Kentucky State Police or the Commonwealth's or county attorney, the cabinet or its designated representative within forty-eight (48) hours of the original report a written report containing:</p> <ul style="list-style-type: none"> <li>(a) The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision;</li> <li>(b) The child's age;</li> <li>(c) The nature and extent of the child's alleged dependency, neglect or abuse including any previous charges of dependency, neglect or abuse to this child or his or her siblings;</li> <li>(d) The name and address of the person allegedly responsible for the abuse or neglect; and</li> <li>(e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Kentucky)</i>	<p>KY. REV. STAT. ANN. § 620.030 (West 2013)</p> <p>(6) Any person who intentionally violates the provisions of this section shall be guilty of a:</p> <ul style="list-style-type: none"><li>(a) Class B misdemeanor for the first offense;</li><li>(b) Class A misdemeanor for the second offense; and</li><li>(c) Class D felony for each subsequent offense.</li></ul> <p>KY. REV. STAT. ANN. § 532.090 (West 2013)</p> <p>A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:</p> <ul style="list-style-type: none"><li>(1) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and</li><li>(2) For a Class B misdemeanor, the term shall not exceed ninety (90) days.</li></ul> <p>KY. REV. STAT. ANN. § 532.060 (West 2013)</p> <p>(2) Unless otherwise provided by law, the authorized maximum terms of imprisonment for felonies are:</p> <ul style="list-style-type: none"><li>(d) For a Class D felony, not less than one (1) year nor more than five (5) years.</li></ul> <p>KY. REV. STAT. ANN. § 534.040 (West 2013)</p> <p>(2) [A] person who has been convicted of any offense other than a felony shall be sentenced, in addition to any other punishment imposed upon him, to pay a fine in an amount not to exceed:</p> <ul style="list-style-type: none"><li>(a) For a Class A misdemeanor, five hundred dollars (\$500); or</li><li>(b) For a Class B misdemeanor, two hundred fifty dollars (\$250)</li></ul> <p>KY. REV. STAT. ANN. § 534.030 (West 2013)</p> <p>[A] person who has been convicted of any felony shall, in addition to any other punishment imposed upon him, be sentenced to pay a fine in an amount not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000)</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> <i>(Kentucky)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>KY. REV. STAT. ANN. § 209.030 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Kentucky)</i></p>	<p>KY. REV. STAT. ANN. § 209.030 (West 2013)</p> <p>(2) Reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation.</p>
<p><b>Relevant Definitions</b> <i>(Kentucky)</i></p>	<p>KY. REV. STAT. ANN. § 209.020 (West 2013)</p> <p>(4) “Adult” means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services.</p> <p>(6) “Caretaker” means an individual or institution who has been entrusted with or who has the responsibility for the care of the adult as a result of family relationship, or who has assumed the responsibility for the care of the adult person voluntarily or by contract, employment, legal duty, or agreement;</p> <p>(8) “Abuse” means the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury.</p> <p>(9) “Exploitation” means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources;</p> <p>(16) “Neglect” means a situation in which an adult is unable to perform or obtain for himself or herself the goods or services that are necessary to maintain his or her health or welfare, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (Kentucky)</p>	<p>KY. REV. STAT. ANN. § 209.030 (West 2013) (2) <b>Any person</b> including, but not limited to:<sup>5</sup></p> <ul style="list-style-type: none"> <li>• <b>Law enforcement officer;</b></li> <li>• Physician;</li> <li>• Nurse;</li> <li>• Social worker;</li> <li>• Cabinet personnel;</li> <li>• Coroner;</li> <li>• Medical examiner;</li> <li>• Alternate care facility employee; or</li> <li>• Caretaker.</li> </ul>
<p><b>Reporting Procedures</b> (Kentucky)</p>	<p>KY. REV. STAT. ANN. § 209.030 (West 2013)</p> <p>(3) An oral or written report shall be made immediately to the Cabinet for Health and Family Services upon knowledge of suspected abuse, neglect, or exploitation of an adult.</p> <p>(4) Any person making such a report shall provide the following information, if known:</p> <ol style="list-style-type: none"> <li>(a) The name and address of the adult, or of any other person responsible for his care;</li> <li>(b) The age of the adult;</li> <li>(c) The nature and extent of the abuse, neglect, or exploitation, including any evidence of previous abuse, neglect, or exploitation;</li> <li>(d) The identity of the perpetrator, if known;</li> <li>(e) The identity of the complainant, if possible; and</li> <li>(f) Any other information that the person believes might be helpful in establishing the cause of abuse, neglect, or exploitation.</li> </ol>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> (<i>Kentucky</i>)</p>	<p>KY. REV. STAT. ANN. § 209.990 (West 2013)</p> <p>(1) Anyone knowingly or wantonly violating the provisions of this section shall be guilty of a Class B misdemeanor. Each violation shall constitute a separate offense.</p> <p>KY. REV. STAT. ANN. § 532.090 (West 2013)</p> <p>(1) For a Class B misdemeanor, the term [of imprisonment] shall not exceed ninety (90) days.</p> <p>KY. REV. STAT. ANN. § 534.040 (West 2013)</p> <p>(2)(b) For a Class B misdemeanor, two hundred fifty dollars (\$250).</p>
<p><b>LOUISIANA</b></p>	
<p><b>Mandatory Reporting Statute</b> (<i>Louisiana</i>)</p>	<p><b>AGAINST A CHILD</b></p> <p>LSA-Ch.C. Art. 609 (West 2013); LA. CHILD. CODE ANN. art. 609 (2013)</p>
<p><b>What has to be reported?</b> (<i>Louisiana</i>)</p>	<p>LSA-Ch.C. Art. 609 (West 2013); LA. CHILD. CODE ANN. art. 609 (2013)</p> <p>(A)(1) Cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death.</p>
<p><b>Relevant Definitions</b> (<i>Louisiana</i>)</p>	<p>LSA-Ch.C. Art. 603 (2013); LA. CHILD. CODE ANN. art. 603 (2013)</p> <p>(6) “Child” means a person under eighteen years of age who, prior to juvenile proceedings, has not been judicially emancipated or</p>

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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Louisiana)</p>	<p>emancipated by marriage.</p> <p>(2) “Abuse”: any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:</p> <ul style="list-style-type: none"><li>(a) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.</li><li>(b) The exploitation or overwork of a child by a parent or any other person.</li><li>(c) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.</li></ul> <p>(4) “Caretaker” means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person providing a residence for the child.</p> <p>(12) “Crime against the child” shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes:</p> <ul style="list-style-type: none"><li>(a) Homicide.</li><li>(b) Battery.</li><li>(c) Assault.</li><li>(d) Rape.</li><li>(e) Sexual battery.</li><li>(f) Kidnapping.</li><li>(g) Criminal neglect.</li><li>(h) Criminal abandonment.</li><li>(i) Incest.</li><li>(j) Carnal knowledge of a juvenile.</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Louisiana)</p>	<p>(k) Indecent behavior with juveniles.                  (l) Pornography involving juveniles.                  (m) Molestation of a juvenile.                  (n) Crime against nature.                  (o) Cruelty to juveniles.                  (p) Contributing to the delinquency or dependency of children.                  (q) Sale of minor children.                  (r) Human trafficking.                  (s) Trafficking of children for sexual purposes.</p> <p>(16) “Institutional abuse or neglect” means any case of child abuse or neglect that occurs in any public or private facility that provides residential child care, treatment, or education.</p> <p>(18) “Neglect” means the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect. Consistent with Article 606(B), the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.</p>
<p><b>Persons Required to Report</b> (Louisiana)</p>	<p>LSA-Ch.C. Art. 603 (2013); LA. CHILD. CODE ANN. art. 603 (2013)</p> <p>(17) “Mandatory Reporter” is any of the following individuals performing their occupational duties:                  (a) Health practitioner is any individual who provides health care services, including a physician, surgeon, physical therapist, dentist, resident, intern, hospital staff member, podiatrist, chiropractor, licensed nurse, nursing aide, dental hygienist, any emergency medical technician, a paramedic, optometrist, medical examiner, or coroner, who diagnoses, examines, or</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Louisiana)</p>	<p>treats a child or his family;</p> <p>(b) “Mental health/social service practitioner” is any individual who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other individual who provides counseling services to a child or his family;</p> <p>(c) “Member of the clergy” any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization, except that he is not required to report a confidential communication from a person to a member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, he shall encourage that person to report the allegations to the appropriate authorities;</p> <p>(d) Teaching or child care provider is any person who provides training and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child;</p> <p>(e) <b>Police officers or law enforcement officials;</b></p> <p>(f) Commercial film and photographic print processor;</p> <p>(g) Mediators appointed pursuant to Chapter 6 of Title IV;</p> <p>(h) A parenting coordinator appointed pursuant to R.S. 9:358.1 et seq.;</p> <p>(i) Court appointed special advocates (CASA) volunteers under the supervision of a (CASA) program appointed pursuant to Chapter 4 of Title IV.</p>
<p><b>Reporting Procedures</b> (Louisiana)</p>	<p>LSA-Ch.C. Art. 610 (2013); LA. CHILD. CODE ANN. art. 610 (2013)</p> <p>A. Reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the department through the designated state child protection reporting hotline telephone number. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> (Louisiana)</p>	<p>engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency. Dual reporting to both department through the designated state child protection reporting hotline telephone number and the local or state law enforcement agency is permitted.</p> <p>B. The report shall contain the following information, if known:</p> <ol style="list-style-type: none"> <li>(1) The name, address, age, sex, and race of the child.</li> <li>(2) The nature, extent, and cause of the child's injuries or endangered condition, including any previous known or suspected abuse to this child or the child's siblings.</li> <li>(3) The name and address of the child's parent(s) or other caretaker.</li> <li>(4) The names and ages of all other members of the child's household.</li> <li>(5) The name and address of the reporter.</li> <li>(6) An account of how this child came to the reporter's attention.</li> <li>(7) Any explanation of the cause of the child's injury or condition offered by the child, the caretaker, or any other person.</li> <li>(8) The number of times the reporter has filed a report on the child or the child's siblings.</li> <li>(9) Any other information which the reporter believes might be important or relevant.</li> </ol> <p>C. The report shall also name the person or persons who are thought to have caused or contributed to the child's condition, if known, and the report shall contain the name of such person if he is named by the child.</p> <p>D. If the initial report was in oral form by a mandatory reporter, it shall be followed by a written report made within five days to the local child protection unit of the department or, if necessary to the local law enforcement agency. The reporter may use a form for the written report, which shall be developed, approved and made available by the Department of Children and Family Services. The form is optional and may be available electronically on the department's website.</p>
<p><b>Penalty for Failure to Report</b> (Louisiana)</p>	<p>LSA-Ch.C. Art. 609 (2013); LA. CHILD. CODE ANN. art. 609 (2013)</p> <p>(2) Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution authorized by LA.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report Cont'd</b> (Louisiana)</p>	<p>REV. STAT. ANN. § 14:403(A)(1).</p> <p>LA. REV. STAT. ANN. § 14:403(A)(1) (2013)</p> <p>A. (1) Any person who, under LA. CHILD. CODE ANN. art. 609(A), is required to report the abuse or neglect or sexual abuse of a child and knowingly and willfully fails to do so report shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned for not more than 6 months, or both.</p> <p>(2) Any person, any employee of a local child protection unit of the Department of Children and Family Services, any employee of any local law enforcement agency, any employee or agent of any state department, or any school employee who knowingly and willfully violates the provisions of Chapter 5 of Title VI of the Children's Code, or who knowingly and willfully obstructs the procedures for receiving and investigating reports of child abuse or neglect or sexual abuse, or who discloses without authorization confidential information about or contained within such reports shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.</p>
<p><b>Mandatory Reporting Statute</b> (Louisiana)</p>	<p><b>AGAINST AN ADULT</b></p> <p>LA. REV. STAT. ANN. § 15:1504 (2013)</p>
<p><b>What has to be reported?</b> (Louisiana)</p>	<p>LA. REV. STAT. ANN. § 15:1504 (2013)</p> <p>(A) Having cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation.</p>
<p><b>Relevant Definitions</b> (Louisiana)</p>	<p>LA. REV. STAT. ANN. § 15:1503 (2013)</p> <p>(2) "Abuse" means the infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical</p>

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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

**Relevant Definitions**  
**Cont'd**  
*(Louisiana)*

injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value.

(3) "Adult" means any individual eighteen years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or exploitation.

(5) "Capacity to consent" means the ability to understand and appreciate the nature and consequences of making decisions concerning one's person, including but not limited to provisions for health or mental health care, food, shelter, clothing, safety, or financial affairs. This determination may be based on assessment or investigative findings, observation, or medical or mental health evaluations.

(6) "Caregiver" means any person or persons, either temporarily or permanently, responsible for the care of an aged person or a physically or mentally disabled adult. "Caregiver" includes but is not limited to adult children, parents, relatives, neighbors, daycare personnel, adult foster home sponsors, personnel of public and private institutions and facilities, adult congregate living facilities, and nursing homes which have voluntarily assumed the care of an aged person, or disabled adult, have assumed voluntary residence with an aged person or disabled adult, or have assumed voluntary use or tutelage of an aged or disabled person's assets, funds, or property, and specifically shall include city, parish, or state law enforcement agencies.

(7) "Exploitation" means the illegal or improper use or management of an aged person's or disabled adult's funds, assets, or property, or the use of an aged person's or disabled adult's power of attorney or guardianship for one's own profit or advantage.

(10) "Neglect" means the failure, by a caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused.

(13) "Sexual abuse" means abuse of an adult, as defined in this Section, when any of the following occur:

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Louisiana)</p>	<p>(a) The adult is forced, threatened, or otherwise coerced by a person into sexual activity or contact.</p> <p>(b) The adult is involuntarily exposed to sexually explicit material, sexually explicit language, or sexual activity or contact.</p> <p>(c) The adult lacks the capacity to consent, and a person engages in sexual activity or contact with that adult.</p>
<p><b>Persons Required to Report</b> (Louisiana)</p>	<p>LA. REV. STAT. ANN. § 15:1504 (2013)</p> <p>(A) <b>Any person</b>, including but not limited to a health, mental health, and social service practitioner.</p>
<p><b>Reporting Procedures</b> (Louisiana)</p>	<p>LA. REV. STAT. ANN. § 15:1505 (2013)</p> <p>A. Reports reflecting the reporter's belief that an adult has been abused or neglected shall be made to any adult protection agency or to any local or state law enforcement agency. These reports need not name the persons suspected of the alleged abuse or neglect.</p> <p>B. All reports shall contain the name and address of the adult, the name and address of the person responsible for the care of the adult, if available, and any other pertinent information.</p> <p>LA. REV. STAT. ANN. § 15:1506 (2013)</p> <p>A. All reports received by a local or state law enforcement agency shall be referred to the appropriate adult protection agency.</p> <p>B. When the appropriate adult protection agency receives a report of sexual or physical abuse, whether directly or by referral, the agency shall notify the chief law enforcement agency of the parish in which the incident is alleged to have occurred of such report. Such notification shall be made prior to the end of the business day subsequent to the day on which the adult protection agency received the report. For the purposes of this Paragraph, the chief law enforcement agency of Orleans Parish shall be the New Orleans Police Department.</p>
<p><b>Penalty for Failure to Report</b> (Louisiana)</p>	<p>LA. REV. STAT. ANN. § 14:403.2(A)</p> <p>A. Any person who, under LA. REV. STAT. ANN. § 15:1504(A) is required to report the abuse or neglect of an adult and</p>

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<b>Penalty for Failure to Report Cont'd</b> <i>(Louisiana)</i>	<p>knowingly and willfully fails to so report shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned not more than six (6) months, or both.</p> <p>B. Any person who knowingly and willfully violates the provisions of LA. REV. STAT. ANN. 14:403.2 or who knowingly and willfully obstructs the procedures for receiving and investigating reports of adult abuse or neglect. . . shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.</p>
<b>MAINE</b>	
<b>Mandatory Reporting Statute</b> <i>(Maine)</i>	<p><b>AGAINST A CHILD</b></p> <p>ME. REV. STAT. ANN. tit. 22 § 4011-A (2013)</p>
<b>What has to be reported?</b> <i>(Maine)</i>	<p>ME. REV. STAT. ANN. tit. 22 § 4011-A (2013)</p> <p>(1) When the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred.</p>
<b>Relevant Definitions</b> <i>(Maine)</i>	<p>ME. REV. STAT. ANN. tit. 22 § 4002 (2013)</p> <ol style="list-style-type: none"> <li>1. “Abuse” or “neglect” means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements a person responsible for the child.</li> <li>2. “Child” means any person who is less than 18 years of age.</li> </ol>

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<p><b>Relevant Definitions Cont'd</b> (Maine)</p>	<p>9. “Person responsible for the child” means a person with responsibility for a child's health or welfare, whether in the child's home or another home or a facility which, as part of its function, provides for care of the child. It includes the child's custodian.</p> <p>10. Serious harm. “Serious harm” means:  A. Serious injury;  B. Serious mental or emotional injury or impairment which now or in the future is likely to be evidenced by serious mental, behavioral or personality disorder, including severe anxiety, depression or withdrawal, untoward aggressive behavior, seriously delayed development or similar serious dysfunctional behavior; or  C. Sexual abuse or exploitation.</p> <p>11. Serious injury. “Serious injury” means serious physical injury or impairment.</p>
<p><b>Persons Required to Report</b> (Maine)</p>	<p>ME. REV. STAT. ANN. tit. 22 § 4011-A (2013)</p> <p>1.A. When acting in a professional capacity:  (1) An allopathic or osteopathic physician, resident or intern;  (2) An emergency medical services person;  (3) A medical examiner;  (4) A physician's assistant;  (5) A dentist;  (6) A dental hygienist;  (7) A dental assistant;  (8) A chiropractor;  (9) A podiatrist;  (10) A registered or licensed practical nurse;  (11) A teacher;  (12) A guidance counselor;  (13) A school official;</p>

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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Maine)</p>	<p>(14) A youth camp administrator or counselor;</p> <p>(15) A social worker;</p> <p>(16) A court-appointed special advocate or guardian ad litem for the child;</p> <p>(17) A homemaker;</p> <p>(18) A home health aide;</p> <p>(19) A medical or social service worker;</p> <p>(20) A psychologist;</p> <p>(21) Child care personnel;</p> <p>(22) A mental health professional;</p> <p>(23) <b>A law enforcement official;</b></p> <p>(24) A state or municipal fire inspector;</p> <p>(25) A municipal code enforcement official;</p> <p>(26) A commercial film and photographic print processor;</p> <p>(27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;</p> <p>(28) A chair of a professional licensing board that has jurisdiction over mandated reporters; and</p> <p>(29) A humane agent employed by the Department of Agriculture, Food and Rural Resources;</p> <p>(30) Sexual assault counselor;</p> <p>(31) A family or domestic violence victim advocate; and</p> <p>(32) A school bus driver or school bus attendant;</p> <p><b>(B) Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the child, regardless of whether the person receives compensation; and</b></p> <p><b>(C) Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.</b></p>
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<p><b>Reporting Procedures</b> <i>(Maine)</i></p>	<p>ME. REV. STAT. ANN. tit. 22 § 4011-A (2013)</p> <p>Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person immediately shall notify either the person in charge of the institution, agency or facility or a designated agent who then shall cause a report to be made. The staff also may make a report directly to the department.</p> <p>ME. REV. STAT. ANN. tit. 22 § 4012 (2013)</p> <p>1. <b>Immediate report.</b> Reports regarding abuse or neglect shall be made immediately by telephone to the department and shall be followed by a written report within 48 hours if requested by the department. Hospitals, medical personnel and law enforcement personnel may submit emergency reports through password-protected e-mail submissions. A faxed report may also be accepted when preceded by a telephone call informing the department of the incoming fax transmission.</p> <p>2. <b>Information required.</b> The reports shall include the following information if within the knowledge of the person reporting:</p> <ul style="list-style-type: none"> <li>A. The name and address of the child and the persons responsible for his care or custody;</li> <li>B. The child’s age and sex;</li> <li>C. The nature and extent of abuse or neglect, including a description of injuries and any explanation given for them;</li> <li>D. A description of sexual abuse or exploitation;</li> <li>E. Family composition and evidence of prior abuse or neglect of the child or his siblings;</li> <li>F. The source of the report, the person making the report, his occupation and where he can be contacted;</li> <li>G. The actions taken by the reporting source, including a description of photographs or x rays taken; and</li> <li>H. Any other information that the person making the report believes may be helpful.</li> </ul>
<p><b>Penalty for Failure to Report</b> <i>(Maine)</i></p>	<p>ME. REV. STAT. ANN. tit. 22 § 4009 (2013)</p> <p>A person who knowingly violates a provision of this chapter commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.</p>

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<b>Mandatory Reporting Statute</b> <i>(Maine)</i>	<p style="background-color: yellow; margin: 0;"><b>AGAINST AN ADULT</b></p> <p>ME. REV. STAT. ANN. tit. 22 § 3477 (2013)</p>
<b>What has to be reported?</b> <i>(Maine)</i>	<p>ME. REV. STAT. ANN. tit. 22 § 3477 (2013)</p> <p>1. [Mandatory Reporter] knows or has reasonable cause to suspect that an incapacitated or dependent adult has been or is likely to be abused, neglected or exploited.</p>
<b>Relevant Definitions</b> <i>(Maine)</i>	<p>ME. REV. STAT. ANN. tit. 22 § 3472 (2013)</p> <p>1. “Abuse” means the infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or sexual exploitation; or the intentional, knowing or reckless deprivation of essential needs. "Abuse" includes acts and omissions.</p> <p>2. “Adult” means any person who has attained 18 years of age or who is a legally emancipated minor.</p> <p>3. “Caretaker” means any individual or institution who has or assumes the responsibility for the care of an adult.</p> <p>6. “Dependent adult” means an adult who has a physical or mental condition that substantially impairs the adult's ability to adequately provide for that adult's daily needs. “Dependent adult” includes, but is not limited to, any of the following:</p> <ul style="list-style-type: none"> <li>A. A resident of a nursing home licensed or required to be licensed under section 1817;</li> <li>B. A resident of a facility providing assisted living services licensed or required to be licensed pursuant to section 7801; or</li> <li>C. A person considered a dependent person under Title 17-A, section 555.</li> </ul> <p>9. Exploitation means the illegal or improper use of an incapacitated or dependent adult or that adult's resources for another's profit</p>

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<p><b>Relevant Definitions Cont'd</b> (Maine)</p>	<p>or advantage.</p> <p>10. Incapacitated adult means any adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that that individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual's person, or to the extent the adult can not effectively manage or apply that individual's estate to necessary ends.</p> <p>11. Neglect means a threat to an adult's health or welfare by physical or mental injury or impairment, deprivation of essential needs or lack of protection from these.</p> <p>15. Sexual abuse or sexual exploitation means contact or interaction of a sexual nature involving an incapacitated or dependent adult without that adult's informed consent.</p>
<p><b>Persons Required to Report</b> (Maine)</p>	<p>ME. REV. STAT. ANN. tit. 22 § 3477 (West 2013)</p> <p>(1)(A) While acting in a professional capacity:</p> <ul style="list-style-type: none"> <li>(1) An allopathic or osteopathic physician;</li> <li>(2) A medical intern;</li> <li>(3) A medical examiner;</li> <li>(4) A physician's assistant;</li> <li>(5) A dentist;</li> <li>(6) A chiropractor;</li> <li>(7) A podiatrist;</li> <li>(8) A registered or licensed practical nurse;</li> <li>(9) A certified nursing assistant;</li> <li>(10) A social worker;</li> <li>(11) A psychologist;</li> <li>(12) A pharmacist;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

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<p><b>Persons Required to Report Cont'd</b> (Maine)</p>	<p>(13) A physical therapist;                  (14) A speech therapist;                  (15) An occupational therapist;                  (16) A mental health professional;                  (17) <b>A law enforcement official;</b>                  (18) Emergency room personnel;                  (19) An ambulance attendant;                  (20) An emergency medical technician;                  (21) Unlicensed assistive personnel;                  (22) A humane agent employed by the Department of Agriculture, Food and Rural Resources; or                  (23) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;</p> <p><b>(B) Any person who has assumed full, intermittent or occasional -responsibility for the care or custody of the incapacitated or dependent adult</b>, regardless of whether the person receives compensation; or</p> <p>(C) Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.</p>
<p><b>Reporting Procedures</b> (Maine)</p>	<p>ME. REV. STAT. ANN. tit. 22 § 3477 (West 2013)                  2. Reports regarding abuse, neglect or exploitation must be made immediately by telephone to the department and must be followed by a written report within 48 hours if requested by the department. The reports must contain the name and address of the involved adult; information regarding the nature and extent of the abuse, neglect or exploitation; the source of the report; the person making the report; that person's occupation; and where that person can be contacted. The report may contain any other information that the reporter believes may be helpful.</p> <p>ME. REV. STAT. ANN. tit. 22 § 3477 (West 2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures Cont'd</b> <i>(Maine)</i>	<p>3. Confidentiality in case of treatment of individual suspected of causing abuse, neglect or exploitation: This section does not require any person acting in that person's professional capacity to report when all of the following requirements are met:</p> <p>(A) The factual basis for knowing or suspecting abuse, neglect or exploitation of an adult covered under this subchapter derives from the professional's treatment of the individual suspected of causing the abuse, neglect or exploitation;</p> <p>(B) The treatment was sought by the individual for a problem relating to the abuse, neglect or exploitation; and</p> <p>(C) In the opinion of the person required to report, the abused, neglected or exploited adult's life or health is not immediately threatened.</p>
<b>Penalty for Failure to Report</b> <i>(Maine)</i>	<p>ME. REV. STAT. ANN. tit. 22 § 3475 (West 2013)</p> <p>A person who knowingly violates a provision of this chapter commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. Any licensed, registered, accredited or certified professional who has been adjudged to have violated a provision of this chapter must, in addition to any financial penalty, be reported by the court or the department to the appropriate professional licensing organization, registration board, accrediting unit or facility.</p>
<b>MARYLAND</b>	
<b>Mandatory Reporting Statute</b> <i>(Maryland)</i>	<p><b>AGAINST A CHILD</b></p> <p>MD CODE ANN. FAM. LAW § 5-704 (West 2013)</p>
<b>What has to be reported?</b> <i>(Maryland)</i>	<p>MD CODE ANN. FAM. LAW § 5-704 (West 2013)</p> <p>(a)(1) Reason to believe that a child has been subjected to abuse.</p>
<b>Relevant Definitions</b> <i>(Maryland)</i>	<p>MD CODE ANN. FAM. LAW § 5-701 (b) (West 2013)</p> <p>(b) "Abuse" means:</p>

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<p><b>Relevant Definitions Cont'd</b> (Maryland)</p>	<p>(1) the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or</p> <p>(2) sexual abuse of a child, whether physical injuries are sustained or not.</p> <p>(e) "Child" means any individual under the age of 18 years.</p> <p>(s) "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:</p> <ul style="list-style-type: none"><li>(1) that the child's health or welfare is harmed or placed at substantial risk of harm; or</li><li>(2) mental injury to the child or a substantial risk of mental injury.</li></ul> <p>(x)(1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.</p> <p>(x)(2) "Sexual abuse" includes:</p> <ul style="list-style-type: none"><li>(i) allowing or encouraging a child to engage in: 1. Obscene photography, films, poses, or similar activity; 2. Pornographic photography, films, poses or similar activity; or 3. Prostitution; incest, rape, or sexual offense in any degree;</li><li>(ii) human trafficking;</li><li>(iii) incest;</li><li>(iv) rape;</li><li>(v) sexual offense in any degree;</li><li>(vi) sodomy; and</li><li>(vii) unnatural or perverted sexual practices.</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Maryland)</p>	<p>(g)(1) “Educator or human service worker” means any provisional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.</p> <p>(g)(2) “Educator or human service worker” includes: (i) any teacher; (ii) any counselor; (iii) any social worker; (iv) any caseworker; and (v) any probation or parole officer.</p> <p>(n)(1) “Law enforcement agency” means a State, county, or municipal police department, bureau, or agency.</p> <p>(n)(2) “Law enforcement agency” includes (i) a State, county or municipal police department or agency; (ii) a sheriff’s office; (iii) a State’s Attorney’s office; and (iv) the Attorney General’s office.</p>
<p><b>Persons Required to Report</b> (Maryland)</p>	<p>MD CODE ANN. FAM. LAW. § 5-704 (West 2013)</p> <p>(a) Each of the following acting in a professional capacity:</p> <ul style="list-style-type: none"> <li>• <b>Police officer;</b></li> <li>• health practitioner;</li> <li>• educator;</li> <li>• human service worker.</li> </ul> <p>(a)(2) If acting as a staff member of a:</p> <ul style="list-style-type: none"> <li>• <b>Juvenile detention center;</b></li> <li>• Hospital;</li> <li>• Public health agency;</li> <li>• Child care institution;</li> <li>• School or similar institution</li> </ul> <p>MD CODE ANN. FAM. LAW. § 5-705 (West 2013)</p> <p>(a)(1) <b>A person in this state</b> other than a health practitioner, police officer, or educator or human service worker who has reason</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> <i>(Maryland)</i></p>	<p>to believe that a child has been subjected to abuse or neglect shall report.</p>
<p><b>Reporting Procedures</b> <i>(Maryland)</i></p>	<p>MD CODE ANN. FAM. LAW. § 5-704 (West 2013)            (b)(1) An individual who notifies the appropriate authorities shall make:                (i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; AND      (ii) a written report:                    1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and,                    with a copy to the local State's Attorney.            Contents of Report            (c) Insofar as is reasonably possible, an individual who makes a report shall include in the report the following information:                1. the name, age, and home address of the child;                2. the name and home address of the child's parent or other person who is responsible for the child's care;                3. the whereabouts of the child;                4. the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and                5. any other information that would help to determine:                    (i) the cause of the suspected abuse or neglect; and                    (ii) the identity of any individual responsible for the abuse or neglect.</p>
<p><b>Penalty for Failure to Report</b> <i>(Maryland)</i></p>	<p>Police Officer:            MD Code Ann. Pub. Safety § 3-212 (West 2013)(a) Subject to the hearing provisions of subsection (b) of this section, the Commission may suspend or revoke the certification of a police officer if the police officer:                (2) knowingly fails to report suspected child abuse in violation of §5-704 of the Family Law Article.</p> <p>Social Worker:</p>

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### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> (Maryland)</p>	<p>MD Code Ann. Health Occ. § 19-311 (West 2013) The Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation or suspend or revoke a license if the applicant or licensee (14) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article. Physician: MD CODE ANN. HEALTH OCC. § 14-404 (West 2013) (a) The Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation or suspend or revoke a license if the licensee: (25) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article.</p>
<p><b>Mandatory Reporting Statute</b> (Maryland)</p>	<p><b>AGAINST AN ADULT</b> MD CODE ANN. FAM. LAW § 14-302 (West 2013).</p>
<p><b>What has to be reported?</b> (Maryland)</p>	<p>MD CODE ANN. FAM. LAW § 14-302 (West 2013). (a) Each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation.</p>
<p><b>Relevant Definitions</b> (Maryland)</p>	<p>MD CODE ANN. FAM. LAW § 14-101 (West 2013). (b) “Abuse” means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.  (f) “Exploitation” means any action which involves the misuse of a vulnerable adult's funds, property, or person.  (h)(1) “Human service worker” means any professional employee of any public or private health or social services agency or provider. (2) "Human service worker" includes:</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Maryland)</i></p>	<p>(i) any social worker; and (ii) any caseworker.</p> <p>(i) “Law enforcement agency” means a State, county, or municipal police department, bureau, or agency.</p> <p>(q) “Vulnerable adult” means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.</p> <p>(l)(1) “Neglect” means the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision.</p> <p>(2) “Neglect” does not include the providing of nonmedical remedial care and treatment for the healing of injury or disease, with the consent of the vulnerable adult, recognized by State law instead of medical treatment.</p> <p>(p) “Self-neglect” means the inability of a vulnerable adult to provide the vulnerable adult with the services:</p> <p>(1) that are necessary for the vulnerable adult's physical and mental health; and (2) the absence of which impairs or threatens the vulnerable adult's well-being.</p>
<p><b>Persons Required to Report</b> <i>(Maryland)</i></p>	<p>MD CODE ANN. FAM. LAW § 14-302 (West 2013). (a) Health practitioner, <b>police officer</b>, or <b>human service worker</b>.</p>
<p><b>Reporting Procedures</b> <i>(Maryland)</i></p>	<p>MD CODE ANN. FAM. LAW § 14-302 (West 2013). (a)(1) Notify the local department; and (a)(2) If acting as a staff member of a hospital or public health agency, immediately notify and give all the information required by this section to the head of the institution or the designee of the head.</p>

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### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> (Maryland)</p>	<p>(b) An individual who is required to make a report under subsection (a) of this section shall make the report by telephone, direct communication, or in writing to the local department as soon as possible.</p> <p>(d) Contents of report: Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:</p> <ul style="list-style-type: none"> <li>(1) the name, age, and home address of the alleged vulnerable adult;</li> <li>(2) the name and home address of the person responsible for the care of the alleged vulnerable adult;</li> <li>(3) the whereabouts of the alleged vulnerable adult;</li> <li>(4) the nature of the alleged vulnerable adult's incapacity;</li> <li>(5) the nature and extent of the abuse, neglect, self-neglect, or exploitation of the alleged vulnerable adult, including evidence or information available to the reporter concerning previous injury possibly resulting from abuse, neglect, self-neglect, or exploitation; and</li> <li>(6) any other information that would help to determine:             <ul style="list-style-type: none"> <li>(i) the cause of the suspected abuse, neglect, self-neglect, or exploitation; and</li> <li>(ii) the identity of any individual responsible for the abuse, neglect, self-neglect, or exploitation.</li> </ul> </li> </ul>
<p><b>Penalty for Failure to Report</b> (Maryland)</p>	<p>No enumerated sanctions.</p>
<p><b>MASSACHUSETTS</b></p>	
<p><b>Mandatory Reporting Statute</b> (Massachusetts)</p>	<p><b>AGAINST A CHILD</b></p> <p>MASS. GEN. LAWS ANN. ch. 119 § 51A (West 2013)</p>

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<p><b>What has to be reported?</b> <i>(Massachusetts)</i></p>	<p>MASS. GEN. LAWS ANN. ch. 119 § 51A (West 2013)</p> <p>Reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; (iii) physical dependence upon an addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect; or (iv) being a sexually exploited child; or (v) being a human trafficking victim as defined by section 20M of chapter 233.</p>
<p><b>Relevant Definitions</b> <i>(Massachusetts)</i></p>	<p>MASS. GEN. LAWS ANN. ch. 119 § 51A (West 2013)</p> <p>“Child” means under the age of eighteen years.</p> <p>“Abuse” means causing harm or substantial risk of harm including sexual abuse caused by physical or emotional injury.</p>
<p><b>Persons Required to Report</b> <i>(Massachusetts)</i></p>	<p>MASS. GEN. LAWS ANN. ch. 119 § 21 (West 2013).</p> <p>"Mandated reporter", a person who is:</p> <p>(i) a physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, allied mental health and human services professional licensed under section 165 of chapter 112, drug and alcoholism counselor, psychiatrist or clinical social worker;</p> <p>(ii) a public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed under chapter 15D that provides child care or residential services to children or that provides the services of child care resource and referral agencies, voucher management agencies or family child care systems or child care food programs, licenser of the department of early education and care or school attendance officer;</p> <p>(iii) a probation officer, clerk-magistrate of a district court, parole officer, social worker, foster parent, firefighter, police officer;</p> <p>(iv) a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian</p>

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American University, Washington College of Law  
Current as of January 2014

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<p><b>Persons Required to Report Cont'd</b> (Massachusetts)</p>	<p>Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis;</p> <p style="padding-left: 40px;">(v) in charge of a medical or other public or private institution, school or facility or that person's designated agent; or (vi) the child advocate.</p>
<p><b>Reporting Procedures</b> (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 119 § 51A (West 2013)</p> <p>If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department in the manner required by this section.</p> <p>A mandated reporter may, in addition to filing a report under this section, contact local law enforcement authorities or the child advocate about the suspected abuse or neglect.</p>
<p><b>Penalty for Failure to Report</b> (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 119 § 51A (West 2013)</p> <p>(c) Notwithstanding subsection (g), whoever violates this section shall be punished by a fine of not more than \$1,000. Whoever knowingly and willfully files a frivolous report of child abuse or neglect under this section shall be punished by: (i) a fine of not more than \$2,000 for the first offense; (ii) imprisonment in a house of correction for not more than 6 months and a fine of not more than \$2,000 for the second offense; and (iii) imprisonment in a house of correction for not more than 2 1/2 years and a fine of not more than \$2,000 for the third and subsequent offenses.</p> <p>Any mandated reporter who has knowledge of child abuse or neglect that resulted in serious bodily injury to or death of a child and willfully fails to report such abuse or neglect shall be punished by a fine of up to \$5,000 or imprisonment in the house of correction for not more than 2 1/2 years or by both such fine and imprisonment; and, upon a guilty finding or a continuance without a finding, the court shall notify any appropriate professional licensing authority of the mandated reporter's violation of this</p>

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<p><b>Penalty for Failure to Report</b> <i>(Massachusetts)</i></p>	<p>paragraph.</p> <p>(g) No mandated reporter shall be liable in any civil or criminal action for filing a report under this section or for contacting local law enforcement authorities or the child advocate, if the report or contact was made in good faith, was not frivolous, and the reporter did not cause the abuse or neglect. No other person filing a report under this section shall be liable in any civil or criminal action by reason of the report if it was made in good faith and if that person did not perpetrate or inflict the reported abuse or cause the reported neglect. Any person filing a report under this section may be liable in a civil or criminal action if the department or a district attorney determines that the person filing the report may have perpetrated or inflicted the abuse or caused the neglect</p>
<p><b>Mandatory Reporting Statute</b> <i>(Massachusetts)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Massachusetts)</i></p>	<p>MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013)</p> <p>(a) Reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse.</p>
<p><b>Relevant Definitions</b> <i>(Massachusetts)</i></p>	<p>MASS. GEN. LAWS ANN. ch. 19A, § 14 (West 2013)</p> <p>“Abuse”, an Act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; or the failure, inability or resistance of an elderly person to provide for him one or more of the necessities essential for physical and emotional well-being without which the elderly person would be unable to safely remain in the community; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.</p> <p>“Elderly person”, an individual who is sixty years of age or over.</p>

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<p><b>Persons Required to Report</b> (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013)</p> <p>(a):</p> <ul style="list-style-type: none"><li>• <b>Policeman;</b></li><li>• Physician, physician assistant, medical intern, dentist, nurse;</li><li>• Family counselor;</li><li>• <b>Probation officer;</b></li><li>• Social worker;</li><li>• Firefighter;</li><li>• Emergency medical technician;</li><li>• Licensed psychologist;</li><li>• Coroner;</li><li>• Registered physical therapist;</li><li>• Registered occupational therapist;</li><li>• Osteopath;</li><li>• Podiatrist;</li><li>• Director of a council on aging;</li><li>• Outreach worker employed by a council on aging;</li><li>• Executive director of a licensed home health agency or executive director of a homemaker service agency or manager of an assisted living residence.</li></ul> <p>MASS. GEN. LAWS ANN. ch. 19C § 1 (West 2013)</p> <p>“Mandated reporter”, any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, police officer or person employed by a state agency within the executive office of health and human services as defined by section sixteen of</p>
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<b>Persons Required to Report Cont'd</b> <i>(Massachusetts)</i>	chapter six A, or employed by a private agency providing services to disabled persons who, in his professional capacity shall have reasonable cause to believe that a disabled person is suffering from a reportable condition.
<b>Reporting Procedures</b> <i>(Massachusetts)</i>	<p>MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013)</p> <p>(a) Immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.</p> <p>(e) Reports made pursuant to subsections (a) and (b) shall contain the name, address and approximate age of the elderly person who is the subject of the report, information regarding the nature and extent of the abuse, the name of the person's caretaker, if known, any medical treatment being received or immediately required, if known, any other information the reporter believes to be relevant to the investigation, and the name and address of the reporter and where said reporter may be contacted, if the reporter wishes to provide said information. The department shall publicize the provisions of this section and the process by which reports of abuse shall be made.</p>
<b>Penalty for Failure to Report</b> <i>(Massachusetts)</i>	<p>MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013)</p> <p>(a) Any person so required to make such reports who fails to do so shall be punished by a fine of not more than \$1,000.00.</p>
<b>MICHIGAN</b>	
<b>Mandatory Reporting Statute</b> <i>(Michigan)</i>	<p><b>AGAINST A CHILD</b></p> <p>M.C.L.A. § 722.623 (West 2013)</p>

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<p><b>What has to be reported?</b> <i>(Michigan)</i></p>	<p>M.C.L.A. § 722.623 (West 2013)</p> <p>(1)(a) Reasonable cause to suspect child abuse or neglect.</p>
<p><b>Relevant Definitions</b> <i>(Michigan)</i></p>	<p>M.C.L.A. § 722.622 (West 2013)</p> <p>(e) “Child” means a person under 18 years of age.</p> <p>(f) “Child abuse” means harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.</p> <p>(j) “Child neglect” means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:</p> <ul style="list-style-type: none"> <li>(i) Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.</li> <li>(ii) Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.</li> </ul> <p>(w) “Sexual abuse” means engaging in sexual contact or sexual penetration with a child.</p> <p>(x) “Sexual exploitation” includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act.</p>
<p><b>Persons Required to Report</b> <i>(Michigan)</i></p>	<p>M.C.L.A. § 722.623 (West 2013)</p> <p>(a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker,</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Michigan)</p>	<p>licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, <b>law enforcement officer</b>, member of the clergy, or regulated child care provider</p> <p>(b) (i) Eligibility specialist.  (ii) Family independence manager.  (iii) Family independence specialist.  (iv) Social services specialist.  (v) Social work specialist.  (vi) Social work specialist manager.  (vii) Welfare services specialist.</p>
<p><b>Reporting Procedures</b> (Michigan)</p>	<p>M.C.L.A. § 722.623 (West 2013)</p> <p>(1)(a) Immediately make by telephone or otherwise, an oral report, or cause an oral report to be made, of the suspected child abuse or neglect to the department. Within 72 hours after making the oral report, the reporting person shall file a written report as required in this act. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency, or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school shall be considered adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.</p> <p>(2) The written report shall contain the name of the child and a description of the abuse or neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person that might establish the cause of the abuse or neglect, and the manner in which the abuse or neglect occurred.</p>

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<b>Reporting Procedures</b> <i>(Michigan)</i>	<p>(3) The department shall inform the reporting person of the required contents of the written report at the time the oral report is made by the reporting person.</p> <p>(4) The written report required in this section shall be mailed or otherwise transmitted to the county family independence agency of the county in which the child suspected of being abused or neglected is found.</p>
<b>Penalty for Failure to Report</b> <i>(Michigan)</i>	<p>M.C.L.A. § 722.633 (West 2013)</p> <p>(1) A person who is required by this act to report an instance of suspected child abuse or neglect and who fails to do so is civilly liable for the damages proximately caused by the failure.</p> <p>(2) A person who is required by this act to report an instance of suspected child abuse or neglect and who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.</p>
<b>Mandatory Reporting Statute</b> <i>(Michigan)</i>	<p><b>AGAINST AN ADULT</b></p> <p>M.C.L.A. § 400.11a (West 2013)</p>
<b>What has to be reported?</b> <i>(Michigan)</i>	<p>M.C.L.A. § 400.11a (West 2013)</p> <p>(1) suspect[ion] or reasonable cause to believe that an adult has been abused, neglected, or exploited</p>
<b>Relevant Definitions</b> <i>(Michigan)</i>	<p>M.C.L.A. § 400.11 (West 2013)</p> <p>(a) “Abuse” means harm or threatened harm to an adult's health or welfare caused by another person. Abuse includes, but is not limited to, nonaccidental physical or mental injury, sexual abuse, or maltreatment.</p> <p>(b) “Adult in need of protective services” or “adult” means a vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited.</p>

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<p><b>Relevant Definitions Cont'd</b> <i>(Michigan)</i></p>	<p>(c) “Exploitation” means an action that involves the misuse of an adult's funds, property, or personal dignity by another person.</p> <p>(d) “Neglect” means harm to an adult's health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care. A person shall not be considered to be abused, neglected, or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, and this act shall not require any medical care or treatment in contravention of the stated or implied objection of that person.</p> <p>(f) “Vulnerable” means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.</p>
<p><b>Persons Required to Report</b> <i>(Michigan)</i></p>	<p>M.C.L.A. § 400.11a (West 2013)</p> <p>(1) A person who is employed, licensed, registered, or certified to provide health care, educational, social welfare, mental health, or other human services; <b>an employee of an agency licensed to provide health care, educational, social welfare, mental health, or other human services; a law enforcement officer;</b> or an employee of the office of the county medical examiner.</p>
<p><b>Reporting Procedures</b> <i>(Michigan)</i></p>	<p>M.C.L.A. § 400.11a (West 2013)</p> <p>(1) Make immediately, by telephone or otherwise, an oral report to the county department of social services of the county in which the abuse, neglect, or exploitation is suspected of having or believed to have occurred. After making the oral report, the reporting person may file a written report with the county department.</p>

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Michigan)</i>	M.C.L.A. § 400.11e (West 2013)  (1) A person required to make a report pursuant to section 11a who fails to do so is liable civilly for the damages proximately caused by the failure to report, and a civil fine of not more than \$500.00 for each failure to report.
<b>MINNESOTA</b>	
<b>Mandatory Reporting Statute</b> <i>(Minnesota)</i>	<b>AGAINST A CHILD</b>  MINN. STAT. ANN. § 626.556 (West 2013).
<b>What has to be reported?</b> <i>(Minnesota)</i>	MINN. STAT. ANN. § 626.556 (West 2013). Subd. 3 (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
<b>Relevant Definitions</b> <i>(Minnesota)</i>	MINN. STAT. ANN. § 626.556 (West 2013). Subd. 2 (d) Sexual abuse means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority to criminal sexual conduct in the first degree (criminal sexual conduct in the second degree), (criminal sexual conduct in the third degree), (criminal sexual conduct in the fourth degree), or (criminal sexual conduct in the fifth degree).... Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses. Sexual abuse includes threatened sexual abuse.  (f) "Neglect" means:  (1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

#### Relevant Definitions

##### Cont'd

(Minnesota)

- (2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- (3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;
- (4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;
- (5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;
- (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;
- (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);
- (8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that

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American University, Washington College of Law  
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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Minnesota)</p>	<p>adversely affects the child's basic needs and safety; or</p> <p>(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.</p> <p>Subd. 2 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825.</p> <p>Subd. 3 (e) Immediately means as soon as possible but in no event longer than 24 hours.</p>
<p><b>Persons Required to Report</b> (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.556 (West 2013).</p> <p>Subd. 3 (a)(1) A professional or professional's delegate who is engaged in the practice of <b>correctional supervision, correctional services, or law enforcement</b>, the healing arts, <b>social services</b>, hospital administration, psychological or psychiatric treatment, child care, education, <b>probation</b>; or</p> <p>Subd. 3 (a)(2) Employed as a member of the clergy and received the information while engaged in ministerial duties (except for privileged communications).</p>
<p><b>Reporting Procedures</b> (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.556 (West 2013).</p> <p>Subd. 3 (a) Immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report.</p> <p>Subd. 3 (c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility; or a nonlicensed personal care provider organization. A health</p>

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<p><b>Reporting Procedures Cont'd</b> (Minnesota)</p>	<p>or <b>corrections agency</b> receiving a report may request the local welfare agency to provide assistance. A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall provide information about the circumstances of the alleged maltreatment to the commissioner of education.</p> <p>Subd. 7. Report. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, the agency responsible for assessing or investigating the report, or the local welfare agency, unless the appropriate agency has informed the reporter that the oral information does not constitute a report under subdivision 10. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.</p>
<p><b>Penalty for Failure to Report</b> (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.556 (West 2013).</p> <p>Subd. 6(a) A person mandated by this section to report who knows or has reason to believe that a child is neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years, and fails to report is guilty of a misdemeanor.</p> <p>Subd. 6(b) A person mandated by this section to report who knows or has reason to believe that two or more children not related to the perpetrator have been physically or sexually abused by the same perpetrator within the preceding ten years, and fails to report is guilty of a gross misdemeanor.</p> <p>Subd. 6(c) A parent, guardian, or caretaker who knows or reasonably should know that the child's health is in serious danger and who fails to report as required, is guilty of a gross misdemeanor if the child suffers substantial or great bodily harm because of the lack of medical care. If the child dies because of the lack of medical care, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both.</p> <p>MINN. STAT. ANN. § 626.556 (West 2013).</p>

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<p><b>Penalty for Failure to Report Cont'd</b> (Minnesota)</p>	<p>Subd. 6(a) <u>Misdemeanor</u> means a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both may be imposed.</p> <p>Subd.6(b)<u>Gross Misdemeanor</u> means any crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is \$3,000.</p>
<p><b>Mandatory Reporting Statute</b> (Minnesota)</p>	<p><b>AGAINST AN ADULT</b></p> <p>MINN. STAT. ANN. § 626.557 (West 2013).</p>
<p><b>What has to be reported?</b> (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.557 (West 2013). Subd. 3(a) A mandated reporter who has reason to believe that a vulnerable adult is being or has been maltreated, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.</p>
<p><b>Relevant Definitions</b> (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.5572 (West 2013).</p> <p>Subd. 2. Abuse. “Abuse” means:</p> <p>(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:</p> <ul style="list-style-type: none"> <li>(1) assault in the first through fifth degrees as defined in sections 609. 221 to 609.224;</li> <li>(2) the use of drugs to injure or facilitate crime as defined in section 609.235;</li> <li>(3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and</li> <li>(4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.</li> </ul> <p>A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.</p> <p>(c) Any sexual contact or penetration between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.</p>

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<p><b>Relevant Definitions Cont'd</b> (Minnesota)</p>	<p>(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.</p> <p>(g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with:</p> <ul style="list-style-type: none"> <li>(1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or</li> <li>(2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship.</li> </ul> <p>Subd. 4. Caregiver means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.</p> <p>Subb. 6(a) Facility means a hospital; a nursing home; a residential or nonresidential facility; a home care provider; a hospice provider; or a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program.</p> <p>Subd. 9. Financial exploitation means:</p> <p>(a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, a person;</p> <ul style="list-style-type: none"> <li>(1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or</li> <li>(2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.</li> </ul> <p>(b) In the absence of legal authority a person:</p> <ul style="list-style-type: none"> <li>(1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;</li> <li>(2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the</li> </ul>
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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Minnesota)</i></p>	<p>actor or another to the detriment of the vulnerable adult;</p> <p>(3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or</p> <p>(4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.</p> <p>Subd. 10 Immediately means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.</p> <p>Subd. 15 Maltreatment means abuse, neglect, or financial exploitation.</p> <p>Subd. 17. Neglect means:</p> <p>(a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:</p> <p>(1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and</p> <p>(2) which is not the result of an accident or therapeutic conduct.</p> <p>(b) The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.</p> <p>Subd. 21. Vulnerable adult. "Vulnerable adult" means any person 18 years of age or older who:</p> <p>(1) is a resident or inpatient of a facility;</p> <p>(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is served in the Minnesota</p>
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<p><b>Relevant Definitions Cont'd</b> (Minnesota)</p>	<p>sex offender program on a court-hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);</p> <p>(3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and 256B.0653 to 256B.0656; or</p> <p>(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:</p> <p>(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and</p> <p>(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.</p>
<p><b>Persons Required to Report</b> (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.5572 (West 2013). Subd. 16 Mandated reporter means a “professional” or “professional's delegate” while engaged in:</p> <ul style="list-style-type: none"> <li>(1) Social services;</li> <li>(2) <b>Law enforcement;</b></li> <li>(3) Education;</li> <li>(4) The care of vulnerable adults;</li> <li>(5) Any of the occupations referred to in section 214.01, subdivision 2 [Board of Examiners of Nursing Home Administrators, the Office of Unlicensed Complementary and Alternative Health Care Practice, the Board of Medical Practice, the Board of Nursing, the Board of Chiropractic Examiners, the Board of Optometry, the Board of Physical Therapy, the Board of Psychology, the Board of Social Work, the Board of Marriage and Family Therapy, the Office of Mental Health Practice established, the Board of Behavioral Health and Therapy, the Board of Dietetics and Nutrition Practice, the Board of Dentistry, the Board of Pharmacy, the Board of Podiatric Medicine, and the Board of Veterinary Medicine];</li> </ul>

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<p><b>Persons Required to Report Cont'd</b> <i>(Minnesota)</i></p>	<p>(6) An employee of a rehabilitation facility certified by the commissioner of jobs and training for vocational rehabilitation; (7) An employee or person providing services in a facility; or (8) A person that performs the duties of the medical examiner or coroner.</p>
<p><b>Reporting Procedures</b> <i>(Minnesota)</i></p>	<p>MINN. STAT. ANN. § 626.557 (West 2013). Subd. 3(a) Shall immediately report the information to the common entry point.</p> <p>Subd. 4 To the extent possible, the report must be of sufficient content to identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected maltreatment.</p> <p>Subd. 4(d) A facility may not prohibit a mandated reporter from reporting externally, and a facility is prohibited from retaliating against a mandated reporter who reports an incident to the common entry point in good faith. The written notice by the facility must inform the mandated reporter of this protection from retaliatory measures by the facility against the mandated reporter for reporting externally.</p>
<p><b>Penalty for Failure to Report</b> <i>(Minnesota)</i></p>	<p>MINN. STAT. ANN. § 626.557 (West 2013). Subd. 7 A mandated reporter who negligently or intentionally fails to report is liable for damages caused by the failure. Nothing in this subdivision imposes vicarious liability for the acts or omissions of others.</p>
<p><b>MISSISSIPPI</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Mississippi)</i></p>	<p><b>AGAINST A CHILD</b> MISS. CODE ANN. § 43-21-353 (West 2013)</p>

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### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 43-21-353 (West 2013)</p> <p>(1) Reasonable cause to suspect that a child is a neglected child or an abused child.</p>
<p><b>Relevant Definitions</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 43-21-105 (West 2013)</p> <p>(d) Child and youth are synonymous, and each means a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services or is married is not considered a "child" or "youth" for the purposes of this chapter.</p> <p>(k) "Child in need of supervision" means a child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child:</p> <ul style="list-style-type: none"> <li>(i) Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or</li> <li>(ii) While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or</li> <li>(iii) Runs away from home without good cause; or</li> <li>(iv) Has committed a delinquent act or acts.</li> </ul> <p>(l) "Neglected child" means a child:</p> <ul style="list-style-type: none"> <li>(i) Whose parent, guardian or custodian or any person responsible for his care or support, neglects or refuses, when able so to do, to provide for him proper and necessary care or support, or education as required by law, or medical, surgical, or other care necessary for his well-being; provided, however, a parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter; or</li> <li>(ii) Who is otherwise without proper care, custody, supervision or support; or</li> <li>(iii) Who, for any reason, lacks the special care made necessary for him by reason of his mental condition, whether said mental condition be mentally retarded or mentally ill; or</li> </ul>

**NOTE:**

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Mississippi)</i></p>	<p>(iv) Who, for any reason, lacks the care necessary for his health, morals or well-being.</p> <p>(m) “Abused child” means a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon said child sexual abuse, sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. Provided, however, that physical discipline, including spanking, performed on a child by a parent, guardian or custodian in a reasonable manner shall not be deemed abuse under this section.</p> <p>(n) Sexual abuse means obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened.</p> <p>(o) A child in need of special care means a child with any mental or physical illness that cannot be treated with the dispositional alternatives ordinarily available to the youth court.</p> <p>(p) A dependent child means any child who is not a child in need of supervision, a delinquent child, an abused child or a neglected child, and which child has been voluntarily placed in the custody of the Department of Human Services by his parent, guardian or custodian.</p> <p>(v) Any person responsible for care or support means the person who is providing for the child at a given time. This term shall include, but is not limited to, stepparents, foster parents, relatives, nonlicensed babysitters or other similar persons responsible for a child and staff of residential care facilities and group homes that are licensed by the Department of Human Services.</p>
<p><b>Persons Required to Report</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 43-21-353 (West 2013)</p> <p>(1) Any:</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement officer;</b></li> <li>• Attorney;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> <i>(Mississippi)</i></p>	<ul style="list-style-type: none"> <li>• Physician;</li> <li>• Dentist;</li> <li>• Intern;</li> <li>• Resident;</li> <li>• Nurse;</li> <li>• Psychologist;</li> <li>• Social worker;</li> <li>• Family protection specialist;</li> <li>• Child care giver;</li> <li>• Minister;</li> <li>• Public or private school employee; or</li> <li>• <b>Any other person having reasonable cause to suspect that a child is a neglected child or an abused child.</b></li> <li>•</li> </ul>
<p><b>Reporting Procedures</b> <i>(Mississippi)</i></p> <p><b>Reporting Procedures Cont'd</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 43-21-353 (West 2013).</p> <p>(1) Shall cause an oral report to be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to the Department of Human Services and immediately a referral shall be made by the Department of Human Services to the youth court intake unit, which unit shall promptly comply with Section 43- 21-357.</p> <p>(2) Any report to the Department of Human Services shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries and any other information that might be helpful in establishing the cause of the injury and the identity of the perpetrator.</p>

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Mississippi)</i>	<p>MISS. CODE ANN. § 43-21-353 (7) (West 2013)</p> <p>Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in jail not to exceed one (1) year, or both.</p>
<b>Mandatory Reporting Statute</b> <i>(Mississippi)</i>	<p><b>AGAINST AN ADULT</b></p> <p>MISS. CODE ANN. § 43-47-7 (West 2013)</p>
<b>What has to be reported?</b> <i>(Mississippi)</i>	<p>MISS. CODE ANN. § 43-47-7 (West 2013)</p> <p>(1)(a) Knowledge or suspicion that a vulnerable adult has been or is being abused.</p>
<b>Relevant Definitions</b> <i>(Mississippi)</i>	<p>MISS. CODE ANN. § 43-47-5 (West 2013)</p> <p>(a) “Abuse” means the willful or nonaccidental infliction of physical pain, injury or mental anguish on a vulnerable adult, the unreasonable confinement of a vulnerable adult, or the willful deprivation by a caretaker of services which are necessary to maintain the mental and physical health of a vulnerable adult. "Abuse" includes sexual abuse. "Abuse" shall not mean conduct which is a part of the treatment and care of, and in furtherance of the health and safety of a patient or resident of a care facility. "Abuse" includes, but is not limited to, a single incident.</p> <p>(i) “Exploitation” means the illegal or improper use of a vulnerable adult or his resources for another's profit or advantage, with or without the consent of the vulnerable adult, and includes acts committed pursuant to a power of attorney. "Exploitation" includes, but is not limited to, a single incident.</p> <p>(k) “Neglect” means either the inability of a vulnerable adult who is living alone to provide for himself the food, clothing, shelter, health care or other services which are necessary to maintain his mental and physical health, or failure of a caretaker to supply the vulnerable adult with the food, clothing, shelter, health care, supervision or other services which a reasonably prudent person would do to maintain the vulnerable adult's mental and physical health. "Neglect" includes, but is not limited to, a single incident.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Mississippi)</i></p>	<p>(n) “Vulnerable adult” means a person whether minor or adult whose ability to perform the normal activities of daily living or to provide for his or her own care or protection from abuse, neglect, exploitation or improper sexual contact is impaired due to a mental, emotional, physical or developmental disability or dysfunction, or brain damage or the infirmities of aging. The term "vulnerable adult" also includes all residents or patients, regardless of age, in a care facility. The department shall not be prohibited from investigating, and shall have the authority and responsibility to fully investigate, in accordance with the provisions of this chapter, any allegation of abuse, neglect, or exploitation regarding a patient in a care facility, if the alleged abuse, neglect or exploitation occurred at a private residence.</p>
<p><b>Persons Required to Report</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 43-47-7 (West 2013)</p> <p>(1)(a) <b>Any person</b> including, but not limited to, the following, who knows or suspects that a vulnerable adult has been or is being abused, neglected, or exploited:</p> <ul style="list-style-type: none"> <li>(i) Attorney, physician, osteopathic physician, medical examiner, chiropractor or nurse engaged in the admission, examination, care or treatment of vulnerable adults;</li> <li>(ii) Health professional or mental health professional other than one listed above;</li> <li>(iii) Practitioner who relies solely on spiritual means for healing;</li> <li>(iv) Social worker, family protection worker, family protection specialist or other professional adult care, residential or institutional staff;</li> <li>(v) <b>State, county or municipal criminal justice employee or law enforcement officer;</b></li> <li>(vi) Human rights advocacy committee or long-term care ombudsman council member.</li> <li>(vii) Accountant, stockbroker, financial advisor or consultant, insurance agent or consultant, investment advisor or consultant, financial planner, or any officer or employee of a bank, savings and loan, credit union or any other financial service provider</li> </ul>
<p><b>Reporting Procedures</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 43-47-7 (West 2013)</p> <p>(1)(a) Immediately report such knowledge or suspicion to the Department of Human Services or to the county department of human services where the vulnerable adult is located.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> <i>(Mississippi)</i></p>	<p>(1)(b) To the extent possible, a report made pursuant to paragraph (a) must contain, but need not be limited to, the following information:</p> <ul style="list-style-type: none"> <li>(i) Name, age, race, sex, physical description and location of each vulnerable adult alleged to have been abused, neglected or exploited.</li> <li>(ii) Names, addresses and telephone numbers of the vulnerable adult's family members.</li> <li>(iii) Name, address and telephone number of each alleged perpetrator.</li> <li>(iv) Name, address and telephone number of the caregiver of the vulnerable adult, if different from the alleged perpetrator.</li> <li>(v) Description of the neglect, exploitation, physical or psychological injuries sustained.</li> <li>(vi) Actions taken by the reporter, if any, such as notification of the criminal justice agency.</li> <li>(vii) Any other information available to the reporting person which may establish the cause of abuse, neglect or exploitation that occurred or is occurring.</li> </ul>
<p><b>Penalty for Failure to Report</b> <i>(Mississippi)</i></p>	<p>MISS. CODE ANN. § 43-47-7 (West 2013)</p> <p>(1) (c) A person who fails to make a report as required under this subsection or who, because of the circumstances, should have known or suspected beyond a reasonable doubt that a vulnerable adult suffers from exploitation, abuse, neglect or self-neglect but who knowingly fails to comply with this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not exceeding Five Thousand Dollars (\$ 5,000.00), or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment.</p>
<p><b>MISSOURI</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Missouri)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>MO. REV. STAT. § 210.115 (West 2013) MO. REV. STAT. 210.130 (West 2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> <i>(Missouri)</i></p>	<ul style="list-style-type: none"> <li>• <b>Juvenile officer;</b></li> <li>• <b>Jail or detention center personnel;</b></li> <li>• Physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons;</li> <li>• Any other health practitioner;</li> <li>• Psychologist;</li> <li>• Mental health professional;</li> <li>• Social worker;</li> <li>• Day care center worker or other child-care worker;</li> <li>• <b>Probation or parole officer;</b></li> <li>• Teacher;</li> <li>• Principal or other school official;</li> <li>• Minister as provided by section 352.400, RSMo; or</li> <li>• <b>Other person with responsibility for the care of children.</b></li> </ul>
<p><b>Reporting Procedures</b> <i>(Missouri)</i></p>	<p>MO. REV. STAT. § 210.115 (West 2013)</p> <p>(1) Immediately report or cause a report to be made.</p> <p>MO. REV. STAT. § 210.130 (West 2013)</p> <p>(1) Oral reports of abuse or neglect shall be made to the division by telephone or otherwise.</p> <p>(2) Such reports shall include the following information: The names and addresses of the child and his parents or other persons responsible for his care, if known; the child's age, sex, and race; the nature and extent of the child's injuries, abuse or neglect,</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> <i>(Missouri)</i></p>	<p>including any evidence of previous injuries, abuse, or neglect to the child or his siblings; the name, age and address of the person responsible for the injuries, abuse, or neglect, if known; family composition; the source of the report; the name and address of the person making the report, his occupation, and where he can be reached; the actions taken by the reporting source, including the taking of color photographs or the making of radiologic examinations... removal or keeping of the child...</p> <p>(3) Evidence of sexual abuse or sexual molestation of any child under eighteen years of age shall be turned over to the division within twenty-four hours by those mandated to report.</p>
<p><b>Penalty for Failure to Report</b> <i>(Missouri)</i></p>	<p>MO. REV. STAT. § 210.165 (West 2013)</p> <p>(1) Any person violating any provision of sections 210.110 to 210.165 is guilty of a class A misdemeanor.</p> <p>MO. REV. STAT. § 588.011 (West 2013)</p> <p>The authorized terms of imprisonment for a class A misdemeanor is a term not to exceed one year Maximum of one (1) year imprisonment.</p> <p>MO. REV. STAT. § 560.016 (West 2013)</p> <p>Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed \$1,000 for a class A misdemeanor,</p>
<p><b>Mandatory Reporting Statute</b> <i>(Missouri)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>MO. REV. STAT. § 217.410 (West 2013)</p> <p>MO. REV. STAT. § 198.070 (West 2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> <i>(Missouri)</i></p>	<p>MO. REV. STAT. § 217.410 (West 2013)</p> <p>(1) Reasonable cause to believe that an offender in a correctional center operated or funded by the department has been abused.</p> <p>MO. REV. STAT. § 198.070 (West 2013)</p> <p>1. Reasonable cause to believe that a resident of a facility has been abused or neglected, he or she shall immediately report or cause a report to be made to the department.</p>
<p><b>Relevant Definitions</b> <i>(Missouri)</i></p>	<p>MO. REV. STAT. § 217.405 (West 2013)</p> <p>(1) Except as provided in subsection 3 of this section, a person commits the crime of "offender abuse" if he knowingly injures the physical well-being of any offender under the jurisdiction of the department by beating, striking, wounding or by sexual contact with such person.</p>
<p><b>Persons Required to Report</b> <i>(Missouri)</i></p>	<p>MO. REV. STAT. § 217.410 (West 2013)</p> <p>(1) <b>Any employee of the department of corrections.</b></p> <p>(3) In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an offender has been abused may report such information to the director.</p> <p>MO. REV. STAT. § 198.070 (West 2013)</p> <ul style="list-style-type: none"> <li>• Any adult day care worker;</li> <li>• Chiropractor;</li> <li>• Christian Science practitioner;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Required to Report</b> <b>Cont'd</b> <i>(Missouri)</i></p>	<ul style="list-style-type: none"><li>• Coroner;</li><li>• Dentist;</li><li>• Embalmer;</li><li>• Employee of the departments of social services, mental health, or health and senior services;</li><li>• Employee of a local area agency on aging or an organized area agency on aging program;</li><li>• Funeral director;</li><li>• Home health agency or home health agency employee;</li><li>• Hospital and clinic personnel engaged in examination, care, or treatment of persons;</li><li>• In-home services owner, provider, operator, or employee;</li><li>• <b>Law enforcement officer;</b></li><li>• Long-term care facility administrator or employee;</li><li>• Medical examiner;</li><li>• Medical resident or intern;</li><li>• Mental health professional;</li><li>• Minister;</li><li>• Nurse;</li><li>• Nurse practitioner;</li><li>• Optometrist;</li><li>• Other health practitioner;</li><li>• <b>Peace officer;</b></li><li>• Pharmacist;</li><li>• Physical therapist;</li><li>• Physician;</li><li>• Physician's assistant;</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Required to Report Cont'd</b> (Missouri)</p>	<ul style="list-style-type: none"> <li>• Podiatrist;</li> <li>• <b>Probation or parole officer;</b></li> <li>• Psychologist;</li> <li>• Social worker; or</li> <li>• Other person with the care of a person sixty years of age or older</li> </ul> <p>(5) In addition to those persons required to report pursuant to subsection 1 of this section, <b>any other person</b> having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.</p>
<p><b>Reporting Procedures</b> (Missouri)</p>	<p>MO. REV. STAT. § 217.410 (West 2013)</p> <p>(1) Immediately report offender abuse in writing to the director.</p> <p>(2) The written report shall contain the name and address of the correctional center; the name of the offender; information regarding the nature of the abuse; the name of the complainant; and any other information which might be helpful in an investigation.</p> <p>(4) Upon receipt of a report, the department shall initiate an investigation within twenty-four hours.</p> <p>MO. REV. STAT. § 198.070 (West 2013)</p> <p>2. The report shall contain the name and address of the facility, the name of the resident, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.</p> <p>6. Upon receipt of a report, the department shall initiate an investigation within twenty-four hours and, as soon</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> <i>(Missouri)</i></p>	<p>as possible during the course of the investigation, shall notify the resident's next of kin or responsible party of the report and the investigation and further notify them whether the report was substantiated or unsubstantiated unless such person is the alleged perpetrator of the abuse or neglect. As provided in section 565.186, RSMo, substantiated reports of elder abuse shall be promptly reported by the department to the appropriate law enforcement agency and prosecutor.</p> <p>7. If the investigation indicates possible abuse or neglect of a resident, the investigator shall refer the complaint together with the investigator's report to the department director or the director's designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal is necessary to protect the resident from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the resident in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident, for a period not to exceed thirty days.</p> <p>8. Reports shall be confidential, as provided pursuant to section 660.320, RSMo.</p> <p>10. Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.</p>
<p><b>Penalty for Failure to Report</b> <i>(Missouri)</i></p>	<p>MO. REV. STAT. § 217.410 (West 2013)</p> <p>(3) Any person required by subsection 1 of this section to report or cause a report to be made, but who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.</p> <p>MO. REV. STAT. § 558.011 (West 2013)</p> <p>Maximum of one (1) year imprisonment.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report Cont'd</b> (Missouri)</p>	<p>MO. REV. STAT. § 560.016 (West 2013)</p> <p>Maximum fine of \$1,000</p> <p>MO. REV. STAT. § 198.070 (West 2013)</p> <p>3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.</p> <p>4. In addition to the penalties imposed by this section, any administrator who knowingly conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in section 565.002, RSMo, is guilty of a class D felony.</p>
<p><b>MONTANA</b></p>	
<p><b>Mandatory Reporting Statute</b> (Montana)</p>	<p><b>AGAINST A CHILD</b></p> <p>MONT. CODE ANN. § 41-3-201 (West 2013)</p>
<p><b>What has to be reported?</b> (Montana)</p>	<p>MONT. CODE ANN. § 41-3-201 (West 2013)</p> <p>(1) Knowledge or reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare</p>

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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> (Montana)</p>	<p>MONT. CODE ANN. § 41-3-102 (West 2013)</p> <p>(1) (a) “Abandon”, “abandoned”, and “abandonment” mean:</p> <ul style="list-style-type: none"> <li>(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;</li> <li>(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;</li> <li>(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or</li> <li>(iv) the voluntary surrender, by a parent of a newborn who is no more than 30 days old to an emergency services provider.</li> </ul> <p>(1)(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.</p> <p>(7) “Child abuse” or “neglect” means:</p> <ul style="list-style-type: none"> <li>(i) actual physical or psychological harm to a child;</li> <li>(ii) substantial risk of physical or psychological harm to a child; or</li> <li>(iii) abandonment.</li> </ul> <p>(b)(i) The term includes:</p> <ul style="list-style-type: none"> <li>(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare; or</li> <li>(B) exposing a child to the criminal distribution of dangerous drugs, the criminal production or manufacture of dangerous drugs, or the operation of an unlawful clandestine laboratory.</li> </ul> <p>(19) Physical abuse means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary</p>
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**NOTE:**

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Montana)</p>	<p>disfigurement, impairment of any bodily organ or function, or death.</p> <p>(20) Physical neglect means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.</p> <p>(21)(a) Physical or psychological harm to a child means the harm that occurs whenever the parent or other person responsible for the child's welfare:</p> <ul style="list-style-type: none"><li>(i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect;</li><li>(ii) commits or allows sexual abuse or exploitation of the child;</li><li>(iii) induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child's welfare;</li><li>(iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;</li><li>(v) exposes or allows the child to be exposed to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk; or</li><li>(vi) abandons the child.</li></ul> <p>(25) Reasonable cause to suspect means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.</p> <p>(27)(a) Sexual abuse means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, sexual abuse, ritual abuse, or incest.</p> <ul style="list-style-type: none"><li>(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Montana)</p>	<p>(28) Sexual exploitation means allowing, permitting, or encouraging a child to engage in a prostitution offense, or allowing, permitting, or encouraging sexual abuse of children.</p> <p>MONT. CODE ANN. § 45-2-101(West 2013)</p> <p>(6) Child or children means any individual or individuals under 18 years of age, unless a different age is specified.</p>
<p><b>Persons Required to Report</b> (Montana)</p>	<p>MONT. CODE ANN. § 41-3-201 (West 2013)</p> <p>(2) Professionals and officials required to report are:</p> <ul style="list-style-type: none"> <li>(a) A physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;</li> <li>(b) A nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;</li> <li>(c) Religious healers;</li> <li>(d) School teachers, other school officials, and employees who work during regular school hours;</li> <li>(e) A social worker, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program or of a child and adult food care program, or an operator or employee of a child-care facility;</li> <li>(f) A foster care, residential, or institutional worker;</li> <li><b>(g) A peace officer or other law enforcement official;<sup>6</sup></b></li> <li>(h) A member of the clergy;</li> <li>(i) A guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect; or</li> <li>(j) An employee of an entity that contracts with the department to provide direct services to children.</li> </ul> <p>(3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant shall report to the department any infant known to the professional to be affected by a dangerous drug, as defined in 50-32- 101.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> (Montana)</p>	<p>MONT. CODE ANN. § 41-3-201 (West 2013)</p> <p>(1) Report the matter promptly to the department of public health and human services.</p> <p>(5) The reports referred to under this section must contain:</p> <ul style="list-style-type: none"> <li>(a) the names and addresses of the child and the child's parents or other persons responsible for the child's care;</li> <li>(b) to the extent known, the child's age and the nature and extent of the child's injuries, including any evidence of previous injuries;</li> <li>(c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of person or persons responsible for the injury or neglect; and</li> <li>(d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter.</li> </ul>
<p><b>Penalty for Failure to Report</b> (Montana)</p>	<p>MONT. CODE ANN. § 41-3-207 (West 2013)</p> <p>(1) Any person, official, or institution required by law to report known or suspected child abuse or neglect who fails to do so or who prevents another person from reasonably doing so is civilly liable for the damages proximately caused by such failure or prevention.</p> <p>(2) Any person or official required by law to report known or suspected child abuse or neglect who purposely or knowingly fails to report known child abuse or neglect or purposely or knowingly prevents another person from doing so is guilty of a misdemeanor.</p> <p>MONT. CODE ANN. § 45-2-101 (2013).</p> <p>(42) <u>Misdemeanor</u> means an offense for which the sentence imposed upon conviction is imprisonment in the county jail for a term of a fine, or both, or for which the sentence imposed is imprisonment in a state prison for a term of 1 year or less.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> (Montana)</p>	<p><b>AGAINST AN ADULT</b></p> <p>MONT. CODE ANN. § 52-3-811 (West 2013)</p>
<p><b>What has to be reported?</b> (Montana)</p>	<p>MONT. CODE ANN. § 52-3-811 (West 2013)</p> <p>(1) Knowledge or a have reasonable cause to suspect that an older person or a person with a developmental disability known to them in their professional or official capacities has been subjected to abuse, sexual abuse, neglect, or exploitation.</p> <p>MONT. CODE ANN. § 53-21-107 (West 2013) Abuse and neglect of persons admitted to mental health facility prohibited -- reporting – investigations</p> <p>(1) Any form of abuse or neglect of a person admitted to a mental health facility is prohibited.</p> <p>(2) Each mental health facility shall provide a mechanism for reporting allegations of abuse or neglect that in no way deters or discourages an individual from reporting the allegations.</p>
<p><b>Relevant Definitions</b> (Montana)</p>	<p>MONT. CODE ANN. § 52-3-803 (West 2013)</p> <p>(1) “Abuse” means:</p> <p style="padding-left: 20px;">(b) the infliction of physical or mental injury; or</p> <p style="padding-left: 20px;">(c) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes lawful authority.</p> <p>(3) Exploitation means:</p> <p style="padding-left: 20px;">(d) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney,</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Montana)</i></p>	<p>conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;</p> <p>(e) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;</p> <p>(f) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person's money, assets, or property.</p> <p>(7) Neglect means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a person with a developmental disability or who has voluntarily assumed responsibility for the person's care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or services necessary to maintain the physical or mental health of the older person or the person with a developmental disability.</p> <p>(8) "Older person" means a person who is at least 60 years of age. For purposes of prosecution, the person 60 years of age or older must be unable to provide personal protection from abuse, sexual abuse, neglect, or exploitation because of a mental or physical impairment or because of frailties or dependencies brought about by advanced age.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>Montana</i>)</p>	<p>(9) Person with a developmental disability means a person 18 years of age or older who has a developmental disability.</p> <p>(11) Sexual abuse means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, or incest.</p>
<p><b>Persons Required to Report</b> (<i>Montana</i>)</p>	<p>MONT. CODE ANN. § 52-3-811 (West 2013)</p> <p>(3) Professionals and other persons required to report are:</p> <ul style="list-style-type: none"> <li>(a) physician, resident, intern, professional or practical nurse, physician assistant, or member of a hospital staff engaged in the admission, examination, care, or treatment of persons;</li> <li>(b) An osteopath, dentist, denturist, chiropractor, optometrist, podiatrist, medical examiner, coroner, or any other health or mental health professional;</li> <li>(c) An ambulance attendant;</li> <li>(d) A social worker or other employee of the state, a county, or a municipality assisting an older person or a person with a developmental disability in the application for or receipt of public assistance payments or services;</li> <li>(e) A person who maintains or is employed by a rooming house, retirement home or complex, nursing home, group home, adult foster care home, adult day-care center, or assisted living facility or an agency or individual that provides home health services or personal care in the home;</li> <li>(f) An attorney, unless the attorney acquired knowledge of the facts required to be reported from a client and the attorney-client privilege applies;</li> <li>(g) <b>A peace officer or other law enforcement official;</b></li> <li>(h) A person providing services to an older person or a person with a developmental disability pursuant to a contract with a state or federal agency; and</li> <li>(i) An employee of the department while in the conduct of the employee's duties.</li> </ul>
<p><b>Reporting Procedures</b> (<i>Montana</i>)</p>	<p>MONT. CODE ANN. § 52-3-811 (West 2013)</p> <p>(1)(a) If the person is not a resident of a long-term care facility, report the matter to:</p>

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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> <i>(Montana)</i></p>	<p>(i) the department or its local affiliate; or (ii) the county attorney of the county in which the person resides or in which the acts that are the subject of the report occurred;</p> <p>(1)(b) if the person is a resident of a long-term care facility, report the matter to the long-term care ombudsman appointed under the provisions of 42 U.S.C. 3027(a)(12) and to the department. The department shall investigate the matter pursuant to its authority in 50-5-204 and, if it finds any allegations of abuse, sexual abuse, neglect, or exploitation contained in the report to be substantially true, forward a copy of the report to the county attorney as provided in subsection (1)(a)(ii).</p> <p>MONT. CODE ANN. § 53-21-107 (West 2013)</p> <p>(3) Each allegation of abuse or neglect must be reported as follows:</p> <ul style="list-style-type: none"><li>(a) Any employee of the mental health facility with knowledge of the allegation shall immediately report the allegation to the professional person in charge of the facility.</li><li>(b) The professional person in charge of the mental health facility shall report the allegation by the end of the next business day, in writing, to the board.</li><li>(c) When the allegation of abuse or neglect may constitute a criminal act, the professional person in charge of the mental health facility shall immediately report the allegation to the appropriate law enforcement authority.</li></ul> <p>(5) Investigations of allegations of abuse or neglect must be initiated by the professional person in charge of the facility as soon as possible after the initial report of the incident, but not later than by the end of the next business day. Initiation of each investigation may not be delayed in any way that adversely affects the efficacy of the investigation. However, the investigation must be initiated immediately when there is a report of an alleged criminal act.</p> <p>(6) The investigation of each allegation of abuse or neglect must be concluded within the minimum period of time necessary to gather the information relative to each allegation and to come to a conclusion following the initial report of the allegation.</p> <p>(7) Each mental health facility shall document the following in writing regarding each allegation of abuse or neglect:</p> <ul style="list-style-type: none"><li>(a) details of each allegation of abuse or neglect, including the names of any facility staff against whom the allegation is made;</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> <i>(Montana)</i></p>	<p>(b) a description of the rationale for conducting the investigation with either in-house or outside personnel;                  (c) details of the process of the investigation of each allegation of abuse or neglect;                  (d) details of the conclusions of the investigation; and                  (e) details of corrective action taken.</p> <p>(8) Mental health facilities shall provide a copy of the written report described in subsections (7)(a) through (7)(e) within 5 working days of the completion of each investigation to the director of the department and to the board.</p>
<p><b>Penalty for Failure to Report</b> <i>(Montana)</i></p>	<p>MONT. CODE ANN. § 52-3-825 (West 2013)</p> <p>(1) A person who purposely or knowingly fails to make a report or discloses or fails to disclose the contents of a case record or report is guilty of an offense and upon conviction is punishable as provided in 46-18-212.</p> <p>MCA § 46-18-212 (West 2008)</p> <p>Imprisonment not to exceed 6 months in the county jail or a fine not to exceed \$ 500, or both.</p>
<p><b>NEBRASKA</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Nebraska)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>NEB. REV. ST. § 28-711 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Nebraska)</i></p>	<p>NEB. REV. ST. § 28-711 (West 2013)</p> <p>(1) . . . Reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> <i>(Nebraska)</i></p>	<p>to conditions or circumstances which reasonably would result in child abuse or neglect. . .</p>
<p><b>Relevant Definitions</b> <i>(Nebraska)</i></p>	<p>NEB. REV. ST. § 28-707 (West 2013)</p> <p>(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:</p> <ul style="list-style-type: none"> <li>(a) Placed in a situation that endangers his or her life or physical or mental health;</li> <li>(b) Cruelly confined or cruelly punished;</li> <li>(c) Deprived of necessary food, clothing, shelter, or care;</li> <li>(d) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or</li> <li>(e) Placed in a situation to be sexually abused as defined in section 28-319 or 28-320.01 or Section 6 of this Act.</li> </ul>
<p><b>Persons Required to Report</b> <i>(Nebraska)</i></p>	<p>NEB. REV. ST. § 28-711 (West 2013)</p> <p>(1) <b>Any:</b></p> <ul style="list-style-type: none"> <li>• Physician, medical institution, nurse;</li> <li>• School employee;</li> <li>• Social worker; or</li> <li>• <b>Other person.</b></li> </ul>
<p><b>Reporting Procedures</b> <i>(Nebraska)</i></p>	<p>NEB. REV. ST. § 28-711 (West 2013)</p> <p>(1) Shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the department on the toll-free number.... Such report may be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures</b> <i>(Nebraska)</i>	<p>child abuse or neglect or the conditions and circumstances which would reasonably result in such child abuse or neglect, any evidence of previous child abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such child abuse or neglect and the identity of the perpetrator or perpetrators.</p>
<b>Penalty for Failure to Report</b> <i>(Nebraska)</i>	<p>NEB. REV. ST. § 28-717 (West 2013)</p> <p>Any person who willfully fails to make any report of child abuse or neglect required by section 28-711 shall be guilty of a Class III misdemeanor.</p> <p>NEB. REV. ST. § 28-106 (West 2013)</p> <p>Maximum of three months imprisonment or \$500 fine, or both.</p>
<b>Mandatory Reporting Statute</b> <i>(Nebraska)</i>	<p><b>AGAINST AN ADULT</b></p> <p>NEB. REV. ST. § 28-372 (West 2013)</p>
<b>What has to be reported?</b> <i>(Nebraska)</i>	<p>NEB. REV. ST. § 28-372 (West 2013)</p> <p>(1) Reasonable cause to believe that a vulnerable adult has been subjected to abuse or observes such adult being subjected to conditions or circumstances which reasonably would result in abuse.</p>
<b>Relevant Definitions</b> <i>(Nebraska)</i>	<p>NEB. REV. ST. § 28-351 (West 2013)</p> <p>Abuse shall mean any knowing, intentional, or negligent act or omission on the part of a caregiver, a vulnerable adult, or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, exploitation, or denial of essential services to a vulnerable adult.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Nebraska)</i></p>	<p>NEB. REV. ST. § 28-371 (West 2013)</p> <p>Vulnerable adult shall mean any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian has been appointed under the Nebraska Probate Code.</p> <p>NEB. REV. ST. § 28-359 (West 2013)</p> <p>Law enforcement agency shall mean the police department or the town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol.</p>
<p><b>Persons Required to Report</b> <i>(Nebraska)</i></p>	<p>NEB. REV. ST. § 28-372 (West 2013)</p> <p>(1) When any</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement personnel;</b></li> <li>• Physician, psychologist, physician assistant, nurse, nursing assistant, other medical, developmental disability, or mental health professional;</li> <li>• Caregiver or employee of a caregiver;</li> <li>• Operator or employee of a sheltered workshop;</li> <li>• Owner, operator, or employee of any facility licensed by the department, or human services professional or paraprofessional not including a member of the clergy.</li> </ul>
<p><b>Reporting Procedures</b> <i>(Nebraska)</i></p>	<p>NEB. REV. ST. § 28-372 (West 2013)</p> <p>(1) Report the incident or cause a report to be made to the appropriate law enforcement agency or to the department.</p> <p>(2) Such report may be made by telephone, with the caller giving his or her name and address, and, if requested by the department,</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures Cont'd</b> <i>(Nebraska)</i>	shall be followed by a written report within forty-eight hours. To the extent available the report shall contain: (a) The name, address, and age of the vulnerable adult; (b) the address of the caregiver or caregivers of the vulnerable adult; (c) the nature and extent of the alleged abuse or the conditions and circumstances which would reasonably be expected to result in such abuse; (d) any evidence of previous abuse including the nature and extent of the abuse; and (e) any other information which in the opinion of the person making the report may be helpful in establishing the cause of the alleged abuse and the identity of the perpetrator or perpetrators.
<b>Penalty for Failure to Report</b> <i>(Nebraska)</i>	NEB. REV. ST. § 28-384 (West 2013)  Any person who willfully fails to make any report required by the Adult Protective Services Act shall be guilty of a Class III misdemeanor.  NEB. REV. ST. § 28-106 (West 2013)  Maximum of 3 months imprisonment or \$500 fine, or both.
<b>NEVADA</b>	
<b>Mandatory Reporting Statute</b> <i>(Nevada)</i>	<b>AGAINST A CHILD</b>  NEV. REV. STAT. § 432B.220 (West 2011)
<b>What has to be reported?</b> <i>(Nevada)</i>	NEV. REV. STAT. § 432B.220 (West 2011)  (1) <b>Any person</b> who in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected.

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> (Nevada)</p>	<p>NEV. REV. STAT. § 432B.220 (West 2011)</p> <p>(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:</p> <ul style="list-style-type: none"> <li>(a) Placed in a situation that endangers his or her life or physical or mental health;</li> <li>(b) Cruelly confined or cruelly punished;</li> <li>(c) Deprived of necessary food, clothing, shelter, or care;</li> <li>(d) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or</li> <li>(e) Placed in a situation to be sexually abused as defined in section 28-319 or 28-320.01 or Section 6 of this Act.</li> </ul>
<p><b>Persons Required to Report</b> (Nevada)</p>	<p>NEV. REV. STAT. § 432B.220 (West 2011)</p> <p><b>4.</b> A report must be made pursuant to subsection 1 by the following persons:</p> <ul style="list-style-type: none"> <li>(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.</li> <li>(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.</li> <li>(c) A coroner.</li> </ul>

**NOTE:**

**\*\* For purposes of this chart, corrections officers, police officers, peace officers, probation officers or “catch-all” phrases such as “all persons” have been bolded. However, many mandatory reporters include professionals who may have contact or work in correctional facilities. Such individuals include physicians, nurses, dentists, teachers and social workers. These statutes can be used as a tool to require staff other than correctional officers to report sexual misconduct with inmates.**

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**Persons Required to Report Cont'd**  
(Nevada)

- (d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.
  - (e) A social worker and an administrator, teacher, librarian or counselor of a school.
  - (f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.
  - (g) Any person licensed to conduct a foster home.
  - (h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.**
  - (i) An attorney, unless the attorney has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.
  - (j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.**
  - (k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.
  - (l) Any adult person who is employed by an entity that provides organized activities for children.
5. A report may be made by any other person.

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**\*\* For purposes of this chart, corrections officers, police officers, peace officers, probation officers or "catch-all" phrases such as "all persons" have been bolded. However, many mandatory reporters include professionals who may have contact or work in correctional facilities. Such individuals include physicians, nurses, dentists, teachers and social workers. These statutes can be used as a tool to require staff other than correctional officers to report sexual misconduct with inmates.**

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### The Project on Addressing Prison Rape

<b>Reporting Procedures</b> <i>(Nevada)</i>	<p>NEV. REV. STAT. § 432B.220 (West 2011)</p> <p>(1) Shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the department on the toll-free number.... Such report may be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the child abuse or neglect or the conditions and circumstances which would reasonably result in such child abuse or neglect, any evidence of previous child abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such child abuse or neglect and the identity of the perpetrator or perpetrators.</p> <p>NEV. REV. STAT. § 432B.230 (West 2011)</p> <p><b>2.</b> The report must contain the following information, if obtainable:</p> <ul style="list-style-type: none"><li>(a) The name, address, age and sex of the child;</li><li>(b) The name and address of the child's parents or other person responsible for the care of the child;</li><li>(c) The nature and extent of the abuse or neglect of the child, the effect of prenatal illegal substance abuse on the newborn infant or the nature of the withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;</li><li>(d) Any evidence of previously known or suspected:<ul style="list-style-type: none"><li>(1) Abuse or neglect of the child or the child's siblings; or</li><li>(2) Effects of prenatal illegal substance abuse on or evidence of withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;</li></ul></li><li>(e) The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and</li></ul>
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<b>Reporting Procedures Cont'd</b> <i>(Nevada)</i>	<p>(f) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.</p>
<b>Penalty for Failure to Report</b> <i>(Nevada)</i>	<p>NEV. REV. STAT. § 432B.240 (West 2011)</p> <p>Any person who knowingly and willfully violates the provisions of NRS 432B.220 is guilty of a misdemeanor.</p>
<b>Mandatory Reporting Statute</b> <i>(Nevada)</i>	<p><b>AGAINST AN ADULT</b></p> <p>NEV. REV. STAT. § 200.5093 (West 2011).</p>
<b>What has to be reported?</b> <i>(Nevada)</i>	<p>NEV. REV. STAT. § 200.5093 (West 2011.)</p> <p>(1) know[ledge] or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated</p>
<b>Relevant Definitions</b> <i>(Nevada)</i>	<p>NEV. REV. STAT. § 200.5092 (West 2011).</p> <p>1. "Abuse" means willful and unjustified:</p> <p style="padding-left: 40px;">(a) Infliction of pain, injury or mental anguish on an older person or a vulnerable person; or</p> <p style="padding-left: 40px;">(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person.</p> <p>2. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:</p>

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<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Nevada)</i></p>	<p>(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or</p> <p>(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.</p> <p>3. "Isolation" means willfully, maliciously and intentionally preventing an older person or a vulnerable person from having contact with another person</p> <p>4. "Neglect" means the failure of:</p> <p>(a) A person who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person; or</p> <p>(b) An older person or a vulnerable person to provide for his or her own needs because of inability to do so.</p> <p>5. "Older person" means a person who is 60 years of age or older.</p> <p>7. "Vulnerable person" means a person 18 years of age or older who:</p> <p>(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or</p> <p>(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.</p>
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<p><b>Persons Required to Report</b> (Nevada)</p>	<p>NEV. REV. STAT. § 200.5093 (West 2011).</p> <ul style="list-style-type: none"><li>• <b>4.</b> A report must be made pursuant to subsection 1 by the following persons:<ul style="list-style-type: none"><li>(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.</li><li>(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.</li><li>(c) A coroner.</li><li>(d) Every person who maintains or is employed by an agency to provide personal care services in the home.</li><li>(e) Every person who maintains or is employed by an agency to provide nursing in the home.</li><li>(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 427A.0291.</li><li>(g) Any employee of the Department of Health and Human Services.</li><li>(h) Any employee of a <b>law enforcement agency or a county's office</b> for protective services or an <b>adult or juvenile probation officer</b>.</li></ul></li></ul>
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<p><b>Persons Required to Report Cont'd</b> <i>(Nevada)</i></p>	<p>(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.</p> <p><b>(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.</b></p> <p>(k) Every social worker.</p> <p>(l) Any person who owns or is employed by a funeral home or mortuary.</p> <p>5. A report may be made by any other person.</p>
<p><b>Reporting Procedures</b> <i>(Nevada)</i></p>	<p>NEV. REV. STAT. § 200.5093 (West 2011).</p> <p><b>(1)(a)</b> Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:</p> <p>(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;</p> <p>(2) A police department or sheriff's office;</p> <p>(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or</p> <p>(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and</p> <p><b>(b)</b> Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.</p>

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<b>Reporting Procedures Cont'd</b> <i>(Nevada)</i>	<p>2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.</p> <p>3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.</p>
<b>Penalty for Failure to Report</b> <i>(Nevada)</i>	<p>NEV. REV. STAT. § 200.5093 (West 2011).</p> <p>9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.</p>
<b>NEW HAMPSHIRE</b>	
<b>Mandatory Reporting Statute</b> <i>(New Hampshire)</i>	<p><b>AGAINST A CHILD</b></p> <p>N.H. REV. STAT. ANN. § 169-C:29 (West 2013)</p>
<b>What has to be reported?</b> <i>(New Hampshire)</i>	<p>N.H. REV. STAT. ANN. § 169-C:29 (West 2013)</p> <p>(1) Reason to suspect that a child has been abused or neglected.</p>
<b>Relevant Definitions</b> <i>(New Hampshire)</i>	<p>N.H. REV. STAT. § 169-C:3 (West 2013)</p> <p>(II) “Abused child” means any child who has been:</p> <p style="padding-left: 20px;">(a) Sexually abused; or</p>

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<p><b>Relevant Definitions</b> <i>(New Hampshire)</i></p>	<p>(b) Intentionally physically injured; or                  (c) Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or                  (d) Physically injured by other than accidental means.</p> <p>(V) “Child” means any person who has not reached his eighteenth birthday.</p> <p>XIX. “Neglected child” means a child:                  (a) Who has been abandoned by his parents, guardian, or custodian; or                  (b) Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, when it is established that his health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian or custodian; or                  (c) Whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity;</p> <p>(XXVII-a) Sexual abuse means the following activities under circumstances which indicate that the child's health or welfare is harmed or threatened with harm: the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term "child" or "children" means any individual who is under the age of 18 years.</p>
<p><b>Persons Required to Report</b> <i>(New Hampshire)</i></p> <p><b>Persons Required to Report</b></p>	<p>N.H. REV. STAT. ANN. § 169-C:29 (West 2013)</p> <p>Persons required to report:</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement official;</b><sup>7</sup></li> <li>• Physician, surgeon;</li> <li>• County medical examiner;</li> </ul>

**NOTE:**

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<p><i>(New Hampshire)</i></p>	<ul style="list-style-type: none"> <li>• Psychiatrist;</li> <li>• Resident;</li> <li>• Intern;</li> <li>• Dentist;</li> <li>• Osteopath;</li> <li>• Optometrist;</li> <li>• Chiropractor;</li> <li>• Psychologist;</li> <li>• Therapist;</li> <li>• Registered nurse;</li> <li>• Hospital personnel (engaged in admission, examination, care and treatment of persons);</li> <li>• Christian Science practitioner;</li> <li>• Teacher, school official, school nurse, school counselor;</li> <li>• Social worker;</li> <li>• Day care worker, any other child or foster care worker;</li> <li>• Priest, minister, or rabbi; or</li> <li>• <b>Any other person having reason to suspect that a child has been abused or neglected.</b></li> </ul>
<p><b>Reporting Procedures</b> <i>(New Hampshire)</i></p>	<p>N.H. REV. STAT. ANN. § 169-C:30 (West 2013)</p> <p>(1) An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department.</p>

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<p><b>Penalty for Failure to Report</b> (<i>New Hampshire</i>)</p>	<p>N.H. REV. STAT. ANN. § 169-C:39 (West 2013)</p> <p>Anyone who knowingly violates any provision of this subdivision shall be guilty of a misdemeanor.</p> <p>N.H. REV. STAT. § 651:2</p> <p>The maximum penalty for a class A misdemeanor shall not exceed one year.</p> <p>The fine for a class A misdemeanor may not exceed \$2,000.</p>
<p><b>Mandatory Reporting Statute</b> (<i>New Hampshire</i>)</p>	<p><b>AGAINST AN ADULT</b></p> <p>N.H. REV. STAT. ANN. § 161-F:46 (West 2013)</p>
<p><b>What has to be reported?</b> (<i>New Hampshire</i>)</p>	<p>N.H. REV. STAT. ANN. § 161-F:46 (West 2013)</p> <p>Suspicion or belief in good faith that any adult who is or who is suspected to be incapacitated has been subjected to abuse, neglect, self-neglect, or exploitation or is living in hazardous conditions</p>
<p><b>Relevant Definitions</b> (<i>New Hampshire</i>)</p>	<p>N.H. REV. STAT. ANN. § 161-F:43 (West 2013)</p> <p>II. Abuse means any one of the following:</p> <p>(a) "Emotional abuse" means the misuse of power, authority, or both, verbal harassment, or unreasonable confinement which results or could result in the mental anguish or emotional distress of an incapacitated adult.</p> <p>(b) "Physical abuse" means the use of physical force which results or could result in physical injury to an incapacitated adult.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

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<p><b>Relevant Definitions Cont'd</b> (<i>New Hampshire</i>)</p>	<p>(c) "Sexual abuse" means contact or interaction of a sexual nature involving an incapacitated adult without his or her informed consent.</p> <p>III. Neglect means an act or omission which results or could result in the deprivation of essential services or supports necessary to maintain the minimum mental, emotional or physical health and safety of an incapacitated adult.</p> <p>IV. Exploitation means the illegal use of an incapacitated adult's person or property for another person's profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person's property for any purpose not in the proper and lawful execution of a trust, including, but not limited to, situations where a person obtains money, property, or services from an incapacitated adult through the use of undue influence, harassment, duress, deception, or fraud.</p> <p>VI. Self-neglect means an act or omission by an incapacitated adult which results or could result in the deprivation of essential services or supports necessary to maintain his or her minimum mental, emotional or physical health and safety.</p> <p>VII. Incapacitated means that the physical, mental, or emotional ability of a person is such that he is unable to manage personal, home, or financial affairs in his own best interest, or he is unable to act or unable to delegate responsibility to a responsible caretaker or caregiver.</p>
<p><b>Persons Required to Report</b> (<i>New Hampshire</i>)</p>	<p>N.H. REV. STAT. ANN. § 161-F:46 (West 2013)</p> <p><b>Any person, including, but not limited to:</b></p> <ul style="list-style-type: none"> <li>• <b>Law enforcement officials;</b></li> <li>• Physicians;</li> <li>• Other health care professionals;</li> <li>• Social workers; and</li> <li>• Clergy.</li> </ul>

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<p><b>Reporting Procedures</b> <i>(New Hampshire)</i></p>	<p>N.H. REV. STAT. ANN. § 161-F:46 (West 2013)</p> <p>(I) An oral report, by telephone or otherwise, shall be made immediately, followed by a written report, if so requested, to the commissioner or his authorized representative. When oral reports are made after working hours of the department, or on weekends or holidays, such reports shall be made to the police department of the appropriate political subdivision, or to the sheriff of the county, in which the alleged abuse, neglect or exploitation occurred. Law enforcement officials receiving reports under this paragraph shall notify the commissioner within 72 hours of receipt of such reports.</p>
<p><b>Penalty for Failure to Report</b> <i>(New Hampshire)</i></p>	<p>N.H. REV. STAT. ANN. § 161-F:50 (West 2013)</p> <p>Any person who knowingly fails to make any report shall be guilty of a misdemeanor.</p> <p>N.H. REV. STAT. ANN. § 651:2 (West 2013)</p> <p>(I) A person convicted of a felony or a Class A misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.</p> <p>(II) If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:</p> <p style="padding-left: 20px;">(c) One year for a class A misdemeanor</p>
<p><b>NEW JERSEY</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(New Jersey)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>N.J. STAT. ANN.. § 9:6-8.10 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(New Jersey)</i></p>	<p>N.J. STAT. ANN. § 9:6-8.10 (West 2013)</p> <p>Reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse.</p>

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<b>Relevant Definitions</b> <i>(New Jersey)</i>	<p>N.J. STAT. ANN. § 9:6-1 (West 2013)</p> <p>Abuse of a child shall consist in any of the following acts:</p> <ul style="list-style-type: none"><li>(a) disposing of the custody of a child contrary to law;</li><li>(b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State;</li><li>(c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child;</li><li>(d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language;</li><li>(e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child;</li><li>(f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child;</li><li>(g) using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or</li><li>(h) willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.</li></ul> <p>N.J. STAT. ANN. § 9:6-8.21 (West 2013)</p> <p>b. "Child" means any child alleged to have been abused or neglected.</p> <p>c. "Abused" or "neglected" child means a child less than 18 years of age whose parent or guardian, as herein defined,</p> <ul style="list-style-type: none"><li>(1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;</li><li>(2) creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;</li></ul>
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<p><b>Relevant Definitions Cont'd</b> (<i>New Jersey</i>)</p>	<p>(3) commits or allows to be committed an act of sexual abuse against the child;  (4) or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimum degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;  (5) or a child who has been willfully abandoned by his parent or guardian, as herein defined;  (6) or a child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself, others or property;  (7) or a child who is in an institution and (a) has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being or (b) who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.</p>
<p><b>Persons Required to Report</b> (<i>New Jersey</i>)</p>	<p>N.J. STAT. ANN. § 9:6-8.10 (West 2013)</p> <p><b>Any person</b> having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse.</p>
<p><b>Reporting Procedures</b> (<i>New Jersey</i>)</p>	<p>N.J. STAT. ANN. § 9:6-8.10 (West 2013)</p> <p>Individuals required to report shall report immediately to the Division of Youth and Family Services by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.</p>

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<p><b>Penalty for Failure to Report</b> (<i>New Jersey</i>)</p>	<p>N.J. STAT. ANN. § 9:6-8.14 (West 2013)</p> <p>Any person knowingly violating the provisions of this act including the failure to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed is a disorderly person.</p> <p>N.J. STAT. ANN. § 2C:43-8 (West 2013)</p> <p>Maximum of 6 months imprisonment.</p> <p>N.J. STAT. ANN. § 2C:43-3 (West 2013)</p> <p>(d) Maximum fine of \$1,000.00.</p>
<p><b>Mandatory Reporting Statute</b> (<i>New Jersey</i>)</p>	<p><b>AGAINST AN ADULT</b></p> <p>N.J. STAT. ANN. § 52:27D-419 (West 2013)</p>
<p><b>What has to be reported?</b> (<i>New Jersey</i>)</p>	<p>N.J. STAT. ANN. § 52:27D-419 (West 2013)</p> <p>Reasonable cause to believe that a caretaker or other person has committed a criminal act against a vulnerable adult.</p>
<p><b>Relevant Definitions</b> (<i>New Jersey</i>)</p>	<p>N.J. STAT. ANN. § 52:27D-407 (West 2013)</p> <p>“County director means” the director of a county adult protective services provider.</p> <p>“Vulnerable adult” means a person 18 years of age or older who resides in a community setting and who, because of a physical or mental illness, disability or deficiency, lacks sufficient understanding or capacity to make, communicate, or carry out decisions concerning his well-being and is the subject of abuse, neglect or exploitation. A person shall not be deemed to be the subject of</p>

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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>New Jersey</i>)</p>	<p>abuse, neglect or exploitation or in need of protective services for the sole reason that the person is being furnished nonmedical remedial treatment by spiritual means through prayer alone or in accordance with a recognized religious method of healing in lieu of medical treatment, and in accordance with the tenets and practices of the person's established religious tradition.</p> <p>“Abuse means” the willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services which are necessary to maintain a person's physical and mental health.</p> <p>“Caretaker” means a person who has assumed the responsibility for the care of a vulnerable adult as a result of family relationship or who has assumed responsibility for the care of a vulnerable adult voluntarily, by contract, or by order of a court of competent jurisdiction, whether or not they reside together.</p> <p>“Exploitation” means the act or process of illegally or improperly using a person or his resources for another person's profit or advantage.</p> <p>“Neglect” means an act or failure to act by a vulnerable adult or his caretaker which results in the inadequate provision of care or services necessary to maintain the physical and mental health of the vulnerable adult, and which places the vulnerable adult in a situation which can result in serious injury or which is life-threatening.</p>
<p><b>Persons Required to Report</b> (<i>New Jersey</i>)</p>	<p>N.J. STAT. ANN. § 52:27D-419 (West 2013)</p> <p>The county director or his designee.</p>
<p><b>Reporting Procedures</b> (<i>New Jersey</i>)</p>	<p>N.J. STAT. ANN. § 52:27D-419 (West 2013)</p> <p>Immediately report the information to local law enforcement officials or the prosecutor of the county in which the alleged criminal act was committed. If the report is made orally, a written report shall follow in a timely manner.</p>

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### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> <i>(New Jersey)</i></p>	<p>N.J. STAT. ANN. § 52:27D-435 (West 2013)</p> <p>As an alternative, or in addition to the provisions of section 21 of P.L.1993, c. 288 (C. 52:27D-434) (pending before the Legislature as this bill), the commissioner may, subject to notice and hearing, impose an administrative civil penalty for a violation set forth in this section not to exceed \$1,000 for the first offense and \$5,000 for each subsequent offense. If the violation is of a continuing nature, each day it continues constitutes an additional and separate violation.</p> <p>The penalty may be sued for and recovered by and in the name of the commissioner in a civil action in a court of competent jurisdiction by a summary proceeding under "the penalty enforcement law," N.J.S. 2A:58-1 et seq. For the purposes of this act, the Superior Court and the municipal court shall have jurisdiction to enforce the provisions of "the penalty enforcement law."</p> <p>The department may compromise and settle a claim for a penalty under this section in such amount as the department determines to be appropriate and equitable.</p>
<p><b>NEW MEXICO</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(New Mexico)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>N.M. STAT. § 32A-4-3 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(New Mexico)</i></p>	<p>N.M. STAT. § 32A-4-3 (West 2013)</p> <p>(A) Knowledge or reasonable suspicion that a child is an abused or a neglected child.</p>
<p><b>Relevant Definitions</b> <i>(New Mexico)</i></p>	<p>N.M. STAT. § 32A-4-3 (West 2013)</p> <p>(B) "Abused child" means a child:</p> <p>(1) who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian</p>

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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(New Mexico)</i></p>	<p>or custodian;</p> <p>(2) who has suffered physical abuse, emotional abuse or psychological abuse inflicted or caused by the child's parent, guardian or custodian;</p> <p>(3) who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian or custodian;</p> <p>(4) whose parent, guardian or custodian has knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health; or</p> <p>(5) whose parent, guardian or custodian has knowingly or intentionally tortured, cruelly confined or cruelly punished the child;</p> <p>(A) Abandonment includes instances when the parent, without justifiable cause:</p> <p>(1) left the child without provision for the child's identification for a period of fourteen days; or</p> <p>(2) left the child with others, including the other parent or an agency, without provision for support and without communication for a period of:</p> <p>(a) three months if the child was under six years of age at the commencement of the three-month period; or</p> <p>(b) six months if the child was over six years of age at the commencement of the six-month period;</p> <p>(E) "Neglected child" means a child:</p> <p>(1) who has been abandoned by the child's parent, guardian or custodian;</p> <p>(2) who is without proper parental care and control or subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parent, guardian or custodian or the failure or refusal of the parent, guardian or custodian, when able to do so, to provide them;</p> <p>(3) who has been physically or sexually abused, when the child's parent, guardian or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm;</p> <p>(4) whose parent, guardian or custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization or physical or mental disorder or incapacity; or</p> <p>(5) who has been placed for care or adoption in violation of the law; provided that nothing in the Children's Code shall be construed to imply that a child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof is for that reason alone a neglected child within the meaning of the Children's Code; and further provided that no child shall be denied</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>New Mexico</i>)</p>	<p>the protection afforded to all children under the Children's Code;</p> <p>(F) Physical abuse includes but is not limited to any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and:</p> <ol style="list-style-type: none"> <li>(1) there is not a justifiable explanation for the condition or death;</li> <li>(2) the explanation given for the condition is at variance with the degree or nature of the condition;</li> <li>(3) the explanation given for the death is at variance with the nature of the death; or</li> <li>(4) circumstances indicate that the condition or death may not be the product of an accidental occurrence;</li> </ol> <p>(G) Sexual abuse includes but is not limited to criminal sexual contact, incest or criminal sexual penetration, as those acts are defined by state law.</p> <p>(H) Sexual exploitation includes but is not limited to:</p> <ol style="list-style-type: none"> <li>(1) allowing, permitting or encouraging a child to engage in prostitution;</li> <li>(2) allowing, permitting, encouraging or engaging a child in obscene or pornographic photographing; or</li> <li>(3) filming or depicting a child for obscene or pornographic commercial purposes, as those acts are defined by state law.</li> </ol>
<p><b>Persons Required to Report</b> (<i>New Mexico</i>)</p>	<p>N.M. STAT. § 32A-4-3 (West 2013)</p> <p>(A) <b>Every person</b>, including:</p> <ul style="list-style-type: none"> <li>• <b>A law enforcement officer;</b></li> <li>• A licensed physician;</li> <li>• A resident or an intern examining, attending or treating a child;</li> <li>• A judge presiding during a proceeding;</li> <li>• A registered nurse;</li> <li>• A visiting nurse;</li> <li>• A schoolteacher;</li> <li>• A school official;</li> </ul>

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### The Project on Addressing Prison Rape

<b>Persons Required to Report</b> <i>(New Mexico)</i>	<ul style="list-style-type: none"> <li>• A social worker acting in an official capacity; or</li> <li>• A member of the clergy who has information that is not privileged as a matter of law.</li> </ul>
<b>Reporting Procedures</b> <i>(New Mexico)</i>	<p>N.M. STAT. § 32A-4-3 (West 2013)</p> <p>(A) Shall report the matter immediately to:</p> <ol style="list-style-type: none"> <li>(1) a local law enforcement agency;</li> <li>(2) the department; or</li> <li>(3) a tribal law enforcement or social services agency for any Indian child residing in Indian country.</li> </ol>
<b>Penalty for Failure to Report</b> <i>(New Mexico)</i>	<p>N.M. STAT. § 32A-4-3 (West 2013)</p> <p>(F) A person who violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.</p> <p>N.M. STAT. § 31-19-1 (West 2013)</p> <p>(A) Imprisonment in the county jail for a definite term less than 1 year or to the payment of a fine of not more than \$1,000.00 or to both such imprisonment and fine in the discretion of the judge.</p>
<b>Mandatory Reporting Statute</b> <i>(New Mexico)</i>	<p style="background-color: yellow;"><b>AGAINST AN ADULT</b></p> <p>N.M. STAT. § 27-7-30 (West 2013)</p>
<b>What has to be reported?</b> <i>(New Mexico)</i>	<p>N.M. STAT. § 27-7-30 (West 2013)</p> <p>(A) Reasonable cause to believe that an incapacitated adult is being abused, neglected, or exploited.</p>

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<p><b>Relevant Definitions</b> <i>(New Mexico)</i></p>	<p>N.M. STAT. § 27-7-16 (West 2013)</p> <p>(A) “Abuse” means:          (1) knowingly, intentionally or negligently and without justifiable cause inflicting physical pain, injury or mental anguish; or          (2) the intentional deprivation by a caretaker or other person of services necessary to maintain the mental and physical health of an adult; or          (3) sexual abuse, including criminal sexual contact, incest and criminal sexual penetration.</p> <p>(I) “Exploitation” means an unjust or improper use of an adult's money or property for another person's profit or advantage, pecuniary or otherwise.</p> <p>(L) Incapacitated adult means any adult with a mental, physical, or developmental condition that substantially impairs the adult’s ability to provide adequately for the adult’s own care or protection.</p> <p>(N) Neglect means the failure of the caretaker of an adult to provide for the basic needs of the adult, such as clothing, food, shelter, supervision and care for the physical and mental health of that adult; "neglect" includes self-neglect.</p>
<p><b>Persons Required to Report</b> <i>(New Mexico)</i></p>	<p>N.M. STAT. § 27-7-30 (West 2013)</p> <p>(A) <b>Any person</b>, including financial institutions, having reasonable cause to believe that an incapacitated adult is being abused.</p>
<p><b>Reporting Procedures</b> <i>(New Mexico)</i></p>	<p>N.M. STAT. § 27-7-30 (West 2013)</p> <p>(B) Immediately report that information to the department.... The report may be made orally or in writing. The report shall include the name, age and address of the adult, the name and address of any other person responsible for the adult's care, the nature and extent of the adult's condition, the basis of the reporter's knowledge and other relevant information.</p>

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<p><b>Penalty for Failure to Report</b> (<i>New Mexico</i>)</p>	<p>N.M. STAT. § 27-7-30 (West 2013)</p> <p>(C) Any person failing or refusing to report, or obstructing or impeding any investigation, as required by Subsection A of this section is guilty of a misdemeanor.</p> <p>N.M. STAT. § 31-19-1 (West 2013)</p> <p>(A) Imprisonment for a definite term less than one year or payment of a fine of not more than one thousand dollars (\$1,000) or to both such imprisonment and fine in the discretion of the judge.</p>
<p><b>NEW YORK</b></p>	
<p><b>Mandatory Reporting Statute</b> (<i>New York</i>)</p>	<p><b>AGAINST A CHILD</b></p> <p>N.Y. SOC. SERV. § 413 (McKinney 2013)</p>
<p><b>What has to be reported?</b> (<i>New York</i>)</p>	<p>N.Y. SOC. SERV. § 413 (McKinney 2013)</p> <p>(1) Reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child.</p>
<p><b>Relevant Definitions</b> (<i>New York</i>)</p>	<p>N.Y. SOC. SERV. § 412 (McKinney 2013)</p> <p>(1) “Abused child” means:</p>

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#### Relevant Definitions

#### Cont'd

(New York)

- (a) a child under eighteen years of age defined as an abused child by the family court act;
- (b) a child under the age of eighteen years who is defined as an abused child in residential care pursuant to subdivision eight of this section; or
- (c) a child with a handicapping condition, who is eighteen years of age or older, is in residential care in a school or facility, and is defined as an abused child pursuant to subdivision eight of this section; provided that such term shall include a pupil with a handicapping condition in residential care in such a school or facility who is defined as an abused child pursuant to subdivision eight of this section, is twenty-one years of age, and is entitled, pursuant to subdivision five of section forty-four hundred two of the education law, to remain in such school or facility until either the termination of the school year or the termination of the summer program, as applicable.

NY FAM CT § 1012 (McKinney 2013)

- (e) “Abused Child” means a child less than eighteen whose parent or other person legally responsible for his care
  - (i) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or
  - (ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or
  - (iii) commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law; commits any of the acts described in sections 255.25, 255.26 and 255.27 of the penal law; or allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal provided, however, that (a) the corroboration requirements contained in the penal and (b) the age requirement for the application of article two hundred sixty-three of such shall not apply to proceedings under this article.

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American University, Washington College of Law  
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## Fifty State Survey of Mandatory Reporting Statutes

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<p><b>Relevant Definitions Cont'd</b> (New York)</p>	<p>(f) “Neglected child” means a child less than eighteen years of age</p> <p>(i) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care</p> <p style="padding-left: 40px;">(A) in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five of the education law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or</p> <p style="padding-left: 40px;">(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision; or</p> <p style="padding-left: 40px;">(ii) who has been abandoned, in accordance with the definition and other criteria set forth in subdivision five of section three hundred eighty-four-b of the social services law, by his parents or other person legally responsible for his care.</p> <p>(g) Person legally responsible includes the child's custodian, guardian, any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.</p>
<p><b>Persons Required to Report</b> (New York)</p>	<p>N.Y. SOC. SERV. § 413 (McKinney 2013)</p> <p>(1)(a) the following persons and officials are required to report or cause a report to be made</p>

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## The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> <i>(New York)</i></p>	<ul style="list-style-type: none"><li>• <b>Peace officer;</b></li><li>• <b>Police officer;</b></li><li>• <b>Other law enforcement official;</b></li><li>• Physician, registered physician assistant, surgeon, medical examiner, coroner;</li><li>• Dentist;</li><li>• Dental hygienist;</li><li>• Osteopath;</li><li>• Optometrist;</li><li>• Chiropractor;</li><li>• Podiatrist;</li><li>• Resident;</li><li>• Intern;</li><li>• Psychologist;</li><li>• Registered nurse;</li><li>• Social worker;</li><li>• Emergency medical technician;</li><li>• Licensed creative arts therapist;</li><li>• Licensed marriage and family therapist;</li><li>• Licensed mental health counselor;</li><li>• Licensed psychoanalyst; hospital personnel engaged in the admission, examination, care or treatment of persons;</li><li>• A Christian Science practitioner;</li><li>• School official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate;</li><li>• Social services worker;</li><li>• Day care center worker;</li></ul>
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<p><b>Persons Required to Report Cont'd</b> <i>(New York)</i></p>	<ul style="list-style-type: none"> <li>• Provider of family or group family day care;</li> <li>• Employee or volunteer in a residential care facility defined in subdivision seven of section four hundred twelve of this title or any other child care or foster care worker; mental health professional;</li> <li>• Substance abuse counselor;</li> <li>• Alcoholism counselor;</li> <li>• District attorney or assistant district attorney; or</li> <li>• Investigator employed in the office of a district attorney.</li> </ul>
<p><b>Reporting Procedures</b> <i>(New York)</i></p>	<p>N.Y. SOC. SERV. § 413 (McKinney 2013)</p> <p>(b) Whenever such person is required to report under this title in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he or she shall make the report as required by this title and immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent. Such person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title and contact information for every staff person of the institution who is believed to have direct knowledge of the allegations in the report.</p>
<p><b>Penalty for Failure to Report</b> <i>(New York)</i></p>	<p>N.Y. SOC. SERV. § 420 (McKinney 2013)</p> <p>(1) Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.</p> <p>(2) Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.</p> <p>N.Y. PENAL § 80.05 (McKinney 2013)</p> <p>(1) A sentence to pay a fine for a class A misdemeanor shall be a sentence to pay an amount, fixed by the court, not exceeding</p>

**NOTE:**

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(New York)</i>	\$1,000.00.  N.Y. PENAL § 70.15 (McKinney 2013)  (1) Class A misdemeanor. A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed one year.
<b>Mandatory Reporting Statute</b> <i>(New York)</i>	<b>AGAINST AN ADULT</b>  N/A There is no adult mandatory reporting statute in New York
<b>What has to be reported?</b> <i>(New York)</i>	N/A
<b>Relevant Definitions</b> <i>(New York)</i>	N/A
<b>Persons Required to Report</b> <i>(New York)</i>	N/A
<b>Reporting Procedures</b> <i>(New York)</i>	N/A

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<b>Penalty for Failure to Report</b> <i>(New York)</i>	N/A
<b>NORTH CAROLINA</b>	
<b>Mandatory Reporting Statute</b> <i>(North Carolina)</i>	<b>AGAINST A CHILD</b> N.C. GEN. STAT. § 7B-301 (West 2013)
<b>What has to be reported?</b> <i>(North Carolina)</i>	N.C. GEN. STAT. § 7B-301 (West 2013) Any person or institution that has cause to suspect that any juvenile is abused or neglected.
<b>Relevant Definitions</b> <i>(North Carolina)</i>	N.C. GEN. STAT. § 7B-301 (West 2013) (1) Abused juveniles means any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker: <ul style="list-style-type: none"> <li>a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means</li> <li>b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;</li> <li>c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;</li> <li>d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, second degree rape, first-degree sexual offense, second degree sexual offense, sexual act by a custodian, crime against nature, incest, preparation of obscene photographs, slides, or motion pictures of the juvenile; employing or permitting the juvenile to assist in a violation of the obscenity laws; dissemination of obscene material to the juvenile; displaying or disseminating material harmful to the juvenile, first and second degree sexual exploitation of the juvenile; promoting the prostitution of the juvenile and taking indecent liberties with the juvenile,</li> <li>e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; o</li> </ul>

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<p><b>Relevant Definitions Cont'd</b> (North Carolina)</p>	<p>f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile.</p> <p>(15) Neglected juvenile means a juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.</p>
<p><b>Persons Required to Report</b> (North Carolina)</p>	<p>N.C. GEN. STAT. § 7B-301 (West 2013)</p> <p><b>Any person</b> or institution that has cause to suspect that any juvenile is abused or neglected.</p>
<p><b>Reporting Procedures</b> (North Carolina)</p>	<p>N.C. GEN. STAT. § 7B-301 (West 2013)</p> <p>Report should be made to the director of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's assessment of the alleged abuse, neglect, dependency, or death as a result of maltreatment.</p>
<p><b>Penalty for Failure to Report</b> (North Carolina)</p>	<p>No statutory sanctions.</p> <p>Note: Case law supports that a mandated reporter who failed to report was liable for damages. <u>See Smith v. Jackson County Bd. of Educ.</u> 168 N.C. App. 452, 608 (2005).</p>

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<b>Mandatory Reporting Statute</b> <i>(North Carolina)</i>	<b>AGAINST AN ADULT</b>  N.C. GEN. STAT. § 108A-102 (West 2013)
<b>What has to be reported?</b> <i>(North Carolina)</i>	N.C. GEN. STAT. § 108A-102 (West 2013)  (a) Reasonable cause to believe that a disabled adult is in need of protective services.
<b>Relevant Definitions</b> <i>(North Carolina)</i>	N.C. GEN. STAT.. § 108A-101 (West 2013)  (d) Disabled adult shall mean any person 18 years of age or over or any lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated due to mental retardation, cerebral palsy, epilepsy or autism; organic brain damage caused by advanced age or other physical degeneration in connection therewith; or due to conditions incurred at any age which are the result of accident, organic brain damage, mental or physical illness, or continued consumption or absorption of substances.  (n) Protective services shall mean services provided by the State or other government or private organizations or individuals which are necessary to protect the disabled adult from abuse, neglect, or exploitation. They shall consist of evaluation of the need for service and mobilization of essential services on behalf of the disabled adult.  (m) The word "neglect" refers to a disabled adult who is either living alone and not able to provide for himself or herself the services which are necessary to maintain the person's mental or physical health or is not receiving services from the person's caretaker.
<b>Persons Required to Report</b> <i>(North Carolina)</i>	N.C. GEN. STAT. § 108A-102 (West 2013)  (a) <b>Any person</b> having reasonable cause to believe that a disabled adult is in need of protective services.

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<b>Reporting Procedures</b> <i>(North Carolina)</i>	<p>N.C. GEN. STAT. § 108A-102 (West 2013)</p> <p>(b) The report may be made orally or in writing. The report shall include the name and address of the disabled adult; the name and address of the disabled adult's caretaker; the age of the disabled adult; the nature and extent of the disabled adult's injury or condition resulting from abuse or neglect; and other pertinent information.</p>
<b>Penalty for Failure to Report</b> <i>(North Carolina)</i>	<p>No statutory sanctions.</p>
<b>NORTH DAKOTA</b>	
<b>Mandatory Reporting Statute</b> <i>(North Dakota)</i>	<p><b>AGAINST A CHILD</b></p> <p>N.D. CENT CODE § 50-25.1-03 (West 2013)</p>
<b>What has to be reported?</b> <i>(North Dakota)</i>	<p>N.D. CENT CODE § 50-25.1-03 (West 2013)</p> <p>(1) Knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect.</p>
<b>Relevant Definitions</b> <i>(North Dakota)</i>	<p>N.D. CENT CODE § 50-25.1-02 (West 2013)</p> <p>Abused child means an individual under the age of eighteen years who is suffering from abuse as defined in subdivision a of subsection 1 of section 14-09-22 caused by a person responsible for the child's welfare and sexually abused child means an individual under the age of eighteen years who is subjected by a person responsible for the child's welfare to any act in violation of sections 12.1-20-01 through 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.2, or chapter 12.1-27.2.</p> <p>N.D. CENT CODE § 14-09-22 (West 2013)</p>

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<p><b>Relevant Definitions Cont'd</b> (North Dakota)</p>	<p>1. Except as provided in subsection 2, a parent, adult family or household member, guardian, or other custodian of any child, who willfully commits any of the following offenses is guilty of a class C felony except if the victim of an offense under subdivision a is under the age of six years in which case the offense is a class B felony:</p> <ul style="list-style-type: none"> <li>a. Inflicts, or allows to be inflicted, upon the child, bodily injury, substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 or mental injury.</li> <li>b. Fails to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals.</li> <li>c. Permits the child to be, or fails to exercise reasonable diligence in preventing the child from being, in a disreputable place or associating with vagrants or vicious or immoral persons.</li> <li>d. Permits the child to engage in, or fails to exercise reasonable diligence in preventing the child from engaging in, an occupation forbidden by the laws of this state or an occupation injurious to the child's health or morals or the health or morals of others.</li> </ul> <p>2. A person who provides care, supervision, education, or guidance for a child unaccompanied by the child's parent, adult family or household member, guardian, or custodian in exchange for money, goods, or other services and who while providing such services commits an offense under subdivision a of subsection 1 is guilty of a class B felony. Any such person who commits, allows to be committed, or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20 is subject to the penalties provided in that chapter.</p>
<p><b>Persons Required to Report</b> (North Dakota)</p>	<p>N.D. CENT CODE § 50-25.1-03 (West 2013)</p> <p>(1) Persons required and permitted to report:</p> <ul style="list-style-type: none"> <li>• <b>Police or law enforcement officer;</b></li> <li>• <b>Probation officer;</b></li> <li>• Any physician, nurse, dentist, optometrist, medical examiner or coroner or any other medical or mental health</li> </ul>

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<p><b>Persons Required to Report</b> (North Dakota)</p>	<p>professional;</p> <ul style="list-style-type: none"> <li>• Religious practitioner of the healing arts;</li> <li>• Schoolteacher or administrator, school counselor;</li> <li>• Addiction counselor;</li> <li>• Social worker;</li> <li>• Child care worker;</li> <li>• Foster parent;</li> <li>• <b>Juvenile court personnel;</b></li> <li>• <b>Division of juvenile services employee;</b> or</li> <li>• Member of the clergy.</li> </ul>
<p><b>Reporting Procedures</b> (North Dakota)</p>	<p>N.D. CENT CODE § 50-25.1-03 (West 2013)</p> <p>(1) shall report the circumstances to the department if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity.</p> <p>N.D. CENT CODE § 50-25.1-04 (West 2013)</p> <p>All persons mandated or permitted to report cases of known or suspected child abuse or neglect shall immediately cause oral or written reports to be made to the department or the department's designee. Oral reports must be followed by written reports within forty-eight hours if so requested by the department or the department's designee. A requested written report must include information specifically sought by the department if the reporter possesses or has reasonable access to that information. Reports involving known or suspected institutional child abuse or neglect must be made and received in the same manner as all other reports made under this chapter.</p> <p>N.D. CENT CODE § 108A-102 (West 2013)</p>

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<b>Reporting Procedures Cont'd</b> <i>(North Dakota)</i>	(b) The report may be made orally or in writing. The report shall include the name and address of the disabled adult; the name and address of the disabled adult's caretaker; the age of the disabled adult; the nature and extent of the disabled adult's injury or condition resulting from abuse or neglect; and other pertinent information.
<b>Penalty for Failure to Report</b> <i>(North Dakota)</i>	N.D. CENT CODE § 50-25.1-04 (West 2013)  Any person required by this chapter to report or to supply information concerning a case of known or suspected child abuse, neglect, or death resulting from abuse or neglect who willfully, as defined in section 12.1-02-02, fails to do so is guilty of a class B misdemeanor. Any person who willfully, as defined in section 12.1-02-02, makes a false report, or provides false information which causes a report to be made, under this chapter is guilty of a class B misdemeanor unless the false report is made to a law enforcement official, in which case the person who causes the false report to be made is guilty of a class A misdemeanor. A person who willfully makes a false report, or willfully provides false information that causes a report to be made, under this chapter is also liable in a civil action for all damages suffered by the person reported, including exemplary damages.
<b>Mandatory Reporting Statute</b> <i>(North Dakota)</i>	<b>AGAINST AN ADULT</b>  N.D. CENT CODE § 50-25.2-03 (West 2013)
<b>What has to be reported?</b> <i>(North Dakota)</i>	N.D. CENT CODE § 50-25.2-03 (West 2013)  (1) Reasonable cause to believe that a vulnerable adult has been subjected to abuse or neglect, or who observes a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect.
<b>Relevant Definitions</b> <i>(North Dakota)</i>	N.D. CENT CODE § 50-25.2-01 (West 2013)  (1) "Abuse" means any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish,

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<p><b>Relevant Definitions</b> (North Dakota)</p>	<p>unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult.</p> <p>(4) “Caregiver” means any person who has assumed the legal responsibility or a contractual obligation for the care of a vulnerable adult or has voluntarily assumed responsibility for the care of a vulnerable adult. The term includes a facility operated by any public or private agency, organization, or institution which provides services to, and has assumed responsibility for the care of, a vulnerable adult.</p> <p>(7) “Financial exploitation” means the taking or misuse of property or resources of a vulnerable adult by means of undue influence, breach of a fiduciary relationship, deception, harassment, criminal coercion, theft, or other unlawful or improper means.</p> <p>(11) “Neglect means” the failure of a caregiver to provide essential services necessary to maintain the physical and mental health of a vulnerable adult, or the inability or lack of desire of the vulnerable adult to provide essential services necessary to maintain and safeguard the vulnerable adult's own physical and mental health.</p> <p>(17) “Vulnerable adult” means an adult who has a substantial mental or functional impairment.</p>
<p><b>Persons Required to Report</b> (North Dakota)</p>	<p>N.D. CENT CODE § 50-25.2-03 (West 2013)</p> <p>(1) <b>A person</b> who has reasonable cause to believe <b>may</b> report.</p>
<p><b>Reporting Procedures</b> (North Dakota)</p>	<p>N.D. CENT CODE§ 50-25.2-03 (West 2013)</p> <p>(2) A person reporting under this section <b>may</b> make an oral or written report, as soon as possible. To the extent reasonably possible, a person who makes a report under this section shall include in the report:</p> <ul style="list-style-type: none"> <li>(a) The name, age, and residence address of the alleged vulnerable adult;</li> <li>(b) The name and residence address of the caregiver, if any;</li> <li>(c) The nature and extent of the alleged abuse or neglect or the conditions and circumstances that would reasonably be expected to result in abuse or neglect;</li> </ul>

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<b>Reporting Procedures Cont'd</b> <i>(North Dakota)</i>	(d) Any evidence of previous abuse or neglect, including the nature and extent of the abuse or neglect; and (e) Any other information that in the opinion of the person making the report may be helpful in establishing the cause of the alleged abuse or neglect and the identity of the individual responsible for the alleged abuse or neglect.
<b>Penalty for Failure to Report</b> <i>(North Dakota)</i>	N.D. CENT CODE § 50-25.2-03 (West 2013)  (1) No enumerated sanctions; mandatory reporters <b>may</b> report but are not required.
<b>OHIO</b>	
<b>Mandatory Reporting Statute</b> <i>(Ohio)</i>	<b>AGAINST A CHILD</b>  OHIO REV. CODE ANN. § 2151.421 (West 2013)
<b>What has to be reported?</b> <i>(Ohio)</i>	OHIO REV. CODE ANN. § 2151.421 (West 2013)  (A)(1)(a) No person acting in an official or professional capacity and knows or has reasonable cause to suspect that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report that knowledge or suspicion to the entity or persons specified in this division.
<b>Relevant Definitions</b> <i>(Ohio)</i>	OHIO REV. CODE ANN. § 2151.031 (West 2013)  Abused child includes any child who:  (A) Is the victim of sexual activity except that the court need not find that any person has been convicted of the offense in order

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<p><b>Relevant Definitions</b> (Ohio)</p>	<p>to find that the child is an abused child;</p> <p>(B) Is endangered, except that the court need not find that any person has been convicted under that section in order to find that the child is an abused child;</p> <p>(C) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. Except as provided in division (D) of this section, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this division.</p> <p>(D) Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare</p> <p>(E) Is subjected to out-of-home care child abuse.</p> <p>OHIO REV. CODE ANN. § 2151.425 (West 2013)</p> <p>(B) Sexual abuse of a child means unlawful sexual conduct or sexual contact with a person under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.</p>
<p><b>Persons Required to Report</b> (Ohio)</p>	<p>OHIO REV. CODE ANN. § 2151.421 (West 2013)</p> <p>(A)(1)(b), Persons required to report injury or neglect:</p> <ul style="list-style-type: none"> <li>• Attorney;</li> <li>• Physician, including a hospital intern or resident; Dentist, Podiatrist, practitioner of a limited branch of medicine;</li> <li>• Registered nurse, licensed practical nurse, visiting nurse, other health care professional;</li> <li>• Licensed psychologist;</li> <li>• Licensed school psychologist;</li> <li>• Independent marriage and family therapist or marriage and family therapist;</li> <li>• Speech pathologist or audiologist;</li> <li>• Coroner;</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

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<p><b>Persons Required to Report Cont'd</b> (Ohio)</p>	<ul style="list-style-type: none"> <li>• Administrator or employee of a child day-care center;</li> <li>• Administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency;</li> <li>• School teacher; school employee; school authority; person engaged in social work or the practice of professional counseling;</li> <li>• Agent of a county humane society;</li> <li>• Person other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion;</li> <li>• Superintendent, board member, or employee of a county board of mental retardation;</li> <li>• Investigative agent contracted with by a county board of mental retardation; ;</li> <li>• Employee of the department of mental retardation and developmental disabilities;</li> <li>• Employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code;</li> <li>• Employee of a home health agency;</li> <li>• Employee of an entity that provides homemaker services;</li> <li>• A person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.</li> </ul>
<p><b>Reporting Procedures</b> (Ohio)</p>	<p>OHIO REV. CODE ANN. § 2151.421 (West 2013)</p> <p>(A)(1)(a) Except as provided in section 5120.173 [5120.17.3] of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 [5120.17.3] of the Revised Code, the person making the report shall make it to the entity specified in that section.</p> <p>OHIO REV. CODE ANN. § 2151.173 (West 2013)</p> <p>Any person who is required to report abuse or neglect of a child under eighteen years of age that is reasonably suspected or believed to have occurred or the threat of which is reasonably suspected or believed to exist, any person who is permitted to report</p>

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### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> (Ohio)</p>	<p>or cause a report to be made of reasonably suspected abuse or neglect of a child under eighteen years of age pursuant to division (B) of that section, any person who is required to report suspected abuse or neglect of a person with mental retardation or a developmental disability, and any person who is permitted to report suspected abuse or neglect of a person with mental retardation or a developmental disability pursuant to division (F) of that section and who makes or causes the report to be made, shall direct that report to the state highway patrol if the child or the person with mental retardation or a developmental disability is an inmate in the custody of a state correctional institution.</p>
<p><b>Penalty for Failure to Report</b> (Ohio)</p>	<p>OHIO REV. CODE ANN. § 2151.421 (West 2013)</p> <p>(C) Whoever violates division (A)(1) of section 2151.421 of the Revised Code shall be punished as follows:</p> <p>(1) Except as otherwise provided in division (C)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree.</p> <p>(2) The offender is guilty of a misdemeanor of the first degree if the child who is the subject of the required report that the offender fails to make suffers or faces the threat of suffering the physical or mental wound, injury, disability, or condition that would be the basis of the required report when the child is under the direct care or supervision of the offender who is then acting in the offender's official or professional capacity or when the child is under the direct care or supervision of another person over whom the offender while acting in the offender's official or professional capacity has supervisory control.</p> <p>OHIO REV. CODE ANN. § 2929.24 (West 2013)</p> <p>(A) Except as provided in section 2929.22 or 2929.23 of the Revised Code and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this chapter, the court shall impose a definite jail term that shall be one of the following:</p> <p>(1) For a misdemeanor of the first degree, not more than one hundred eighty days;</p> <p>(4) For a misdemeanor of the fourth degree, not more than thirty days.</p>

**NOTE:**

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> <i>(Ohio)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Ohio)</i></p>	<p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p> <p>Reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation</p>
<p><b>Relevant Definitions</b> <i>(Ohio)</i></p>	<p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p> <p>(A) Abuse means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.</p> <p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p> <p>(B) Adult means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement.</p> <p>(G) Exploitation means the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain.</p> <p>(K) Neglect means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (Ohio)</p>	<p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p> <p>(A)(6)(g)(ii) Any</p> <ul style="list-style-type: none"><li>• <b>Peace officer;</b> <sup>8</sup></li><li>• Attorney;</li><li>• Physician;</li><li>• Osteopath;</li><li>• Podiatrist;</li><li>• Chiropractor;</li><li>• Dentist;</li><li>• Psychologist;</li><li>• Any employee of a hospital;</li><li>• Any nurse;</li><li>• Any employee of a home health agency;</li><li>• Any employee of an adult care facility;</li><li>• Any employee of a community alternative home;</li><li>• Any employee of a nursing home, residential care facility, or home for the aging;</li><li>• Any senior service provider;</li><li>• Coroner;</li><li>• Clergyman;</li><li>• Any employee of a community mental health facility; and</li><li>• Any person engaged in social work or counseling;</li><li>• Any employee of an ambulatory health facility.</li></ul>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> <i>(Ohio)</i></p>	<p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p> <p>Immediately report such belief to the county department of job and family services.</p> <p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p> <p>(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:</p> <ol style="list-style-type: none"> <li>(1) The name, address, and approximate age of the adult who is the subject of the report;</li> <li>(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;</li> <li>(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;</li> <li>(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.</li> </ol>
<p><b>Penalty for Failure to Report</b> <i>(Ohio)</i></p>	<p>No enumerated sanctions.</p>
<p><b>OKLAHOMA</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Oklahoma)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>OKLA. STAT. ANN. tit. 10 § 7103 (West 2013)</p>

**NOTE:**

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>What has to be reported?</b> <i>(Oklahoma)</i></p>	<p>OKLA. STAT. ANN. tit. 10 § 7103 (West 2013)</p> <p>(A)(1) Reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect.</p> <p>No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.</p>
<p><b>Relevant Definitions</b> <i>(Oklahoma)</i></p>	<p>OKLA. STAT. ANN. tit. 10 § 7103 (West 2013)</p> <p>(A) Child abuse, as used in this subsection, means the willful or malicious abuse of a child under eighteen (18) years of age by another, or the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by another.</p> <p>OKLA. STAT. ANN. tit. 10 § 7102 (West 2013)</p> <p>(1) “Abuse” means harm or threatened harm to a child's health, safety or welfare by a person responsible for the child's health, safety or welfare, including sexual abuse and sexual exploitation</p> <p>(2) Harm or threatened harm to a child's health or safety" includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>a. nonaccidental physical or mental injury,</li> <li>b. sexual abuse,</li> <li>c. sexual exploitation,</li> <li>d. neglect,</li> <li>e. failure or omission to provide protection from harm or threatened harm, or</li> <li>f. abandonment</li> </ul> <p>(4) “Child” means any unmarried person under the age of eighteen (18) years.</p> <p>(6) Sexual abuse includes, but is not limited to, rape, incest and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the child's health, safety or welfare.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Oklahoma)</i></p>	<p>(7) Sexual exploitation includes, but is not limited to, allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the child's health, safety or welfare or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic photographing, filming, or depicting of a child in those acts as defined by the state law, by a person responsible for the child's health, safety or welfare.</p>
<p><b>Persons Required to Report</b> <i>(Oklahoma)</i></p>	<p>OKLA. STAT. ANN. tit. 10 § 7103 (West 2013)</p> <p>(A)(1)</p> <ul style="list-style-type: none"> <li>a. Physician or surgeon, including doctors of medicine and dentistry, licensed osteopathic physicians, residents and interns, examining, attending or treating a child under the age of eighteen (18) years;</li> <li>b. Registered nurse examining, attending or treating such a child in the absence of a physician or surgeon;</li> <li>c. Teacher of any child under the age of eighteen (18) years, and;</li> <li>d. <b>Other person.</b></li> </ul>
<p><b>Reporting Procedures</b> <i>(Oklahoma)</i></p>	<p>OKLA. STAT. ANN. tit. 10 § 7103 (West 2013)</p> <p>(A)(1) A mandatory reporter shall report the matter promptly to the Department of Human Services. Such reports may be made by telephone, in writing, personally or by any other method prescribed by the Department. Any report of abuse or neglect made pursuant to this section shall be made in good faith.</p>
<p><b>Penalty for Failure to Report</b> <i>(Oklahoma)</i></p>	<p>OKLA. STAT. ANN. tit. 10 § 7103 (West 2013)</p> <p>(D) Any person who knowingly and willfully fails to promptly report any incident as provided in this section may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Oklahoma)</i>	<p>OKLA. STAT. ANN. tit. 21 § 10 (West 2013)</p> <p>Imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding \$ 500.00, or both such fine and imprisonment.</p>
<b>Mandatory Reporting Statute</b> <i>(Oklahoma)</i>	<p><b>AGAINST AN ADULT</b></p> <p>OKLA. STAT. ANN. tit. 43A § 10-104 (West 2013)</p>
<b>What has to be reported?</b> <i>(Oklahoma)</i>	<p>OKLA. STAT. ANN. tit. 43A § 10-104 (West 2013)</p> <p>(A)(1) Reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation.</p>
<b>Relevant Definitions</b> <i>(Oklahoma)</i>	<p>OKLA. STAT. ANN. tit. 43A § 10-103 (West 2013)</p> <p>(4) Incapacitated person means:</p> <p style="padding-left: 20px;">a. any person eighteen (18) years of age or older:</p> <p style="padding-left: 40px;">(1) who is impaired by reason of mental or physical illness or disability, dementia or related disease, mental retardation, developmental disability or other cause, and</p> <p style="padding-left: 40px;">(2) whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that such person lacks the capacity to manage his or her financial resources or to meet essential requirements for his or her mental or physical health or safety without assistance from others, or</p> <p style="padding-left: 20px;">b. a person for whom a guardian, limited guardian, or conservator has been appointed pursuant to the Oklahoma Guardianship and Conservatorship Act;</p> <p>(5) Vulnerable adult means an individual who is an incapacitated person or who, because of physical or mental disability,</p>

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### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Oklahoma)</i>	<p>incapacity, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of himself or herself, or is unable to manage his or her property and financial affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect himself or herself from abuse, verbal abuse, neglect, or exploitation without assistance from others;</p> <p>(8) “Abuse” means causing or permitting:</p> <ul style="list-style-type: none"><li>a. the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish, or</li><li>b. the deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult;</li></ul> <p>(9) “Exploitation” or “exploit” means an unjust or improper use of the resources of a vulnerable adult for the profit or advantage, pecuniary or otherwise, of a person other than the vulnerable adult through the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense;</p> <p>(10) “Financial neglect” means repeated instances by a caretaker, or other person, who has assumed the role of financial management, of failure to use the resources available to restore or maintain the health and physical well-being of a vulnerable adult, including, but not limited to:</p> <ul style="list-style-type: none"><li>a. squandering or negligently mismanaging the money, property, or accounts of a vulnerable adult,</li><li>b. refusing to pay for necessities or utilities in a timely manner, or</li><li>c. providing substandard care to a vulnerable adult despite the availability of adequate financial resources;</li></ul> <p>(11) “Neglect” means:</p> <ul style="list-style-type: none"><li>a. the failure to provide protection for a vulnerable adult who is unable to protect his or her own interest,</li><li>b. the failure to provide a vulnerable adult with adequate shelter, nutrition, health care, or clothing, or</li><li>c. negligent acts or omissions that result in harm or the unreasonable risk of harm to a vulnerable adult through the action, inaction, or lack of supervision by a caretaker providing direct services;</li></ul>
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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Oklahoma)</p>	<p>(12) “Sexual abuse” means:</p> <ul style="list-style-type: none"> <li>b. oral, anal, or vaginal penetration of a vulnerable adult by or through the union with the sexual organ of a caretaker or other person providing services to the vulnerable adult, or the anal or vaginal penetration of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult with any other object, or</li> <li>c. for the purpose of sexual gratification, the touching, feeling or observation of the body or private parts of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult, or</li> <li>d. indecent exposure by a caretaker or other person providing services to the vulnerable adult.</li> </ul>
<p><b>Persons Required to Report</b> (Oklahoma)</p>	<p>OKLA. STAT. ANN. tit. 43A § 10-104 (West 2013)</p> <p>(A)(1) <b>Any person</b> having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation.</p> <p>(B) Persons required to make reports pursuant to this section shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>2. Physicians;</li> <li>3. Operators of emergency response vehicles and other medical professionals;</li> <li>4. Social workers and mental health professionals;</li> <li>5. <b>Law enforcement officials;</b><sup>9</sup></li> <li>6. Staff of domestic violence programs;</li> <li>7. Long-term care facility personnel, including staff of nursing facilities, intermediate care facilities for persons with mental retardation, assisted living facilities, and residential care facilities;</li> <li>8. Other health care professionals;</li> <li>9. Persons entering into transactions with a caretaker or other person who has assumed the role of financial management for a vulnerable adult;</li> <li>10. Staff of residential care facilities, group homes, or employment settings for individuals with developmental disabilities; and</li> <li>11. Job coaches, <b>community service workers</b>, and personal care assistants.</li> </ul>

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### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> <i>(Oklahoma)</i></p>	<p>OKLA. STAT. ANN. tit. 43A § 10-104 (West 2013)</p> <p>(A)(1) Shall make a report to either the Department of Human Services, the office of the district attorney in the county in which the suspected abuse, neglect, or exploitation occurred or the local municipal police department or sheriff's department as soon as the person is aware of the situation.</p> <p>(C) The report shall contain the name and address of the vulnerable adult, the name and address of the caretaker, if any, and a description of the current location and current condition of the vulnerable adult and of the situation which may constitute abuse, neglect or exploitation of the vulnerable adult.</p>
<p><b>Penalty for Failure to Report</b> <i>(Oklahoma)</i></p>	<p>OKLA. STAT. ANN. tit. 43A § 10-104 (West 2013)</p> <p>(D) Any person who knowingly and willfully fails to promptly report any abuse, neglect, or exploitation as required by the provisions of subsections A and B of this section, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year or by a fine of not more than \$1,000.00, or by both such fine and imprisonment.</p>
<p><b>OREGON</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Oregon)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>OR. REV. STAT. § 419B.010 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Oregon)</i></p>	<p>OR. REV. STAT. § 419B.010 (West 2013)</p> <p>(1) Reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> (Oregon)	OR. REV. STAT. § 419B.005 (West 2013)  (1)(a) “Abuse” means:  (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury. (B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child. (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest. (D) Sexual abuse. (E) Sexual exploitation, including but not limited to: (i) Contributing to the sexual delinquency of a minor, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation which is designed to serve educational or other legitimate purposes; and (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution. (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child. (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare. (H) Buying or selling a person under 18 years of age as described in ORS 163.537. (I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured. (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child's health or safety.  (2) “Child” means an unmarried person who is under 18 years of age.
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> <i>(Oregon)</i></p>	<p>OR. REV. STAT. § 419B.010 (West 2013)</p> <p>(1) <b>Any public or private official</b> having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.</p> <p>(3) The duty to report under this section is personal to the public or private official alone, regardless of whether the official is employed by, a volunteer of or a representative or agent for any type of entity or organization that employs persons or uses persons as volunteers who are public or private officials in its operations.</p>
<p><b>Reporting Procedures</b> <i>(Oregon)</i></p>	<p>OR. REV. STAT. § 419B.015 (West 2013)</p> <p>(1)(a) A person making a report of child abuse, whether voluntarily or is required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the person making the report is located at the time of the contact. The report shall contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for care of the child, the child's age, the nature and extent of the abuse, including any evidence of previous abuse, the explanation given for the abuse and any other information that the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.</p>
<p><b>Penalty for Failure to Report</b> <i>(Oregon)</i></p>	<p>OR. REV. STAT. § 419B.010 (West 2013)</p> <p>(3) A person who violates subsection (1) of this section commits a Class A violation. Prosecution under this subsection shall be commenced at any time within 18 months after commission of the offense.</p> <p>OR. REV. STAT. § 153.018 (West 2013)</p> <p>Maximum fine of \$720.</p>

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Oregon)</i>	<p>OR. REV. STAT. § 161.545 (West 2013)</p> <p>Maximum sentence not to exceed one year.</p>
<b>Mandatory Reporting Statute</b> <i>(Oregon)</i>	<p><b>AGAINST AN ADULT</b></p> <p>OR. REV. STAT. § 124.060 (West 2013)</p>
<b>What has to be reported?</b> <i>(Oregon)</i>	<p>OR. REV. STAT. § 124.060 (West 2013)</p> <p>Reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older</p>
<b>Relevant Definitions</b> <i>(Oregon)</i>	<p>OR. REV. STAT. § 124.050 (West 2013)</p> <p>(1) “Abuse” means one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) Any physical injury caused by other than accidental means, or which appears to be at variance with the explanation given of the injury.</li> <li>(b) Neglect, which leads to physical harm through withholding of services necessary to maintain health and well-being.</li> <li>(c) Abandonment, including desertion or willful forsaking of an elderly person or a person with a disability the withdrawal or neglect of duties and obligations owed an elderly person or a person with a disability by a caregiver or other person.</li> <li>(d) Willful infliction of physical pain or injury.</li> <li>(f) Causing any sweepstakes promotion to be mailed to an elderly person or a person with a disability who had received sweepstakes promotional material in the United States mail, spent more than \$500 in the preceding year on any sweepstakes promotions, or any combination of sweepstakes promotions from the same service, regardless of the identities of the originators of the sweepstakes promotion and who represented to the court that the person felt the need for the court's</li> </ul>

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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Oregon)</p>	<p>assistance to prevent the person from incurring further expense.</p> <p>(g) Wrongfully taking or appropriating money or property, or knowingly subjecting an elderly person or person with a disability to alarm by conveying a threat to wrongfully take or appropriate money or property, which threat reasonably would be expected to cause the elderly person or person with a disability to believe that the threat will be carried out.</p> <p>(h) Sexual contact with a nonconsenting elderly person or person with a disability or with an elderly person or person with a disability considered incapable of consenting to a sexual act as described in ORS 163.315. As used in this paragraph, "sexual contact" has the meaning given that term in ORS 163.305.</p>
<p><b>Persons Required to Report</b> (Oregon)</p>	<p>OR. REV. STAT. § 124.050 (West 2013)</p> <p><b>Any public or private official</b><sup>10</sup> having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse, or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older.</p>
<p><b>Reporting Procedures</b> (Oregon)</p>	<p>OR. REV. STAT. § 124.065 (West 2013)</p> <p>(1) When a report is required under ORS 124.060, an oral report shall be made immediately by telephone or otherwise to the local office of the Department of Human Services or to a law enforcement agency within the county where the person making the report is at the time of contact. If known, such reports shall contain the names and addresses of the elderly person and any persons responsible for the care of the elderly person, the nature and the extent of the abuse (including any evidence of previous abuse), the explanation given for the abuse and any other information which the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.</p> <p>(3) If the department or the designee of the department determines that there is reason to believe a crime has been committed, the department or the designee of the department shall immediately notify the law enforcement agency having jurisdiction within the county where the report was made. The law enforcement agency shall confirm to the department or the designee of the department its receipt of the notification within two business days.</p>

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<p><b>Penalty for Failure to Report</b> (Oregon)</p>	<p>OR. REV. STAT. § 124.990 (West 2013)</p> <p>A person who violates ORS 124.060 commits a Class A violation.</p> <p>OR. REV. STAT. § 153.018 (West 2013).</p> <p>(a) \$ 2,000 for a Class A violation.</p> <p>OR. REV. STAT. § 161.545 (West 2013).</p> <p>Maximum sentence not to exceed one year.</p>
<p><b>PENNSYLVANIA</b></p>	
<p><b>Mandatory Reporting Statute</b> (Pennsylvania)</p>	<p><b>AGAINST A CHILD</b></p> <p>23 PA. CONS. STAT. ANN. § 6311(West 2013)</p>
<p><b>What has to be reported?</b> (Pennsylvania)</p>	<p>23 PA. CONS. STAT. ANN. § 6311 (West 2013)</p> <p>(a) [R]easonable cause to suspect, on the basis of medical, professional or other training and experience, that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse, including child abuse by an individual who is not a perpetrator.</p>
<p><b>Relevant Definitions</b> (Pennsylvania)</p>	<p>23 PA. CONS. STAT. ANN. § 6303 (West 2013)</p> <p>(a) “Child” includes a newborn.</p>

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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Pennsylvania)</i></p>	<p>(b)(1) the term “Child Abuse” shall mean any of the following:</p> <ul style="list-style-type: none"><li>(i) Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.</li><li>(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.</li><li>(iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.</li><li>(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.</li></ul> <p>(a) Sexual abuse or exploitation. Any of the following:</p> <ul style="list-style-type: none"><li>(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct.</li><li>(2) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming.</li><li>(3) Any of the following offenses committed against a child:<ul style="list-style-type: none"><li>(i) Rape;</li><li>(ii) Sexual assault;</li><li>(iii) Involuntary deviate sexual intercourse;</li><li>(iv) Aggravated indecent assault;</li><li>(v) Molestation;</li><li>(vi) Incest;</li><li>(vii) Indecent exposure;</li></ul></li></ul>
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<b>Relevant Definitions Cont'd</b> <i>(Pennsylvania)</i>	(viii) Prostitution; (ix) Sexual abuse; (x) Sexual exploitation.
<b>Persons Required to Report</b> <i>(Pennsylvania)</i>	23 PA. CONS. STAT. ANN. § 6311 (West 2013)  (a) <b>Persons in the course of their employment, occupation or practice of their profession.</b> (b) Specific persons required to report under subsection (a) include, but are not limited to, any: <ul style="list-style-type: none"> <li>• <b>Peace officer<sup>11</sup> or law enforcement official;</b></li> <li>• Licensed physician; osteopath, medical examiner, coroner, dentist, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons;</li> <li>• Funeral director;</li> <li>• Christian Science practitioner;</li> <li>• member of the clergy;</li> <li>• School administrator, school teacher, school nurse;</li> <li>• Social services worker;</li> <li>• Day-care center worker or any other child-care or foster-care worker; or</li> <li>• Mental health professional.</li> </ul>
<b>Reporting Procedures</b> <i>(Pennsylvania)</i>	23 PA. CONS. STAT. ANN. § 6311 (West 2013) (c) Staff members of institutions, etc. --Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with section 6313. This chapter does not require more than one report from any such institution, school, facility or agency.

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<b>Reporting Procedures Cont'd</b> <i>(Pennsylvania)</i>	<p>23 PA. CONS. STAT. ANN. § 6313 (West 2013)</p> <p>(a) GENERAL RULE.-- Reports from persons required to report under section 6311 (relating to persons required to report suspected child abuse) shall be made immediately by telephone and in writing within 48 hours after the oral report.</p> <p>(b) Oral reports shall be made to the department pursuant to Subchapter C (relating to powers and duties of department) and may be made to the appropriate county agency. When oral reports of suspected child abuse are initially received at the county agency, the protective services staff shall, after seeing to the immediate safety of the child and other children in the home, immediately notify the department of the receipt of the report, which is to be held in the pending complaint file as provided in Subchapter C. The initial child abuse report summary shall be supplemented with a written report when a determination is made as to whether a report of suspected child abuse is a founded report, an unfounded report or an indicated report.</p> <p>(c) Written reports from persons required to report under section 6311 shall be made to the appropriate county agency in a manner and on forms the department prescribes by regulation. The written reports shall include the following information if available:</p> <ol style="list-style-type: none"><li>1. The names and addresses of the child and the parents or other person responsible for the care of the child if known.</li><li>2. Where the suspected abuse occurred.</li><li>3. The age and sex of the subjects of the report.</li><li>4. The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.</li><li>5. The name and relationship of the person or persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by that person or persons.</li><li>6. Family composition.</li><li>7. The source of the report.</li><li>8. The person making the report and where that person can be reached.</li><li>9. The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.</li></ol>
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<b>Reporting Procedures Cont'd</b> <i>(Pennsylvania)</i>	<p style="text-align: center;">10. Any other information which the department may require by regulation.</p>
<b>Penalty for Failure to Report</b> <i>(Pennsylvania)</i>	<p>23 PA. CONS. STAT. ANN. § 6319 (West 2013)</p> <p>A person or official required by this chapter to report a case of suspected child abuse or to make a referral to the appropriate authorities who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.</p> <p>18 PA. CONS. STAT. ANN. § 106 (West 2013)</p> <p>(6) Misdemeanor of the second degree.  (7) Misdemeanor of the third degree.</p>
<b>Mandatory Reporting Statute</b> <i>(Pennsylvania)</i>	<p><b>AGAINST AN ADULT</b></p> <p>35 PA. CONS. STAT. ANN. § 10225.701 (West 2013)</p>
<b>What has to be reported?</b> <i>(Pennsylvania)</i>	<p>35 PA. CONS. STAT. ANN. § 10225.701 (West 2013)</p> <p>(a)(1) Reasonable cause to suspect that a recipient is a victim of abuse.</p>
<b>Relevant Definitions</b> <i>(Pennsylvania)</i>	<p>35 PA. CONS. STAT. ANN. § 10225.103 (West 2013)</p> <p>Abuse.</p> <p>(1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.</p>

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<p><b>Relevant Definitions Cont'd</b> (<i>Pennsylvania</i>)</p>	<p>(2) The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health</p> <p>(3) Sexual harassment, rape or abuse, as defined in the Protection From Abuse Act. No older adult shall be found to be abused solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.</p> <p>Administrator. The person responsible for the administration of a facility. The term includes a person responsible for employment decisions or an independent contractor.</p> <p>Care-dependent individual. An adult who, due to physical or cognitive disability or impairment, requires assistance to meet needs for food, shelter, clothing, personal care or health care.</p> <p>Recipient. An individual who receives care, services or treatment in or from a facility.</p> <p>Facility. Any of the following: (1) A domiciliary care home. (2) A home health care agency. (3) A long-term care nursing facility. (4) An older adult daily living center. (5) A personal care home.</p> <p>Exploitation. An act or course of conduct by a caretaker or other person against an older adult or an older adult's resources, without the informed consent of the older adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the older adult.</p>
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<p><b>Relevant Definitions Cont'd</b> (<i>Pennsylvania</i>)</p>	<p>Intimidation. An act or omission by any person or entity toward another person which is intended to, or with knowledge that the act or omission will, obstruct, impede, impair, prevent or interfere with the administration of this act or any law intended to protect older adults from mistreatment.</p> <p>Neglect. The failure to provide for oneself or the failure of a caretaker to provide goods or services essential to avoid a clear and serious threat to physical or mental health. No older adult who does not consent to the provision of protective services shall be found to be neglected solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.</p> <p>Older adult. A person within the jurisdiction of the Commonwealth who is 60 years of age or older.</p> <p>Older adult in need of protective services. An incapacitated older adult who is unable to perform or obtain services that are necessary to maintain physical or mental health, for whom there is no responsible caretaker and who is at imminent risk of danger to his person or property.</p> <p>Sexual abuse. Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.</p>
<p><b>Persons Required to Report</b> (<i>Pennsylvania</i>)</p>	<p>35 PA. CONS. STAT. ANN. § 10225.701 (West 2013)</p> <p>(a)(1) Employee or Administrator.</p>
<p><b>Reporting Procedures</b> (<i>Pennsylvania</i>)</p>	<p>35 PA. CONS. STAT. ANN. § 10225.701 (West 2013)</p> <p>(1) Shall immediately make an oral report to the agency.</p> <p>(c) A written report under this section shall be in a manner and on forms prescribed by the department. The report shall include, at a minimum, the following information:</p>

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<p><b>Reporting Procedures</b> (<i>Pennsylvania</i>)</p>	<p>(1) Name, age and address of the recipient.                  (2) Name and address of the recipient's guardian or next of kin.                  (3) Name and address of the facility.                  (4) Nature of the alleged offense.                  (5) Any specific comments or observations that are directly related to the alleged incident and the individual involved.</p>
<p><b>Penalty for Failure to Report</b> (<i>Pennsylvania</i>)</p>	<p>35 PA. CONS. STAT. ANN. § 10225.706 (West 2013)</p> <p>(a) (3) The Commonwealth agency or Commonwealth agencies which regulate the facility have jurisdiction to determine violations of this chapter and may issue an order assessing a civil penalty of not more than \$2,500.                  (b) (1) An administrator who intentionally or willfully fails to comply or obstructs compliance with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.                  (b) (2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with, this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.                  (c) A person required under this chapter to report a case of suspected abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.</p> <p>35 PA. CONS. STAT. ANN. § 106 (West 2013)</p> <p>(c) Summary offenses. An offense defined by this title constitutes a summary offense if:</p> <p>(1) it is so designated in this title, or in a statute other than this title; or                  (2) if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 90 days.</p>

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PUERTO RICO	
<b>Mandatory Reporting Statute</b> <i>(Puerto Rico)</i>	<b>AGAINST A CHILD</b>  8 L.P.R.A. § 446 (West 2010)
<b>What has to be reported?</b> <i>(Puerto Rico)</i>	8 L.P.R.A. § 446 (West 2010) [A]ctual or suspected abuse, institutional abuse, neglect, and/or institutional neglect of a minor:
<b>Relevant Definitions</b> <i>(Puerto Rico)</i>	8 L.P.R.A. § 446 (West 2010)  (b) Sexual abuse shall mean engaging in sexual conduct in the presence of a minor and/or using the minor, voluntarily or otherwise, to engage in sexual conduct aimed at satisfying lasciviousness, or any other act that, if criminally prosecuted, would constitute the crime of rape, sodomy, lewd or lascivious acts, indecent exposure, or obscene propositioning; remitting, transporting, selling, distributing, publishing, exhibiting, or possessing obscene materials and obscene shows,  (r) Abuse shall mean any intentional act or omission by the father, mother, or other person in charge of the minor of such a nature that it causes or puts a minor at risk of suffering damage or harm to his or her health or physical, mental, and/or emotional integrity, including sexual abuse as defined in this section. Abuse shall also mean to engage in obscene behavior and/or use the minor to carry out obscene acts; to allow another person to cause or to put the minor at risk of suffering damage or harm to his or her health or physical, mental, and/or emotional integrity; to abandon a minor willfully; to allow the father, mother, or other person in charge of the wellbeing of the minor to exploit him or her; or to allow another person to do so by forcing or allowing the minor to perform any act, including but not limited to using the minor to engage in obscene acts for profit or in order to receive any other benefit, or to incur in any conduct that, if criminally prosecuted, would constitute a crime against the health, or physical, mental, or emotional integrity of the minor, including sexual abuse of the minor. Minors will also be considered to be victims of abuse if the father, mother, or person responsible for the minor has incurred in the conduct described above, or has engaged in acts

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<p><b>Relevant Definitions Cont'd</b> <i>(Puerto Rico)</i></p>	<p>that constitute domestic violence in the presence of minors.</p> <p>(s) Institutional abuse shall mean any act or omission by a foster parent or an employee or official of a public or private institution that provides caregiving services, for twenty-four (24) hours a day or part thereof, who has control over or custody of a minor for his or her care, education, treatment, or detention, who causes harm or endangers the health, or physical, mental, and/or emotional integrity of the minor, including sexual abuse; engages in obscene conduct and/or uses the minor to perform obscene acts, known or suspected, or which occur as a result of the prevailing policies, practices, and conditions in the institution in question; exploits the minor or allows someone else to do so, including, but not limited to, using the minor to perform obscene acts for profit or in order to receive any other benefit.</p>
<p><b>Persons Required to Report</b> <i>(Puerto Rico)</i></p>	<p>8 L.P.R.A. § 446 (West 2010)</p> <p>(a) <b>Public, private, and privatized entities</b> who learn that a child has been abused or is at risk of abuse; <b>Professionals in the fields of health, the system of justice</b>, education, social work, <b>public order</b> Persons who administer or work in caregiving institutions or centers that provide care services for twenty-four (24) hours a day or part thereof, or in rehabilitation institutions and centers for minors, or in foster homes; and all processors of film or photographs who have knowledge of or observe, in the performance of their professional responsibilities or employment, any motion picture, photograph, videotape, negative, or slide that depicts a minor involved in a sexual activity.</p> <p>(b) <b>Any</b> person who has knowledge of or suspects that a minor is a victim of abuse, institutional abuse, neglect, and/or institutional neglect</p>
<p><b>Reporting Procedures</b> <i>(Puerto Rico)</i></p>	<p>8 L.P.R.A. § 446 (West 2010)</p> <p>(c) Persons bound to furnish information as set forth in subsection (a) shall subsequently fill out a form provided by the Department, which shall be sent to the central registry, established hereunder, not later than forty-eight (48) hours after having notified or referred the situation</p>

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<b>Reporting Procedures</b> <i>(Puerto Rico)</i>	Persons for subsection (b) shall report through the hotline of the Department, to the Puerto Rico Police, or to the local office of the Department, as provided in this chapter. The information thus furnished, as well as the identity of the person who reported the information shall be kept strictly confidential, except in the cases of unfounded reports in which false information has been knowingly provided.
<b>Penalty for Failure to Report</b> <i>(Puerto Rico)</i>	No enumerated sanctions.
<b>Mandatory Reporting Statute</b> <i>(Puerto Rico)</i>	<b>AGAINST AN ADULT</b> 8 L.P.R.A. § 346K (West 2010)
<b>What Has To Be Reported?</b> <i>(Puerto Rico)</i>	8 L.P.R.A. § 346K (West 2010) Any person who learns or suspects that an elderly person is a victim of abuse, institutional abuse, abuse by negligence and/or abuse by institutional negligence.
<b>Relevant Definitions</b> <i>(Puerto Rico)</i>	8 L.P.R.A. § 353 (West 2010) (7) Elderly person. Means a human being sixty (60) years of age or older.
<b>Persons Required to Report</b> <i>(Puerto Rico)</i>	8 L.P.R.A. § 346K (West 2010) <b>Any person</b> who learns or suspects that an elderly person is a victim of abuse, institutional abuse, abuse by negligence and/or abuse by institutional negligence.

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<b>Reporting Procedures</b> <i>(Puerto Rico)</i>	8 L.P.R.A. § 346K (West 2010)  Shall report such a fact through the "Golden Hotline," to the Puerto Rico Police, and/or to the Office of Elderly Affairs, attached to the Office of the Governor, in the manner provided for by this chapter. The information thus furnished shall be kept in strict confidentiality, as well as the identity of the person who furnished the information.
<b>Penalty for Failure to Report</b> <i>(Puerto Rico)</i>	No enumerated sanctions.
<b>RHODE ISLAND</b>	
<b>Mandatory Reporting Statute</b> <i>(Rhode Island)</i>	<b>AGAINST A CHILD</b>  R.I. GEN. LAWS § 40-11-3 (West 2013)
<b>What has to be reported?</b> <i>(Rhode Island)</i>	R.I. GEN. LAWS § 40-11-3 (West 2013)  (a)reasonable cause to know or suspect that any child has been abused or neglected as defined in § 40-11-2 or has been a victim of sexual abuse by another child .
<b>Relevant Definitions</b> <i>(Rhode Island)</i>	R.I. GEN. LAWS § 40-11-2 (West 2013)  (1) Abused and/or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare: i. Inflicts, or allows to be inflicted upon the child physical or mental injury, including excessive corporal punishment; or

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Rhode Island)</i></p>	<ul style="list-style-type: none"> <li>ii. Creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment; or</li> <li>iii. Commits or allows to be committed, against the child, an act of sexual abuse; or</li> <li>iv. Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so; or</li> <li>v. Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his or her unwillingness or inability to do so by situations or conditions such as, but not limited to, social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child's welfare loses his or her ability or is unwilling to properly care for the child; or</li> <li>vi. Abandons or deserts the child; or</li> <li>vii. Sexually exploits the child in that the person allows, permits or encourages the child to engage in prostitution; or</li> <li>viii. Sexually exploits the child in that the person allows, permits, encourages or engages in the obscene or pornographic photographing, filming or depiction of the child in a setting which taken as a whole suggests to the average person that the child is about to engage in or has engaged in, any sexual act, or which depicts any such child under eighteen (18) years of age, performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or</li> <li>ix. Commits or allows to be committed any sexual offense against the child; or</li> <li>x. Commits or allows to be committed against any child an act involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older, and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows or has reason to know that the victim is a severely impaired person, or physically helpless.</li> </ul> <p>(2) "Child" means a person under the age of eighteen (18).</p>
<p><b>Persons Required to Report</b> <i>(Rhode Island)</i></p>	<p>R.I. GEN. LAWS § 40-11-3 (West 2013)</p> <p>(a) <b>Any person.</b></p> <p>R.I. GEN. LAWS § 40.1-27-2 (West 2013)</p>

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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (<i>Rhode Island</i>)</p>	<p>(a) Any person within the scope of their employment at a program or in their professional capacity who has knowledge of or reasonable cause to believe that a participant in a program has been abused, mistreated or neglected shall make, within twenty-four (24) hours or by the end of the next business day, a written report to the director of the department of mental health, retardation, and hospitals or his or her designee. The report shall contain:</p> <ol style="list-style-type: none"> <li>(1) The name, address, telephone number, occupation, and employer's address and the phone number of the person reporting;</li> <li>(2) The name and address of the participant who is believed to be the victim of the abuse, mistreatment, or neglect;</li> <li>(3) The details, observations, and beliefs concerning the incident(s)</li> <li>(4) Any statements regarding the incident made by the participant and to whom they were made;</li> <li>(5) The date, time, and place of the incident;</li> <li>(6) The name of any individual(s) believed to have knowledge of the incident; and</li> <li>(7) The name of any individual(s) believed to have been responsible for the incident</li> </ol> <p>(b) In addition to those persons required to report pursuant to this section, any other person may make a report if that person has reasonable cause to believe that a participant has been abused, mistreated, or neglected.</p>
<p><b>Reporting Procedures</b> (<i>Rhode Island</i>)</p>	<p>R.I. GEN. LAWS § 40-11-3 (West 2013)</p> <p>(a) A mandatory reporter shall, within twenty-four (24) hours, transfer that information to the department of children, youth and families or its agent who shall cause the report to be investigated immediately.</p>

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<p><b>Penalty for Failure to Report</b> <i>(Rhode Island)</i></p>	<p>R.I. GEN. LAWS § 40-11-6.1 (West 2013)</p> <p>Any person, official, physician, or institution required by this chapter to report known or suspected child abuse or neglect or to perform any other act who knowingly fails to do so or who knowingly prevents any person acting reasonably from doing so shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for not more than one year or both. In addition, any person, official, physician, or institution who knowingly fails to perform any act required by this chapter or who knowingly prevents another person from performing a required act shall be civilly liable for the damages proximately caused by that failure.</p>
<p><b>Mandatory Reporting Statute</b> <i>(Rhode Island)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>R.I. GEN. LAWS § 42-66-8 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Rhode Island)</i></p>	<p>R.I. GEN. LAWS § 42-66-8 (West 2013)</p> <p>Reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, exploited, or abandoned, or is self-neglecting.</p>
<p><b>Relevant Definitions</b> <i>(Rhode Island)</i></p>	<p>R.I. GEN. LAWS § 42-66-4.1 (West 2013)</p> <p>(8) “Elderly person” or “elder” means any person sixty (60) years of age or older.</p> <p>(1) “Abuse” means physical abuse, sexual abuse, and/or emotional abuse of an elderly person by a caregiver as defined in subsection</p> <p>(a) “Physical Abuse” means the willful infliction of physical pain or injury (e.g. slapping, bruising or restraining) upon an elderly person.</p> <p>(b) “Sexual Abuse” means the infliction of non-consensual sexual contact of any kind upon an elderly person. Sexual abuse includes, but is not limited to, sexual assault, rape, sexual misuse or exploitation of an elder, as well as threats of sexual abuse</p>

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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>Rhode Island</i>)</p>	<p>where the perpetrator has the intent and the capacity to carry out the threatened abuse.</p> <p>(c) “Emotional Abuse” means a pattern of willful infliction of mental or emotional harm upon an elder by threat, intimidation, isolation or other abusive conduct.</p> <p>(2) “Exploitation” means the fraudulent or otherwise illegal, unauthorized or improper act or process of an individual, including, but not limited to, a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets by use of undue influence, harassment, duress, deception, false representation or false pretenses.</p> <p>(3) “Neglect” means the willful failure by a caregiver or other person with a duty of care to provide goods or services necessary to avoid physical harm, mental harm or mental illness to an elderly person, including, but not limited to, "abandonment" (withdrawal of necessary assistance) and denial of food or health related services.</p> <p>(5) “Caregiver” means a person who has assumed the responsibility for the care of the elderly person voluntarily, by contract or by order of a court of competent jurisdiction, or who is otherwise legally responsible for the care of the elderly person.</p> <p>(6) “Self-Neglect” means a pattern of behavior in an elderly person that directly, imminently and significantly threatens his/her own health and/or, safety. Self-neglect includes, but is not limited to, an inability or an incapacity to provide self with food, water, shelter, or safety to the point of establishing imminent risk of any of the harm(s) described in the immediately preceding sentence.</p>
<p><b>Persons Required to Report</b> (<i>Rhode Island</i>)</p>	<p>R.I. GEN. LAWS § 42-66-8 (West 2013)</p> <p><b>Any person</b> who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, exploited, or abandoned</p>
<p><b>Reporting Procedures</b> (<i>Rhode Island</i>)</p>	<p>R.I. GEN. LAWS § 42-66-8 (West 2013)</p> <p>Make an immediate report to the director of the department of elderly affairs or his or her designee.</p>

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### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Rhode Island)</i>	R.I. GEN. LAWS § 42-66-8 (West 2013)  Any person who fails to make the report shall be punished by a fine of not more than \$1,000.00.
<b>SOUTH CAROLINA</b>	
<b>Mandatory Reporting Statute</b> <i>(South Carolina)</i>	<b>AGAINST A CHILD</b>  S.C. CODE ANN. § 63-7-310 (2013)
<b>What has to be reported?</b> <i>(South Carolina)</i>	S.C. CODE ANN. § 63-7-310 (2013)  When in the person's professional capacity the person has received information, which gives the person reason to believe that a child has been or may be abused.
<b>Relevant Definitions</b> <i>(South Carolina)</i>	S.C. CODE ANN. § 20-7-490 (2013)  (1) “Child” means a person under the age of eighteen.  (2) Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare:  (a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which: (i) is administered by a parent or person in loco parentis; (ii) is perpetrated for the sole purpose of restraining or correcting the child; (iii) is reasonable in manner and moderate in degree;

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<p><b>Relevant Definitions Cont'd</b> <i>(South Carolina)</i></p>	<p>(iv) has not brought about permanent or lasting damage to the child; and (v) is not reckless or grossly negligent behavior by the parents.</p> <p>(b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;</p> <p>(c) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under state law;</p> <p>(d) abandons the child;</p> <p>(e) encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; o</p> <p>(f) has committed abuse or neglect as described in subsections (a) through (e) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect.</p> <p>(4) Physical injury means death or permanent or temporary disfigurement or impairment of any bodily organ or function.</p> <p>(5) Mental injury means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.</p>
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<p><b>Relevant Definitions Cont'd</b> (<i>South Carolina</i>)</p>	<p>(19) Abandonment of a child means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.</p>
<p><b>Persons Required to Report</b> (<i>South Carolina</i>)</p>	<p>S.C. CODE ANN. § 63-7-310 (2013)</p> <p>(a) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, <b>police or law enforcement officer, juvenile justice worker</b>, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA</p>
<p><b>Reporting Procedures</b> (<i>South Carolina</i>)</p>	<p>S.C. CODE ANN. § 63-7-310 (2013)</p> <p>(d) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.</p>
<p><b>Penalty for Failure to Report</b> (<i>South Carolina</i>)</p>	<p>S.C. CODE ANN. § 63-7-410 (West 2013)</p> <p>A person required to report a case of child abuse or neglect or a person required to perform any other function under this article who knowingly fails to do so, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both.</p>

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<p><b>Mandatory Reporting Statute</b> <i>(South Carolina)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>S.C. CODE ANN. § 43-35-25 (2013)</p> <p>S.C. CODE ANN. § 44-23-1150 (2013)</p>
<p><b>What has to be reported?</b> <i>(South Carolina)</i></p>	<p>S.C. CODE ANN. § 43-35-25 (West 2013)</p> <p>(A) Reason to believe that a vulnerable adult has been or is likely to be abused, neglected, or exploited</p>
<p><b>Relevant Definitions</b> <i>(South Carolina)</i></p>	<p>S.C. CODE ANN. § 43-35-10 (2013)</p> <p>(1) “Abuse” means physical abuse or psychological abuse.</p> <p>(3) “Exploitation” means:</p> <ul style="list-style-type: none"> <li>(a) causing or requiring a vulnerable adult to engage in activity or labor which is improper, unlawful, or against the reasonable and rational wishes of the vulnerable adult. Exploitation does not include requiring a vulnerable adult to participate in an activity or labor which is a part of a written plan of care or which is prescribed or authorized by a licensed physician attending the patient;</li> <li>(b) an improper, unlawful, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a vulnerable adult by a person for the profit or advantage of that person or another person; or</li> <li>(c) causing a vulnerable adult to purchase goods or services for the profit or advantage of the seller or another person through:             <ul style="list-style-type: none"> <li>(i) undue influence, (ii) harassment, (iii) duress, (iv) force, (v) coercion, or (vi) swindling by overreaching, cheating, or defrauding the vulnerable adult through cunning arts or devices that delude the vulnerable adult and cause him to lose money or other property.</li> </ul> </li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(South Carolina)</i></p>	<p>(6) “Neglect” means the failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a vulnerable adult including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services. Neglect may be repeated conduct or a single incident which has produced or can be proven to result in serious physical or psychological harm or substantial risk of death. Noncompliance with regulatory standards alone does not constitute neglect. Neglect includes the inability of a vulnerable adult, in the absence of a caretaker, to provide for his or her own health or safety which produces or could reasonably be expected to produce serious physical or psychological harm or substantial risk of death.</p> <p>(8) “Physical abuse” means intentionally inflicting or allowing to be inflicted physical injury on a vulnerable adult by an act or failure to act. Physical abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery, use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose of punishment except that a therapeutic procedure prescribed by a licensed physician or other qualified professional or that is part of a written plan of care by a licensed physician or other qualified professional is not considered physical abuse. Physical abuse does not include altercations or acts of assault between vulnerable adults.</p> <p>(10) “Psychological abus”e means deliberately subjecting a vulnerable adult to threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.</p> <p>(11) “Vulnerable adult” means a person eighteen years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for his or her own care or protection. This includes a person who is impaired in the ability to adequately provide for the person's own care or protection because of the infirmities of aging including, but not limited to, organic brain damage, advanced age, and physical, mental, or emotional dysfunction. A resident of a facility is a vulnerable adult.</p>
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<b>Persons Required to Report</b> <i>(South Carolina)</i>	<p>S.C. CODE ANN. § 43-35-25 (West 2013)</p> <p>(A)</p> <ul style="list-style-type: none"><li>• <b>Law enforcement officer;</b></li><li>• Physician, nurse;</li><li>• Dentist;</li><li>• Optometrist, medical examiner;</li><li>• Coroner;</li><li>• Other medical;</li><li>• Mental health or allied health professional;</li><li>• Christian Science practitioner;</li><li>• Religious healer;</li><li>• School teacher;</li><li>• Counselor, psychologist;</li><li>• Mental health or mental retardation specialist;</li><li>• Social or public assistance worker; or</li><li>• Caregiver, staff or volunteer of an adult day care center or of a facility.</li></ul> <p>Any other person who has actual knowledge that a vulnerable adult has been abused, neglected, or exploited shall report the incident in accordance with this section.</p> <p>CODE § 44-23-1150 (West 2008)</p> <p>(E) A person who has knowledge of sexual misconduct who has received information in the person's professional capacity and fails to report it to the appropriate law enforcement authority.<sup>12</sup></p>
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<p><b>Reporting Procedures</b> (<i>South Carolina</i>)</p>	<p>S.C. CODE ANN. § 43-35-25 (West 2013)</p> <p>(D) A person required to report under this section must report the incident within twenty-four hours or the next working day. A report must be made in writing or orally by telephone or otherwise to:</p> <p>(1) the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for incidents occurring in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs;</p> <p>(2) the Long Term Care Ombudsman Program for incidents occurring in facilities, except those facilities provided for in item (1); and</p> <p>(3) the Adult Protective Services Program for incidents occurring in all other settings.</p>
<p><b>Penalty for Failure to Report</b> (<i>South Carolina</i>)</p>	<p>S.C. CODE ANN. § 43-35-85 (West 2013)</p> <p>(A) A person required to report under this chapter who knowingly and wilfully fails to report abuse, neglect, or exploitation is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five hundred dollars or imprisoned not more than one year.</p> <p>(B) Except as otherwise provided in subsections (E) and (F), a person who knowingly and wilfully abuses a vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years.</p> <p>(C) Except as otherwise provided in subsections (E) and (F), a person who knowingly and wilfully neglects a vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years.</p> <p>(D) A person who knowingly and wilfully exploits a vulnerable adult is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both, and may be required by the court to make restitution.</p>

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<p><b>Penalty for Failure to Report Cont'd</b> (<i>South Carolina</i>)</p>	<p>(E) A person who knowingly and wilfully abuses or neglects a vulnerable adult resulting in great bodily injury is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.</p> <p>(F) A person who knowingly and wilfully abuses or neglects a vulnerable adult resulting in death is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.</p> <p>(G) A person who threatens, intimidates, or attempts to intimidate a vulnerable adult subject of a report, a witness, or any other person cooperating with an investigation conducted pursuant to this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years.</p> <p>(H) A person who wilfully and knowingly obstructs or in any way impedes an investigation conducted pursuant to this chapter, upon conviction, is guilty of a misdemeanor and must be fined not more than five thousand dollars or imprisoned for not more than three years.</p>
<p><b>SOUTH DAKOTA</b></p>	
<p><b>Mandatory Reporting Statute</b> (<i>South Dakota</i>)</p>	<p><b>AGAINST A CHILD</b></p> <p>S.D. CODIFIED LAWS § 26-8A-3 (West 2013)</p>
<p><b>What has to be reported?</b> (<i>South Dakota</i>)</p>	<p>S.D. CODIFIED LAWS § 26-8A-3 (West 2013)</p> <p>Reasonable cause to suspect that a child under the age of eighteen has been abused or neglected.</p>

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<p><b>Relevant Definitions</b> (<i>South Dakota</i>)</p>	<p>S.D. CODIFIED LAWS § 26-8A-2 (West 2013)</p> <p>“Abused” or “neglected child” means a child:</p> <ol style="list-style-type: none"> <li>(1) Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse</li> <li>(2) Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian;</li> <li>(3) Whose environment is injurious to the child's welfare;</li> <li>(4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being;</li> <li>(5) Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian;</li> <li>(6) Who is threatened with substantial harm;</li> <li>(7) Who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture;</li> <li>(8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care;</li> <li>(9) Who was subject to prenatal exposure to abusive use of alcohol or any controlled drug or substance not lawfully prescribed by a practitioner; or</li> <li>(10) Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.</li> </ol>
<p><b>Persons Required to Report</b> (<i>South Dakota</i>)</p>	<p>S.D. CODIFIED LAWS § 26-8A-3 (West 2013)</p> <p>Persons required to report child abuse or neglected child</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement officer;</b></li> <li>• <b>Parole or court services officer;</b></li> <li>• <b>Any safety-sensitive position;</b></li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (<i>South Dakota</i>)</p>	<ul style="list-style-type: none"> <li>• Physician, dentist, doctor of osteopathy, chiropractor, optometrist, mental health professional or counselor, podiatrist, psychologist, religious healing practitioner, social worker, hospital intern or resident;</li> <li>• Teacher;</li> <li>• School counselor;</li> <li>• School official;</li> <li>• Nurse;</li> <li>• Licensed or registered child welfare provider;</li> <li>• Employee or volunteer of a domestic abuse shelter;</li> <li>• Chemical dependency counselor; or</li> <li>• Coroner.</li> </ul>
<p><b>Reporting Procedures</b> (<i>South Dakota</i>)</p>	<p>S.D. CODIFIED LAWS § 26-8A-8 (West 2013)</p> <p>The reports required shall be made orally and immediately by telephone or otherwise to the state's attorney of the county in which the child resides or is present, to the department of social services or to law enforcement officers.</p>
<p><b>Penalty for Failure to Report</b> (<i>South Dakota</i>)</p>	<p>S.D. CODIFIED LAWS § 26-8A-3 (West 2013)</p> <p>Any person who intentionally fails to make the required report is guilty of a Class 1 misdemeanor.</p> <p>S.D. CODIFIED LAWS § 23A-45-9 (West 2013)</p> <p>(1) Class 1 misdemeanor is any misdemeanor which has been classified as a Class 1 misdemeanor or any unclassified misdemeanor which may be punished by a maximum imprisonment of more than 30 days.</p> <p>S.D. CODIFIED LAWS § 26-8A-6 (West 2013)</p>

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<b>Penalty for Failure to Report</b> <i>(South Dakota)</i>	<p>Any person who has contact with a child through the performance of services as a member of a staff of a hospital or similar institution shall immediately notify the person in charge of the institution or his designee of suspected abuse or neglect. Any person who knowingly and intentionally fails to make a required report and to submit copies of records is guilty of a Class 1 misdemeanor.</p>
<b>Mandatory Reporting Statute</b> <i>(South Dakota)</i>	<p><b>AGAINST AN ADULT</b></p> <p>S.D. CODIFIED LAWS § 22-46-9 (West 2013)</p>
<b>What has to be reported?</b> <i>(South Dakota)</i>	<p>S.D. CODIFIED LAWS § 22-46-9 (West 2013)</p> <p>knows, or has reasonable cause to suspect, that an elder or disabled adult has been or is being abused or neglected</p>
<b>Relevant Definitions</b> <i>(South Dakota)</i>	<p>S.D. CODIFIED LAWS § 22-46-1 (West 2013)</p> <p>(1) “Abuse,” physical harm, bodily injury, or attempt to cause physical harm or injury, or the infliction of fear of imminent physical harm or bodily injury on an elder or a disabled adult</p> <p>(2) “Adult with a disability,” a person eighteen years of age or older who suffers from a condition of intellectual disability, infirmities of aging as manifested by organic brain damage, advanced age, or other physical dysfunctioning to the extent that the person is unable to protect himself or herself or provide for his or her own care;</p> <p>(3) “Elder,” a person sixty-five years of age or older</p> <p>(4) “Exploitation,” the wrongful taking or exercising of control over property of an elder or a disabled adult with intent to defraud the elder or disabled adult; and</p> <p>(5) “Neglect,” harm to an elder's or a disabled adult's health or welfare, without reasonable medical justification, caused by the conduct of a person responsible for the elder's or disabled adult's health or welfare, within the means available for the elder or disabled adult, including the failure to provide adequate food, clothing, shelter, or medical care.</p>

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<p><b>Persons Required to Report</b> <i>(South Dakota)</i></p>	<p>S.D. CODIFIED LAWS § 22-46-9 (West 2013)</p> <p>(1) Physician, dentist, doctor of osteopathy, chiropractor, optometrist, podiatrist, religious healing practitioner, hospital intern or resident, nurse, paramedic, emergency medical technician, social worker, or any health care professional;</p> <p>(2) Long-term care ombudsman;</p> <p>(3) Psychologist, licensed mental health professional, or counselor engaged in professional counseling; or</p> <p>(4) <b>State, county, or municipal criminal justice employee or law enforcement officer</b></p>
<p><b>Reporting Procedures</b> <i>(South Dakota)</i></p>	<p>S.D. CODIFIED LAWS § 22-46-9 (West 2013)</p> <p>within twenty-four hours, report such knowledge or suspicion orally or in writing to the state's attorney of the county in which the elder or disabled adult resides or is present, to the Department of Social Services, or to a law enforcement officer.</p>
<p><b>Penalty for Failure to Report</b> <i>(South Dakota)</i></p>	<p>S.D. CODIFIED LAWS § 22-46-9 (West 2013)</p> <p>Any person who knowingly fails to make the required report is guilty of a Class 1 misdemeanor.</p> <p>S.D. CODIFIED LAWS § 22-6-92 (West 2013)</p> <p>one year imprisonment in a county jail or two thousand dollars fine, or both;</p>
<p><b>TENNESSEE</b></p>	

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> <i>(Tennessee)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>TENN. CODE ANN. § 37-1-403 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 37-1-403 (West 2013)</p> <p>(a)(1) A person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition and if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect.</p>
<p><b>Relevant Definitions</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 37-1-102 (West 2013)</p> <p>(b)(1) Abuse exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker.</p> <p>(b)(4) Child means:</p> <ul style="list-style-type: none"> <li>(A) A person under eighteen (18) years of age; or</li> <li>(B) A person under nineteen (19) years of age for the limited purpose of: <ul style="list-style-type: none"> <li>(i) Remaining under the continuing jurisdiction of the juvenile court to enforce a non-custodial order of disposition entered prior to the person's eighteenth birthday; or</li> <li>(ii) Remaining under the jurisdiction of the juvenile court for the purpose of being committed, or completing commitment including completion of home placement supervision, to the department of children's services with such commitment based on an adjudication of delinquency for an offense that occurred prior to the person's eighteenth birthday; or</li> <li>(iii) Remaining under the jurisdiction of the juvenile court for resolution of delinquent offense or offenses committed prior to a person's eighteenth birthday but considered by the juvenile court after a person's eighteenth birthday with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court.</li> </ul> </li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (<i>Tennessee</i>)</p>	<p>TENN. CODE ANN. § 37-1-403 (West 2013)</p> <p><b>Any person</b> who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition.</p> <p>TENN. CODE ANN. § 37-1-605 (West 2013)</p> <p>(a) Any person includes, but is not limited to, any:</p> <ul style="list-style-type: none"> <li>(1) Physician, osteopathic physician, medical examiner, chiropractor, nurse or hospital personnel engaged in the admission, examination, care or treatment of persons;</li> <li>(2) Health or mental health professional other than one listed in subdivision;</li> <li>(3) Practitioner who relies solely on spiritual means for healing;</li> <li>(4) School teacher or other school official or personnel;</li> <li>(5) Judge of any court of the state;</li> <li>(6) Social worker, day care center worker, or other professional child care, foster care, residential or institutional worker;</li> <li><b>(7) Law enforcement officer;</b> or</li> <li><b>(8) Neighbor, relative, friend or any other person.</b></li> </ul>
<p><b>Reporting Procedures</b> (<i>Tennessee</i>)</p>	<p>TENN. CODE ANN. § 37-1-403 (West 2013)</p> <p>(a)(1) A mandatory reporter shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect.</p> <p>(a)(2) Any such person with knowledge of the type of harm described in this subsection (a) shall report it, by telephone or otherwise, to the:</p> <ul style="list-style-type: none"> <li>(A) Judge having juvenile jurisdiction over the child;</li> <li>(B) Department, in a manner specified by the department, either by contacting a local representative of the department or by</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> (<i>Tennessee</i>)</p>	<p>utilizing the department's centralized intake procedure, where applicable; (C) Sheriff of the county where the child resides; or (D) Chief law enforcement official of the municipality where the child resides.</p> <p>(3) If any such person knows or has reasonable cause to suspect that a child has been sexually abused, the person shall report such information in accordance with § 37-1-605, relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.</p> <p>(b) The report shall include, to the extent known by the reporter, the name, address, and age of the child, the name and address of the person responsible for the care of the child, and the facts requiring the report. The report may include any other pertinent information.</p> <p>(c)(1) If a law enforcement official or judge becomes aware of known or suspected child abuse, through personal knowledge, receipt of a report, or otherwise, such information shall be reported to the department immediately and, where appropriate, the child protective team shall be notified to investigate the report for the protection of the child in accordance with the provisions of this part. Further criminal investigation by such official shall be appropriately conducted in coordination with the team or department to the maximum extent possible.</p> <p>TENN. CODE ANN. § 37-1-605(b)(1)-(3) (West 2013)</p> <p><u>Reporting Sexual Abuse</u></p> <p>Each report of known or suspected child sexual abuse pursuant to this section shall be made immediately to the local office of the department responsible for the investigation of reports made pursuant to this section or to the judge having juvenile jurisdiction or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides. Each report of known or suspected child sexual abuse occurring in a facility licensed by the department of mental health and developmental disabilities, or any hospital, shall also be made to the local law enforcement agency in the jurisdiction where such offense occurred.</p> <p>(2) If a law enforcement official or judge becomes aware of known or suspected child sexual abuse, through personal knowledge,</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures Cont'd</b> <i>(Tennessee)</i></p>	<p>receipt of a report or otherwise, such information shall be reported to the department immediately and the child protective team shall be notified to investigate the report for the protection of the child in accordance with the provisions of this part. Further criminal investigation by such official shall be appropriately conducted.</p> <p>(3) Reports involving known or suspected institutional child sexual abuse shall be made and received in the same manner as all other reports made pursuant to this section.</p>
<p><b>Penalty for Failure to Report</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 37-1-412 (West 2013)</p> <p>(a) Any person who knowingly fails to make a report required by § 37-1-403 commits a Class A misdemeanor.</p> <p>(b) A juvenile court having reasonable cause to believe that a person is guilty of violating this section may have the person brought before the court either by summons or by warrant. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury. If the defendant pleads guilty and waives, in writing, indictment, presentment, grand jury investigation, and trial by jury, the juvenile court judge shall sentence the defendant under this section with a fine not to exceed two thousand five hundred dollars (\$2,500).</p>
<p><b>Mandatory Reporting Statute</b> <i>(Tennessee)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>TENN. CODE ANN. § 71-6-103 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 71-6-103 (West 2013)</p> <p>A mandated reporter having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation.</p>
<p><b>Relevant Definitions</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 71-6-102 (West 2013)</p> <p>(1) Abuse or neglect means the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>Tennessee</i>)</p>	<p>services that are necessary to maintain that person's health or welfare. Nothing in this part shall be construed to require or authorize the provision of medical care to any terminally ill person if such person has executed an unrevoked living will in accordance with the provisions of the Tennessee Right to Natural Death Act, and if the provisions of such medical care would conflict with the terms of such living will.</p> <p>(2) Adult means a person eighteen (18) years of age or older who because of mental or physical dysfunctioning or advanced age is unable to manage such person's own resources, carry out the activities of daily living, or protect such person from neglect, hazardous or abusive situations without assistance from others and who has no available, willing, and responsibly able person for assistance and who may be in need of protective services.</p> <p>(3) Advanced age means sixty (60) years of age or older.</p> <p>(8) Exploitation means the improper use by a caretaker of funds that have been paid by a governmental agency to an adult or to the caretaker for the use or care of the adult.</p> <p>(12) Sexual abuse occurs when an adult, as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult's will. Sexual abuse also occurs when an "adult," as defined in this chapter, is unable to give consent to such sexual activities or contact and is engaged in such activities or contact with another person.</p>
<p><b>Persons Required to Report</b> (<i>Tennessee</i>)</p>	<p>TENN. CODE ANN. § 71-6-103 (West 2013)</p> <p>(b)(1) <b>Any person</b>, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• A physician;</li> <li>• Nurse;</li> <li>• Social Worker;</li> <li>• Department personnel;</li> <li>• Coroner;</li> </ul>

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<p><b>Persons Required to Report</b> <i>(Tennessee)</i></p>	<ul style="list-style-type: none"> <li>• Medical examiner;</li> <li>• Alternate care facility employee; or caretaker.</li> </ul>
<p><b>Reporting Procedures</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 71-6-103 (West 2013)</p> <p>(C) An oral or written report shall be made immediately to the department of human services upon knowledge of the occurrence of suspected abuse, neglect, or exploitation of an adult. Any person making such a report shall provide the following information, if known: the name and address of the adult, or of any other person responsible for the adult's care; the age of the adult; the nature and extent of the abuse, neglect, or exploitation, including any evidence of previous abuse, neglect, or exploitation; the identity of the perpetrator, if known; the identity of the complainant, if possible; and any other information that the person believes might be helpful in establishing the cause of abuse, neglect, or exploitation. Each report of known or suspected abuse of an adult involving a sexual offense that is a violation of §§ 39-13-501 -- 39-13-506 that occurs in a facility licensed by the department of mental health and developmental disabilities as defined in § 33-5-402, or any hospital shall also be made to the local law enforcement agency in the jurisdiction where such offense occurred.</p>
<p><b>Penalty for Failure to Report</b> <i>(Tennessee)</i></p>	<p>TENN. CODE ANN. § 71-6-110 (West 2013)</p> <p>Any person who knowingly fails to make a report required by this chapter commits a class A misdemeanor.</p> <p>TENN. CODE ANN. § 40-35-111 (West 2013)</p> <p>(e)(1) Class A misdemeanor, not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute.</p>
<p><b>TEXAS</b></p>	

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### The Project on Addressing Prison Rape

<p><b>Mandatory Reporting Statute</b> <i>(Texas)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Texas)</i></p>	<p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>(a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect.</p> <p>TEX. FAM. CODE ANN. § 261.101(c) (West 2013)</p> <p>The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.</p>
<p><b>Relevant Definitions</b> <i>(Texas)</i></p>	<p>TEX. FAM. CODE ANN. § 100.003 (West 2013)</p> <p>(a) Child or minor means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.</p> <p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>(1) Abuse includes the following acts or omissions by a person:</p> <ul style="list-style-type: none"> <li>(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;</li> <li>(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;</li> <li>(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury</li> </ul>

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# Fifty State Survey of Mandatory Reporting Statutes

## The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Texas)</i></p>	<p>to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;</p> <p>(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;</p> <p>(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child, sexual assault, or aggravated sexual assault;</p> <p>(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;</p> <p>(G) compelling or encouraging the child to engage in sexual conduct;</p> <p>(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene, or pornographic;</p> <p>(I) the current use by a person of a controlled substance, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;</p> <p>(J) causing, expressly permitting, or encouraging a child to use a controlled substance; or</p> <p>(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child.</p> <p>(4) Neglect includes:</p> <p>(A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;</p> <p>(B) the following acts or omissions by a person:</p> <p>(i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;</p>
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<p><b>Relevant Definitions Cont'd</b> (Texas)</p>	<p>(ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;</p> <p>(iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;</p> <p>(iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or</p> <p>(v) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or</p> <p>(C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away</p> <p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>(b) Professional means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.</p> <p>(c)</p>
<p><b>Persons Required to Report</b> (Texas)</p>	<p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>(a) <b>A person</b> having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person</p> <p>(b) A professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child</p>

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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (Texas)</p>	<p>is a victim of an offense.... Including:</p> <ul style="list-style-type: none"> <li>• <b>Juvenile detention or correctional officers;</b></li> <li>• <b>Juvenile probation officers;</b></li> <li>• Teachers;</li> <li>• Nurses;</li> <li>• Doctors;</li> <li>• Day-care employees;</li> <li>• Employees of a clinic or health care facility that provides reproductive services.</li> </ul>
<p><b>Reporting Procedures</b> (Texas)</p>	<p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>(a) A person shall immediately make a report.</p> <p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>(b) A professional shall make a report not later than the 48<sup>th</sup> hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense. A professional may not delegate to or rely on another person to make the report.</p>
<p><b>Penalty for Failure to Report</b> (Texas)</p>	<p>TEX. FAM. CODE ANN. § 261.109 (West 2013)</p> <p>(a) A person commits an offense if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report as provided in this chapter.</p> <p>(b) An offense under this section is a Class B misdemeanor.</p> <p>TEX. PENAL CODE ANN. § 12.22 (West 2013)</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Penalty for Failure to Report</b> (Texas)</p>	<p>An individual adjudged guilty of a Class B misdemeanor shall be punished by:</p> <ul style="list-style-type: none"> <li>(1) a fine not to exceed \$ 2,000;</li> <li>(2) confinement in jail for a term not to exceed 180 days; or</li> <li>(3) both such fine and confinement.</li> </ul>
<p><b>Mandatory Reporting Statute</b> (Texas)</p>	<p><b>AGAINST AN ADULT</b></p> <p>TEX. HUM. RES. CODE ANN. § 48.051 (Vernon 2012)</p>
<p><b>What has to be reported?</b> (Texas)</p>	<p>TEX. HUM. RES. CODE ANN. § 48.051 (West 2013)</p> <p>(a) A person who has cause to believe that an elderly or disabled person is in the state of abuse, neglect, or exploitation shall report the information required by Subsection (d) immediately to the department. <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) A person who has cause to believe that an elderly or disabled person has been abused, neglected, or exploited in a facility operated, licensed, certified, or registered by a state agency other than the Texas Department of Mental Health and Mental Retardation.</p>
<p><b>Relevant Definitions</b> (Texas)</p>	<p>TEX. HUM. RES. CODE ANN. § 48.002 (West 2013)</p> <p>(1) “Elderly person” means a person 65 years of age or older.</p> <p>(2) “Abuse” means:</p> <p>(A) the negligent or wilful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person’s caretaker, family member, or other individual who has an ongoing relationship with the person; or</p>

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<p><b>Relevant Definitions Cont'd</b> (Texas)</p>	<p>(B) sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct such as indecent exposure or assaultive offenses, committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.</p> <p>(3) Exploitation means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with the elderly or disabled person using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person.</p> <p>(8) Disabled person means a person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection and who is:</p> <p style="padding-left: 40px;">(A) 18 years of age or older; or</p> <p style="padding-left: 40px;">(B) under 18 years of age and who has had the disabilities of minority removed.</p>
<p><b>Persons Required to Report</b> (Texas)</p>	<p>TEX. HUM. RES. CODE ANN. § 48.051 (West 2013)</p> <p>(c) The duty imposed applies without exception to <b>a person</b> whose knowledge concerning possible abuse, neglect, or exploitation is <b>obtained during the scope of the person's employment</b> or whose professional communications are generally confidential, including an attorney, clergy member, medical practitioner, social worker, and mental health professional.</p>
<p><b>Reporting Procedures</b> (Texas)</p>	<p>TEX. HUM. RES. CODE ANN. § 48.051 (West 201312)</p> <p>(a) Shall report immediately to the department.</p> <p>(b) If a person has cause to believe that an elderly or disabled person has been abused, neglected, or exploited in a facility operated, licensed, certified, or registered by a state agency other than the Texas Department of Mental Health and Mental Retardation, the person shall report the information to the state agency that operates, licenses, certifies, or registers the facility for</p>

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<p><b>Reporting Procedures</b> (Texas)</p>	<p>investigation by that agency.</p> <p>(d) The report may be made orally or in writing. It shall include:</p> <ol style="list-style-type: none"> <li>(1) the name, age, and address of the elderly or disabled person;</li> <li>(2) the name and address of any person responsible for the elderly or disabled person's care;</li> <li>(3) the nature and extent of the elderly or disabled person's condition;</li> <li>(4) the basis of the reporter's knowledge; and</li> <li>(5) any other relevant information.</li> </ol>
<p><b>Penalty for Failure to Report</b> (Texas)</p>	<p>TEX. HUM. RES. CODE ANN. § 48.052 (West 2013)</p> <p>(a) A person commits an offense if the person has cause to believe that an elderly or disabled person has been abused, neglected, or exploited or is in the state of abuse, neglect, or exploitation and knowingly fails to report in accordance with this chapter. An offense under this subsection is a Class A misdemeanor.</p> <p>TEX. PENAL CODE ANN. § 12.21 (West 2013)</p> <p>An individual adjudged guilty of a Class A misdemeanor shall be punished by:</p> <ol style="list-style-type: none"> <li>(1) a fine not to exceed \$4,000;</li> <li>(2) confinement in jail for a term not to exceed one year; or</li> <li>(3) both such fine and confinement.</li> </ol>
<p><b>UTAH</b></p>	
<p><b>Mandatory Reporting Statute</b> (Utah)</p>	<p><b>AGAINST A CHILD</b></p> <p>UTAH CODE ANN. 1953 § 62a-4a-403 (West 2013)</p>

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<p><b>What has to be reported?</b> <i>(Utah)</i></p>	<p>UTAH CODE ANN. § 62a-4a-403 (West 2013)</p> <p>Reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he shall immediately notify the nearest peace officer, law enforcement agency, or office of the division.</p>
<p><b>Relevant Definitions</b> <i>(Utah)</i></p>	<p>UTAH CODE ANN. 1953 § 62a-4a-101 (West 2013)</p> <p>(4) “Child” means, except as provided in Part 7, Interstate Compact on Placement of Children, a person under 18 years of age.</p> <p>(1)(a) “Abuse” means:</p> <ul style="list-style-type: none"> <li>(i) actual or threatened nonaccidental physical or mental harm;</li> <li>(ii) negligent treatment;</li> <li>(iii) sexual exploitation; or</li> <li>(iv) any sexual abuse.</li> </ul> <p>(18)(a) “Neglect” means:</p> <ul style="list-style-type: none"> <li>(i) abandonment of a child, except as provided in Part 8, Safe Relinquishment of a Newborn Child;</li> <li>(ii) subjecting a child to mistreatment or abuse;</li> <li>(iii) lack of proper parental care by reason of the fault or habits of the parent, guardian, or custodian;</li> <li>(iv) failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, including surgery or psychiatric services when required, or any other care necessary for the child's health, safety, morals, or well-being; or (v) a child at risk of being neglected or abused because another child in the same home is neglected or abused.</li> </ul> <p>(18)(b) The aspect of neglect relating to education, described in Subsection (18)(a)(iv), means that, after receiving notice that a child has been frequently absent from school without good cause, or that the child has failed to cooperate with school authorities in a reasonable manner, a parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate</p>

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<p><b>Relevant Definitions Cont'd</b> (Utah)</p>	<p>education.</p> <p>(18)(c) A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child, is not guilty of neglect.</p> <p>(18)(d)(i) Notwithstanding Subsection (18)(a), a health care decision made for a child by the child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.</p> <p>U.C.A. 1953 § 62a-4a-402 (West 2013)</p> <p>(2) Child abuse or neglect means causing harm or threatened harm to a child's health or welfare.</p> <p>U.C.A. 1953 § 62a-4a-402 (West 2013)</p> <p>(3) Harm or threatened harm means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to:</p> <ul style="list-style-type: none"><li>(a) causing nonaccidental physical or mental injury;</li><li>(b) incest;</li><li>(c) sexual abuse;</li><li>(d) sexual exploitation;</li><li>(e) molestation; or</li><li>(f) repeated negligent treatment or maltreatment.</li></ul> <p>(4) Incest means having sexual intercourse with a person whom the perpetrator knows to be his or her ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin. The relationships referred to in this subsection include blood relationships of the whole or half blood without regard to legitimacy, and include relationships of parent and child by adoption, and relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.</p>
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<p><b>Relevant Definitions Cont'd</b> <i>(Utah)</i></p>	<p>(5) Molestation means touching the anus or any part of the genitals of a child or otherwise taking indecent liberties with a child, or causing a child to take indecent liberties with the perpetrator or another with the intent to arouse or gratify the sexual desire of any person.</p> <p>(6) Sexual abuse means acts or attempted acts of sexual intercourse, sodomy, or molestation directed towards a child.</p> <p>(7) Sexual exploitation of a child means knowingly employing, using, persuading, inducing, enticing, or coercing any child to pose in the nude for the purpose of sexual arousal of any person or for profit, or to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct, and includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child in the nude or engaging in sexual or simulated sexual conduct.</p>
<p><b>Persons Required to Report</b> <i>(Utah)</i></p>	<p>UTAH CODE ANN. § 62a-4a-403 (West 2013)</p> <p><b>Any person</b></p> <p>[Requirements] do not apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made to the clergyman or priest in the professional character of the clergyman or priest in the course of discipline enjoined by the church to which the clergyman or priest belongs, if:</p> <p>(a) the confession was made directly to the clergyman or priest by the perpetrator; and</p> <p>(b) the clergyman or priest is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession</p>

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<b>Reporting Procedures</b> <i>(Utah)</i>	UTAH CODE ANN. 1953 § 62a-4a-403 (West 2013)  (1) Immediately notify the nearest peace officer, law enforcement agency, or office of the division.
<b>Penalty for Failure to Report</b> <i>(Utah)</i>	U.C.A. 1953 § 62a-4a-411 (West 2013)  Willful failure to report when required to do so is guilty of a class B misdemeanor.
<b>Mandatory Reporting Statute</b> <i>(Utah)</i>	<b>AGAINST AN ADULT</b>  UTAH CODE ANN. 1953 § 62A-3-305 (West 2013)
<b>What has to be reported?</b> <i>(Utah)</i>	UTAH CODE ANN. 1953 § 62A-3-305 (West 2013)  Reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation.
<b>Relevant Definitions</b> <i>(Utah)</i>	UTAH CODE ANN. 1953 § 62A-3-301 (West 2013)  (2) “Abuse” means: (a) attempting to cause harm, intentionally or knowingly causing harm, or intentionally or knowingly placing another in fear of imminent harm; (b) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult that is in conflict with a physician's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the adult; (c) emotional or psychological abuse; (d) sexual offense; or (e) deprivation of life sustaining treatment, except: (i) as provided in Title 75, Chapter 2a, Part 11, Advance Health Care Directive Act; or

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<b>Relevant Definitions</b> <b>Cont'd</b> <i>(Utah)</i>	<p>(ii) when informed consent, has been obtained.</p> <p>(9) Elder adult means a person 65 years of age or older.</p> <p>(17) "Neglect" means:</p> <p>(a) (i) failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care, or dental, medical, or other health care; or (ii) failure to provide protection from health and safety hazards or maltreatment;</p> <p>(b) failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise;</p> <p>(c) a pattern of conduct by a caretaker, without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating, or other services necessary to maintain the vulnerable adult's well being;</p> <p>(d) knowing or intentional failure by a caretaker to carry out a prescribed treatment plan that causes or is likely to cause harm to the vulnerable adult;</p> <p>(e) self-neglect by the vulnerable adult; or</p> <p>(f) abandonment by a caretaker.</p> <p>(19) "Protected person" means a vulnerable adult for whom the court has ordered protective services, including a vulnerable adult for whom emergency protective services have been established under the provisions of this chapter.</p> <p>(21) "Self-neglect" means the failure of a vulnerable adult to provide food, water, medication, health care, shelter, cooling, heating, safety, or other services necessary to maintain the vulnerable adult's well being when that failure is the result of the adult's mental or physical impairment. Choice of lifestyle or living arrangements may not, by themselves, be evidence of self-neglect.</p> <p>(26) Vulnerable adult means an elder adult, or an adult who has a mental or physical impairment which substantially affects that person's ability to:</p> <p>(a) provide personal protection;</p> <p>(b) provide necessities such as food, shelter, clothing, or mental or other health care;</p>
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<p><b>Relevant Definitions Cont'd</b> (Utah)</p>	<p>(c) obtain services necessary for health, safety, or welfare;                  (d) carry out the activities of daily living;                  (e) manage the adult's own resources; or                  (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.</p> <p>UTAH CODE ANN 1953 § 76-5-111 (West 2013)</p> <p>(4)(a) A person commits the offense of exploitation of a vulnerable adult when the person:</p> <p>(i) is in a position of trust and confidence, or has a business relationship, with the vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the adult's property, for the benefit of someone other than the vulnerable adult;                  (ii) knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of his property for the benefit of someone other than the vulnerable adult;                  (iii) unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult;                  (iv) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult;                  (v) involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity; or                  (vi) commits sexual exploitation of a vulnerable adult.</p>
<p><b>Persons Required to Report</b> (Utah)</p>	<p>UTAH CODE ANN. 1953 § 62A-3-305 (West 2013)</p> <p>(1) <b>Any person</b> who has reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation.</p>

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<b>Reporting Procedures</b> <i>(Utah)</i>	UTAH CODE ANN. 1953 § 62A-3-305 (West 2013)  (1) Immediately notify Adult Protective Services intake or the nearest law enforcement agency.
<b>Penalty for Failure to Report</b> <i>(Utah)</i>	UTAH CODE ANN. 1953 § 62A-3-305 (West 2013)  (4) Any person who willfully fails to report suspected abuse, neglect, or exploitation of a vulnerable adult is guilty of a class B misdemeanor.
<b>VERMONT</b>	
<b>Mandatory Reporting Statute</b> <i>(Vermont)</i>	<b>AGAINST A CHILD</b>  VT. STAT. ANN. tit 33 § 4913 (West 2013)
<b>What has to be reported?</b> <i>(Vermont)</i>	VT. STAT. ANN. tit 33 § 4913 (West 2013)  (a) Reasonable cause to believe that any child has been abused or neglected.
<b>Relevant Definitions</b> <i>(Vermont)</i>	VT. STAT. ANN. tit 33 § 4912 (West 2013)  (1) “Child” means an individual under the age of majority.  (2) “Abused” or “neglected child” means a child whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child’s welfare. An “abused or neglected child” also means a child who is sexually abused or at substantial risk of sexual abuse by any

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<p><b>Relevant Definitions</b> (Vermont)</p>	<p>person.</p> <p>(8) Sexual abuse consists of any act or acts by any person involving sexual molestation or exploitation of a child including but not limited to incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts a sexual conduct, sexual excitement or sadomasochistic abuse involving a child.</p>
<p><b>Persons Required to Report</b> (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 4913 (West 2013)</p> <p>(a)</p> <ul style="list-style-type: none"> <li>• <b>Police officer;</b></li> <li>• <b>Probation officer;</b></li> <li>• Physician, surgeon, osteopath, chiropractor, or physician’s assistant, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, dentist, psychologist, any other health care provider;</li> <li>• School superintendent, school teacher, student teacher, school librarian, school principal, school guidance counselor;</li> <li>• Child care worker;</li> <li>• Mental health professional;</li> <li>• Social worker;</li> <li>• Camp owner, camp administrator, camp counselor; or</li> <li>• Member of the clergy.</li> </ul> <p>(c) <b>Any other concerned person</b> not listed in subsection (a) of this section who has reasonable cause to believe that any child has been abused or neglected may report or cause a report to be made in accordance with the provisions of section 4914 of this title.</p>

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<p><b>Reporting Procedures</b> (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 4913 (West 2013)</p> <p>(a) Report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours.</p> <p>VT. STAT. ANN. tit 33 § 4914 (West 2013)</p> <p>A report shall be made orally or in writing to the commissioner of social and rehabilitation services or designee. The commissioner or designee shall request the reporter to follow the oral report with a written report, unless the reporter is anonymous. Reports shall contain the name and address of the reporter as well as the names and addresses of the child and the parents or other persons responsible for the child’s care, if known; the age of the child; the nature and extent of the child’s injuries together with any evidence of previous abuse and neglect of the child or the child’s siblings; and any other information that the reporter believes might be helpful in establishing the cause of the injuries or reasons for the neglect as well as in protecting the child and assisting the family. If a report of child abuse or neglect involves the acts or omissions of the commissioner for children and families or employees of that department, then the report shall be directed to the secretary of the agency of human services who shall cause the report to be investigated by other appropriate agency staff other than staff of the department for children and families. If the report is substantiated, services shall be offered to the child and to his or her family or caretaker according to the requirements of section 4915 of this title.</p>
<p><b>Penalty for Failure to Report</b> (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 4913 (West 2013)</p> <p>(f)(1) A person who violates this section shall be fined not more than \$500.00.</p> <p>(f)(2) A person who violates this section with the intent to conceal abuse or neglect of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.</p> <p>This section shall not be construed to prohibit a prosecution under any other provision of law.</p>
<p><b>Mandatory Reporting Statute</b> (Vermont)</p>	<p><b>AGAINST AN ADULT</b></p> <p>VT. STAT. ANN. tit 33 § 6903 (West 2013)</p>

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<p><b>What has to be reported?</b> <i>(Vermont)</i></p>	<p>VT. STAT. ANN. tit 33 § 6903 (West 2013)</p> <p>(a) Knows of or has received information of abuse, neglect or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected or exploited.</p>
<p><b>Relevant Definitions</b> <i>(Vermont)</i></p>	<p>VT. STAT. ANN. tit 33 § 6902 (West 2013)</p> <p>(1) “Abuse” means:</p> <ul style="list-style-type: none"> <li>(D) Any treatment of a vulnerable adult which places life, health or welfare in jeopardy or which is likely to result in impairment of health;</li> <li>(E) Any conduct committed with an intent or reckless disregard that such conduct is likely to cause unnecessary harm, unnecessary pain or unnecessary suffering to a vulnerable adult;</li> <li>(F) Unnecessary or unlawful confinement or unnecessary or unlawful restraint of a vulnerable adult;</li> <li>(G) Any sexual activity with a vulnerable adult by a caregiver who volunteers for or is paid by a caregiving facility or program. This definition shall not apply to a consensual relationship between a vulnerable adult and a spouse, nor to a consensual relationship between a vulnerable adult and a caregiver hired, supervised, and directed by the vulnerable adult;</li> <li>(H) Intentionally subjecting a vulnerable adult to behavior which should reasonably be expected to result in intimidation, fear, humiliation, degradation, agitation, disorientation, or other forms of serious emotional distress; or</li> <li>(I) Administration, or threatened administration, of a drug, substance, or preparation to a vulnerable adult for a purpose other than legitimate and lawful medical or therapeutic treatment.</li> </ul> <p>(6) Exploitation means:</p> <ul style="list-style-type: none"> <li>(B) Willfully using, withholding, transferring or disposing of funds or property of a vulnerable adult without or in excess of legal authority for the wrongful profit or advantage of another;</li> <li>(C) Acquiring possession or control of or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, or fraud;</li> <li>(D) The act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or advantage of</li> </ul>

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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Vermont)</p>	<p>another</p> <p>(E) Any sexual activity with a vulnerable adult when the vulnerable adult does not consent or when the actor knows or should know that the vulnerable adult is incapable of resisting or declining consent to the sexual activity due to age or disability or due to fear of retribution or hardship, whether or not the actor has actual knowledge of vulnerable status.</p> <p>(7) Neglect means purposeful or reckless failure or omission by a caregiver to:</p> <p>(A)(i) provide care or arrange for goods or services necessary to maintain the health or safety of a vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or a terminal care document, as defined in subchapter 2 of chapter 111 of Title 18;</p> <p>(ii) make a reasonable effort, in accordance with the authority granted the caregiver, to protect a vulnerable adult from abuse, neglect or exploitation by others;</p> <p>(iii) carry out a plan of care for a vulnerable adult when such failure results in or could reasonably be expected to result in physical or psychological harm or a substantial risk of death to the vulnerable adult, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or his or her representative, or a terminal care document, as defined in subchapter 2 of chapter 111 of Title 18; or</p> <p>(iv) report significant changes in the health status of a vulnerable adult to a physician, nurse, or immediate supervisor, when the caregiver is employed by an organization that offers, provides or arranges for personal care.</p> <p>(11) “Sexual activity” means a sexual act, other than appropriate medical care or personal hygiene, or lewd and lascivious conduct.</p> <p>(14) “Vulnerable adult” means any person 18 years of age or older who:</p> <p>(A) is a resident of a facility required to be license;</p> <p>(B) is a resident of a psychiatric hospital or a psychiatric unit of a hospital;</p> <p>(C) has been receiving personal care services for more than one month from a home health agency certified by the Vermont department of health or from a person or organization that offers, provides, or arranges for personal care; or</p>
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<p><b>Relevant Definitions Cont'd</b> (Vermont)</p>	<p>(D) regardless of residence or whether any type of service is received, is impaired due to brain damage, infirmities of aging, or a physical, mental, or developmental disability:</p> <ul style="list-style-type: none"> <li>(i) that results in some impairment of the individual's ability to provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances; or</li> <li>(ii) because of the disability or infirmity, the individual has an impaired ability to protect himself or herself from abuse, neglect, or exploitation.</li> </ul>
<p><b>Persons Required to Report</b> (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 6903 (West 2013)</p> <p>(a) Any of the following, other than a crisis worker acting pursuant to section 1614 of Title 12, who knows of or has received information of abuse, neglect or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected or exploited shall report or cause a report to be made</p> <ul style="list-style-type: none"> <li>(1) All employees, contractors and grantees of the agency of human services who are involved in caregiving;</li> <li>(2) A physician, osteopath, chiropractor or physician's assistant, nurse, medical examiner, licensed nursing assistant, emergency medical services personnel, dentist, or psychologist;</li> <li>(3) A school teacher, school librarian, school administrator, school guidance counselor, school aide, school bus driver, or school employee or school contractor who works regularly with students;</li> <li>(4) A mental health professional, social worker, person or organization that offers, provides, or arranges for personal care for vulnerable adults, a caregiver employed by a vulnerable adult, employee of or contractor involved in caregiving for a community mental health center, law enforcement officer, and an individual who works regularly with vulnerable adults and who is an employee of an adult day care center, area agency on aging, senior center, or meal program designed primarily to serve vulnerable adults;</li> <li>(5) A hospital, nursing home, residential care home, home health agency or any entity providing nursing or nursing related services for remuneration, intermediate care facility for adults with mental retardation, therapeutic community residence, group home, developmental home, school or contractor involved in caregiving, operator or employee of any of these facilities or agencies.</li> </ul>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 6903 (West 2013)</p> <p>(a) report or cause a report to be made in accordance with the provisions of section 6904 of this title within 48 hours</p> <p>VT. STAT. ANN. tit 33 § 6904 (West 2013)</p> <p>A report shall be made orally or in writing to the commissioner or designee as soon as possible, but in no event later than 48 hours thereafter. The report may also be made to a law enforcement officer. If an oral report is made by telephone or otherwise, the commissioner or designee shall request that it be followed within one week by a report in writing. Reports shall contain the name and address of the reporter as well as the names and addresses of the vulnerable adult and persons responsible for his or her care, if known; the age of the vulnerable adult; the nature of his or her disability, the nature and extent of the vulnerable adult's abuse, neglect or exploitation together with any evidence of previous abuse, neglect or exploitation of the vulnerable adult; and any other information that the reporter believes might be helpful in establishing the cause of any injuries or reasons for the abuse, neglect or exploitation as well as in protecting the vulnerable adult. If a report of abuse, neglect, or exploitation involves the acts or omissions of the commissioner or employees of that department, then such reports shall be directed to the secretary of the agency of human services who shall cause the report to be investigated by appropriate staff other than staff of the department.</p>
<p><b>Penalty for Failure to Report</b> (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 6913 (West 2013)</p> <p>(b) Whenever the commissioner finds, after notice and hearing, that a mandatory reporter, as defined in subdivisions 6903(a)(1), (2), (3), (4), and (5) of this title, has willfully violated the provisions of subsection 6903(a), the commissioner may impose an administrative penalty not to exceed \$500.00 per violation. For purposes of this subsection, every 24 hours that a report is not made beyond the period for reporting required by subsection 6903(a) shall constitute a new and separate violation, and a mandatory reporter shall be liable for an administrative penalty of not more than \$500.00 for each 24-hour period, not to exceed a maximum penalty of \$5,000.00 per reportable incident.</p>

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VIRGIN ISLANDS	
<b>Mandatory Reporting Statute</b> <i>(Virgin Islands)</i>	<p style="background-color: yellow;"><b>AGAINST A CHILD</b></p> <p>V.I. CODE ANN. tit. 5 § 2533 (West 2012)</p>
<b>What has to be reported?</b> <i>(Virgin Islands)</i>	<p>V.I. CODE ANN. tit. 5 §2 533 (West 2012)</p> <p>(a) Reasonable cause to suspect that a child has been subjected to abuse, sexual abuse or neglect, or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.</p>
<b>Relevant Definitions</b> <i>(Virgin Islands)</i>	<p>V.I. CODE ANN. tit. 5 § 2502 (West 2012)</p> <p>(2) “Abuse” means any physical or mental injury inflicted on a child, other than by accidental means, by those responsible for the care and maintenance of the child, which injury causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health or loss or protracted impairment of the function of any bodily organ. Abuse includes the sexual abuse of a child, as defined by law, or the sexual exploitation, including the prostituting of a child and the photographing or other depiction of a child for pornographic purposes, or a persistent course of sexual conduct that causes a child's health or welfare to be harmed or threatened.</p> <p>(7) “Child” means an individual under the age of 18 years.</p> <p>(20) “Neglect” means the failure by those responsible for the care and maintenance of the child to provide the necessary support, maintenance, education as required by law; and medical or mental health care, to the extent that the child's health or welfare is harmed or threatened thereby. It shall also mean an abandoned child as defined in this chapter.</p>

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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (<i>Virgin Islands</i>)</p>	<p>V.I. CODE ANN. tit. 5 § 2533 (West 2012)</p> <p>(a) Any:</p> <ul style="list-style-type: none"> <li>• <b>Law enforcement official;</b></li> <li>• <b>Peace officer;</b></li> <li>• Physician;</li> <li>• Hospital personnel engaged in the admission, examination, care or treatment of persons, nurse, dentist or any other medical or mental health professional;</li> <li>• School teacher or other school personnel;</li> <li>• Social service worker;</li> <li>• Daycare worker or other child-care or foster-care worker.</li> </ul>
<p><b>Reporting Procedures</b> (<i>Virgin Islands</i>)</p>	<p>V.I. CODE ANN. tit. 5 § 2533 (West 2012)</p> <p>(a) Immediately report it or cause a report to be made.</p> <p>V.I. CODE ANN. tit. 5 § 2534 (West 2012)</p> <p>(a) Reports of child abuse, sexual abuse or neglect made pursuant to this subchapter shall be made immediately by telephone or otherwise to the U.S. Virgin Islands Police Department (V.I.P.D.) or to the Department of Social Welfare. The U.S. Virgin Islands Police Department (V.I.P.D.) shall relay such reports to the Department of Social Welfare immediately or, at the latest, at the commencement of the next regular office hours of the Department of Social Welfare. At the request of the Department of Social Welfare, an oral report shall be followed by a written report within 48 hours.</p> <p>(b) To the extent possible, such reports shall include the following information: the names and addresses of the child and his parents or other persons responsible for his care; the child's age and sex; the nature and extent of the child's injuries, sexual abuse or neglect to the child or any other child in the same home; the name and address of the person responsible for the injuries, sexual</p>

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<b>Reporting Procedures</b> <i>(Virgin Islands)</i>	abuse or neglect, the family composition, the source of the report, including the name of the person making the report, his occupation and his address; any action taken by the reporting source, including the taking of X-rays or color photographs or filing for temporary custody; and any other information that the person making the report believes may further the purpose of this subchapter.
<b>Penalty for Failure to Report</b> <i>(Virgin Islands)</i>	V.I. CODE ANN. tit. 5 § 2539 (West 2012)  Any person, official or institution required by this subchapter to report a case of alleged child abuse, sexual abuse or neglect, or to perform any other act, who knowingly fails to do so, shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned not more than one year, or both.
<b>Mandatory Reporting Statute</b> <i>(Virgin Islands)</i>	<b>AGAINST AN ADULT</b>  V.I. CODE ANN. tit. 34 § 453 (West 2012)
<b>What has to be reported?</b> <i>(Virgin Islands)</i>	V.I. CODE ANN. tit. 34 § 453 (West 2012)  (a) [Any mandatory reporter who has] observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he has experienced behavior, including an act or omission, constituting abuse, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects such conduct is taking place
<b>Relevant Definitions</b> <i>(Virgin Islands)</i>	V.I. CODE ANN. tit. 34 § 452 (West 2012)  (2) Abuse means the infliction of verbal, psychological or physical pain, injury or harm, mental anguish or harm, or unreasonable confinement.  (6) Elderly person means an individual who is sixty (60) years of age or over.

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<p><b>Relevant Definitions Cont'd</b> (<i>Virgin Islands</i>)</p>	<p>(5) Disabled adult means a person eighteen (18) years of age or older who because of mental or physical dysfunctioning or advanced age is unable to manage his own resources, carry out the activities of daily living or protect himself from neglect, hazardous or abusive situations without assistance from others and who has no available, willing and responsibly able person to assist him.</p> <p>(8) Exploitation means an act or course of conduct to influence or interfere by misrepresentation, coercion or threats of force whether for monetary, personal, or other benefit, gain or profit.</p> <p>(9) Neglect means failure or refusal to provide treatment or services necessary to maintain physical or mental health.</p>
<p><b>Persons Required to Report</b> (<i>Virgin Islands</i>)</p>	<p>V.I. CODE ANN. tit. 34 § 453 (West 2012)</p> <p>(a)</p> <ul style="list-style-type: none"> <li>• <b>Police officer;</b></li> <li>• <b>Probation officer;</b></li> <li>• Physician, medical intern, medical examiner, dentist, nurse;</li> <li>• Family counselor;</li> <li>• Social worker;</li> <li>• Psychologist;</li> <li>• Coroner;</li> <li>• Physical therapist;</li> <li>• Occupational therapist;</li> <li>• Osteopath;</li> <li>• Podiatrist;</li> <li>• Executive director of home care corporation;</li> <li>• Executive director of licensed home health aide agency or executive director of homemaker service agency.</li> </ul>

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<p><b>Reporting Procedures</b> <i>(Virgin Islands)</i></p>	<p>V.I. CODE ANN. tit. 34 § 453 (West 2012)</p> <p>(a) Immediately make a verbal report of such information or cause a report to be made to the Department of Human Services, and shall within forty-eight (48) hours make a written report to the Department.</p> <p>(e) Reports made under subsections (a) and (b) shall contain:</p> <ol style="list-style-type: none"> <li>(1) the name, address and approximate age of the elderly person or disabled adult who is the subject of the report;</li> <li>(2) information regarding the nature and extent of the abuse, neglect, exploitation, or abandonment;</li> <li>(3) the name of the person's caretaker, if known;</li> <li>(4) any medical treatment being received or immediately required, if known;</li> <li>(5) any other information the reporter believes to be relevant to the investigation; and</li> <li>(6) the name and address of the reporter and where said reporter may be contacted, if the reporter wishes to provide said information.</li> </ol>
<p><b>Penalty for Failure to Report</b> <i>(Virgin Islands)</i></p>	<p>V.I. CODE ANN. tit. 34 § 453 (West 2012)</p> <p>(a) Any person required to make a report under this subsection who fails to do so shall be punished by a fine of not more than one thousand dollars (\$1,000).</p>
<p><b>VIRGINIA</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Virginia)</i></p>	<p style="background-color: yellow;"><b>AGAINST A CHILD</b></p> <p>VA. CODE ANN. § 63.2-1509 (West 2013)</p>

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<p><b>What has to be reported?</b> <i>(Virginia)</i></p>	<p>VA. CODE ANN. § 63.2-1509 (West 2013)</p> <p>(A) [Mandatory reports, who] in their professional or official capacity, have reason to suspect that a child is an abused or neglected child.</p>
<p><b>Relevant Definitions</b> <i>(Virginia)</i></p>	<p>VA. CODE ANN. § 63.2-100 (West 2013)</p> <p>“Abused” or “neglected child” means any child less than 18 years of age:</p> <ol style="list-style-type: none"> <li>1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony;</li> <li>2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;</li> <li>3. Whose parents or other person responsible for his care abandons such child;</li> <li>4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law</li> <li>5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the</li> </ol>

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<p><b>Relevant Definitions Cont'd</b> (Virginia)</p>	<p>child's parent, guardian, legal custodian or other person standing in loco parentis; or</p> <p>6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender.... If a civil proceeding under this title is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.</p>
<p><b>Persons Required to Report</b> (Virginia)</p>	<p>VA. CODE ANN. § 63.2-1509 (West 2013)</p> <p>A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately:</p> <ol style="list-style-type: none"> <li>(1) Any person licensed to practice medicine or any of the healing arts;</li> <li>(2) Any hospital resident or intern, and any person employed in the nursing profession;</li> <li>(3) Any person employed as a social worker;</li> <li><b>(4) Any probation officer;</b></li> <li>(5) Any teacher or other person employed in a public or private school, kindergarten or nursery school;</li> <li>(6) Any person providing full-time or part-time child care for pay on a regularly planned basis;</li> <li>(7) <b>Any mental health professional;</b></li> <li>(8) <b>Any law--enforcement officer;</b></li> <li>(9) Any mediator eligible to receive court referrals;</li> <li><b>(10) Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;</b></li> </ol>

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### The Project on Addressing Prison Rape

<p><b>Persons Required to Report Cont'd</b> (Virginia)</p>	<p>(11) <b>Any person associated with or employed by any private organization responsible for the care, custody or control of children;</b></p> <p>(12) Any person who is designated a court--appointed special advocate;</p> <p>(13) Any mediator eligible to receive court referrals;</p> <p>(14) Any person, over the age of 18 years, who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect; and</p> <p>(15) Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance.</p>
<p><b>Reporting Procedures</b> (Virginia)</p>	<p>VA. CODE ANN. § 63.2-1509 (West 2013)</p> <p>(A) Report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll--free child abuse and neglect hotline.</p> <p>If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline. If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.</p> <p>If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.</p> <p>The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall</p>

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<b>Reporting Procedures Cont'd</b> <i>(Virginia)</i>	<p>disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act. Provision of such information, records and reports by a health care provider shall not be prohibited. Criminal investigative reports received from law--enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.</p>
<b>Penalty for Failure to Report</b> <i>(Virginia)</i>	<p>VA. CODE ANN. § 63.2-1509 (West 2013)</p> <p>(D) Any person required to file a report pursuant to this section who fails to do so within 72 hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.</p>
<b>Mandatory Reporting Statute</b> <i>(Virginia)</i>	<p><b>AGAINST AN ADULT</b></p> <p>VA. CODE ANN. § 63.2-1606 (West 2013)</p>
<b>What has to be reported?</b> <i>(Virginia)</i>	<p>VA. CODE ANN. § 63.2-1606 (West 2013)</p> <p>(A) Matters giving reason to suspect the abuse, neglect or exploitation of adults.</p>
<b>Relevant Definitions</b> <i>(Virginia)</i>	<p>VA. CODE ANN. § 63.2-1603 (West 2013)</p> <p>“Adult” means any person 60 years of age or older, or any person 18 years of age or older who is incapacitated and who resides in the Commonwealth; provided, however, "adult" may include qualifying nonresidents who are temporarily in the Commonwealth and who are in need of temporary or emergency protective services.</p>

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<p><b>Relevant Definitions</b> (Virginia)</p>	<p>“Incapacitated person” means any adult who is impaired by reason of mental illness, mental retardation, physical illness or disability, advanced age or other causes to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out responsible decisions concerning his or her well-being.</p>
<p><b>Persons Required to Report</b> (Virginia)</p>	<p>VA. CODE ANN. § 63.2-1606 (West 2013)</p> <p>(a) The following persons <b>acting in their professional capacity</b>:</p> <ol style="list-style-type: none"> <li>(1) Any person licensed, certified, or registered by health regulatory boards with the exception of persons licensed by the Board of Veterinary Medicine;</li> <li>(2) Any mental health services provider;</li> <li>(3) Any emergency medical services personnel certified by the Board of Health;</li> <li>(4) Any guardian or conservator of an adult;</li> <li>(5) Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;</li> <li>(6) Any person providing full, intermittent or occasional care to an adult for compensation, including but not limited to, companion, chore, homemaker, and personal care workers;</li> <li>(7) <b>Any law-enforcement officer.</b></li> </ol>
<p><b>Reporting Procedures</b> (Virginia)</p>	<p>VA. CODE ANN. § 63.2-1606 (West 2013)</p> <p>(A) Reported immediately upon the reporting person's determination that there is such reason to suspect. Reports shall be made to the local department or the adult protective services hotline.</p> <p>(B) The report shall be made in accordance with subsection A to the local department of the county or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline. Nothing in this section shall be construed to eliminate or supersede any other obligation to report as required by law. If a person</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> <i>(Virginia)</i></p>	<p>required to report under this section receives information regarding abuse, neglect or exploitation while providing professional services in a hospital, nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the institution or his designee, who shall report such information, in accordance with the institution's policies and procedures for reporting such matters, immediately upon his determination that there is reason to suspect abuse, neglect or exploitation. Any person required to make the report or notification required by this subsection shall do so either orally or in writing and shall disclose all information that is the basis for the suspicion of adult abuse, neglect or exploitation. Upon request, any person required to make the report shall make available to the adult protective services worker and the local department investigating the reported case of adult abuse, neglect or exploitation any information, records or reports which document the basis for the report. All persons required to report suspected adult abuse, neglect or exploitation shall cooperate with the investigating adult protective services worker of a local department and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by state and federal law. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.</p>
<p><b>Penalty for Failure to Report</b> <i>(Virginia)</i></p> <p><b>Penalty for Failure to Report Cont'd</b> <i>(Virginia)</i></p>	<p>VA. CODE ANN. § 63.2-1606 (West 2013)</p> <p>(H) Any person who fails to make a required report or notification pursuant to subsection A shall be subject to a civil penalty of not more than \$ 500 for the first failure and not less than \$ 100 nor more than \$ 1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the Commissioner or his designee.</p>
<p><b>WASHINGTON</b></p>	
<p><b>Mandatory Reporting Statute</b> <i>(Washington)</i></p>	<p><b>AGAINST A CHILD</b></p> <p>WASH REV. CODE ANN. § 26.44.030 (West 2013)</p>

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<p><b>What has to be reported?</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 26.44.030 (West 2013)</p> <p>(1)(a) Reasonable cause to believe that a child has suffered abuse or neglect.</p>
<p><b>Relevant Definitions</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 26.44.020 (West 2013)</p> <p>(6) Child or children means any person under the age of eighteen years of age.</p> <p>(12) Abuse or neglect means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.</p> <p>(14) Sexual exploitation includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.</p> <p>(15) Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Persons Required to Report</b> (Washington)</p>	<p>WASH REV. CODE ANN. § 26.44.030 (West 2013)</p> <p>(1)(a) Any:</p> <ul style="list-style-type: none"><li>• <b>Law enforcement officer;</b></li><li>• <b>Juvenile probation officer;</b></li><li>• Practitioner, county coroner or medical examiner;</li><li>• Professional school personnel;</li><li>• Registered or licensed nurse;</li><li>• <b>Social service counselor;</b></li><li>• Psychologist;</li><li>• Pharmacist;</li><li>• Licensed or certified child care providers or their employees;</li><li>• Employee of the department;</li><li>• Placement and liaison specialist;</li><li>• Responsible living skills program staff;</li><li>• HOPE center staff, or state family and children's ombudsman; or</li><li>• Any volunteer in the ombudsman's office;</li><li>• When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority.</li></ul> <p>WASH REV. CODE ANN. § 26.44.030 (West 2013)</p> <p>(1)(c) The reporting requirement also applies to <b>department of corrections personnel</b> who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or</p>
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<p><b>Persons Required to Report Cont'd</b> <i>(Washington)</i></p>	<p>to the department.</p>
<p><b>Reporting Procedures</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 26.44.040 (West 2013)</p> <p>An immediate oral report must be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, must be followed by a report in writing. Such reports must contain the following information, if known:</p> <ol style="list-style-type: none"> <li>(1) The name, address, and age of the child;</li> <li>(2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child;</li> <li>(3) The nature and extent of the alleged injury or injuries;</li> <li>(4) The nature and extent of the alleged neglect;</li> <li>(5) The nature and extent of the alleged sexual abuse;</li> <li>(6) Any evidence of previous injuries, including their nature and extent; and</li> <li>(7) Any other information that may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.</li> </ol>
<p><b>Penalty for Failure to Report</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 26.44.080 (West 2013)</p> <p>Every person who is required to make, or to cause to be made, a report pursuant to RCW 26.44.030 and 26.44.040, and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a gross misdemeanor.</p> <p>WASH REV. CODE ANN. § 9.92.020 (West 2013)</p> <p>Imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.</p>

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<p><b>Mandatory Reporting Statute</b> <i>(Washington)</i></p>	<p><b>AGAINST AN ADULT</b></p> <p>WASH REV. CODE ANN. § 74.34.035 (West 2013)</p>
<p><b>What has to be reported?</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 74.34.035 (West 2013)</p> <p>(1) When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department.</p> <p>(2) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.</p> <p>(3) When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm.</p>
<p><b>Relevant Definitions</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 74.34.021 (West 2013)</p> <p>(15) Vulnerable adult includes persons receiving services from any individual who for compensation serves as a personal aide to a person who self-directs his or her own care in his or her home.</p> <p>WASH REV. CODE ANN. § 74.34.020 (West 2013)</p> <p>(2) Abuse means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:</p> <p>(a) Sexual abuse means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, and a vulnerable adult living in that facility or receiving service from a program, whether or not it is consensual.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> <i>(Washington)</i></p>	<p>(b) Physical abuse means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately</p> <p>(c) Mental abuse means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.</p> <p>(d) Exploitation means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.</p>
<p><b>Persons Required to Report</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 74.34.020 (West 2013)</p> <p>(10) Employee of the department; <b>law enforcement officer</b>; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider.</p>
<p><b>Reporting Procedures</b> <i>(Washington)</i></p>	<p>WASH REV. CODE ANN. § 74.34.035 (West 2013)</p> <p>(3)(a)-(b) Mandated reporters shall immediately report to the department of social and health services.</p> <p>(1) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.</p> <p>(2) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Reporting Procedures Cont'd</b> <i>(Washington)</i>	<p>(7) Each report, oral or written, must contain as much as possible of the following information:</p> <ul style="list-style-type: none"> <li>(a) The name and address of the person making the report;</li> <li>(b) The name and address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult;</li> <li>(c) The name and address of the legal guardian or alternate decision maker;</li> <li>(d) The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect;</li> <li>(e) Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;</li> <li>(f) The identity of the alleged perpetrator, if known; and</li> <li>(g) Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.</li> </ul>
<b>Penalty for Failure to Report</b> <i>(Washington)</i>	<p>WASH REV. CODE ANN. § 74.34.053 (West 2013)</p> <p>(1) A person who is required to make a report under this chapter and who knowingly fails to make the report is guilty of a gross misdemeanor.</p>
<b>WEST VIRGINIA</b>	
<b>Mandatory Reporting Statute</b> <i>(West Virginia)</i>	<p><b>AGAINST A CHILD</b></p> <p>W. VA. CODE ANN. § 49-6A-2 (West 2013)</p>
<b>What has to be reported?</b> <i>(West Virginia)</i>	<p>W. VA. CODE ANN. § 49-6A-2 (West 2013)</p> <p>Reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect.</p>

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<b>Relevant Definitions</b> (West Virginia)	<p>W. VA. CODE ANN. § 49-1-3 (West 2013)</p> <p>(a) “Abused child” means a child whose health or welfare is harmed or threatened by:</p> <ol style="list-style-type: none"><li>1. A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home; or</li><li>2. Sexual abuse or sexual exploitation; or</li><li>3. The sale or attempted sale of a child by a parent, guardian or custodian;</li><li>4. Domestic violence as defined in section two hundred two, article twenty-seven, chapter forty-eight of this code.</li></ol> <p>(j)(1) “Neglected child” means a child:</p> <p>(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care or education, when such refusal, failure or inability is not due primarily to a lack of financial means on the part of the parent, guardian or custodian; or</p> <p>(B) Who is presently without necessary food, clothing, shelter, medical care, education or supervision because of the disappearance or absence of the child's parent or custodian.</p> <p>(l) “Sexual abuse” means:</p> <p>(A) As to a child who is less than sixteen years of age, any of the following acts which a parent, guardian or custodian shall engage in, attempt to engage in, or knowingly procure another person to engage in, with such child, notwithstanding the fact that the child may have willingly participated in such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct:</p> <ol style="list-style-type: none"><li>(i) Sexual intercourse;</li><li>(ii) Sexual intrusion; or</li></ol>
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<p><b>Relevant Definitions Cont'd</b> (West Virginia)</p>	<p>(iii) Sexual contact;</p> <p>(B) As to a child who is sixteen years of age or older, any of the following acts which a parent, guardian or custodian shall engage in, attempt to engage in, or knowingly procure another person to engage in, with such child, notwithstanding the fact that the child may have consented to such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct:</p> <p style="padding-left: 40px;">(i) Sexual intercourse; (ii) Sexual intrusion; or (iii) Sexual contact;</p> <p>(C) Any conduct whereby a parent, guardian or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian or custodian, of the person making such display, or of the child, or for the purpose of affronting or alarming the child.</p> <p>(n) Sexual exploitation means an act whereby:</p> <p style="padding-left: 40px;">(1) A parent, custodian or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code; (2) A parent, guardian or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian or custodian knows such display is likely to be observed by others who would be affronted or alarmed</p>
<p><b>Persons Required to Report</b> (West Virginia)</p>	<p>W. VA. CODE ANN. § 49-6A-2 (West 2013)</p> <ul style="list-style-type: none"> <li>• <b>Peace officer or law-enforcement official;</b></li> <li>• Medical, dental or mental health professional, Christian science practitioner, religious healer, emergency medical</li> </ul>

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<p><b>Persons Required to Report Cont'd</b> (West Virginia)</p>	<p>services personnel;</p> <ul style="list-style-type: none"> <li>• School teacher or other school personnel;</li> <li>• Social service worker, child care or foster care worker;</li> <li>• Member of the clergy;</li> <li>• Circuit court judge, family law master, <b>employee of the division of juvenile services</b> or magistrate.</li> </ul>
<p><b>Reporting Procedures</b> (West Virginia)</p>	<p>W. VA. CODE ANN. § 49-6A-2 (West 2013)</p> <p>Shall immediately, and not more than 48 hours after suspecting this abuse, report the circumstances or cause a report to be made to the state department of human services: Provided, That in any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the division of public safety and any law-enforcement agency having jurisdiction to investigate the complaint: Provided, however, That any person required to report under this article who is a member of the staff of a public or private institution, school, facility or agency shall immediately notify the person in charge of such institution, school, facility or agency, or a designated agent thereof, who shall report or cause a report to be made.</p>
<p><b>Penalty for Failure to Report</b> (West Virginia)</p>	<p>W. VA. CODE ANN. § 49-6A-8 (West 2013)</p> <p>Any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by section five of this article to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than 10 days or fined not more than \$100.00, or both.</p>
<p><b>Mandatory Reporting Statute</b> (West Virginia)</p>	<p><b>AGAINST AN ADULT</b></p> <p>W. VA. CODE § 9-6-9 (West 2013)</p>

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<p><b>What has to be reported?</b> (West Virginia)</p>	<p>W. VA. CODE § 9-6-9 (West 2013)</p> <p>(a) Reasonable cause to believe that an incapacitated adult or facility resident is or has been neglected, abused or placed in an emergency situation, or if such person observes an incapacitated adult or facility resident being subjected to conditions that are likely to result in abuse, neglect or an emergency situation.</p>
<p><b>Relevant Definitions</b> (West Virginia)</p>	<p>W. VA. CODE § 9-6-1 (West 2013)</p> <p>(2) “Abuse” means the infliction or threat to inflict physical pain or injury on or the imprisonment of any incapacitated adult or facility resident.</p>
<p><b>Persons Required to Report</b> (West Virginia)</p>	<p>W. VA. CODE § 9-6-9 (West 2013)</p> <p>(a)</p> <ul style="list-style-type: none"> <li>• <b>Law--enforcement officer;</b></li> <li>• Medical, dental or mental health professional, Christian science practitioner, religious healer;</li> <li>• Social service worker;</li> <li>• State or regional ombudsman; or</li> <li>• Any employee of any nursing home or other residential facility.</li> </ul>
<p><b>Reporting Procedures</b> (West Virginia)</p>	<p>W. VA. CODE § 9-6-9 (West 2013)</p> <p>(a) Shall immediately report the circumstances pursuant to the provisions of section eleven [§ 9-6-11].</p> <p>W. VA. CODE ANN. § 9-6-11 (West 2013)</p> <p>(a) A report of neglect or abuse of an incapacitated adult or facility resident or of an emergency situation involving such an adult shall be made immediately by telephone to the department's local adult protective services agency and shall be followed by a written report by the complainant or the receiving agency within 48 hours.</p>

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<b>Penalty for Failure to Report</b> <i>(West Virginia)</i>	W. VA. CODE § 9-6-14 (West 2013)  Any person subject to the mandatory reporting provisions of this article who knowingly fails to make any report required herein or any person who knowingly prevents another person from making such a report is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than ten days, or both fined and imprisoned.
<b>WISCONSIN</b>	
<b>Mandatory Reporting Statute</b> <i>(Wisconsin)</i>	<b>AGAINST A CHILD</b>  WIS. STAT. ANN. § 48.981 (West 2013)
<b>What has to be reported?</b> <i>(Wisconsin)</i>	WIS. STAT. ANN. § 48.981 (West 2013)  (2) Reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur.
<b>Relevant Definitions</b> <i>(Wisconsin)</i>	WIS. STAT. ANN. § 48.02 (West 2013)  (1) “Abuse” other than when used in referring to abuse of alcohol beverages or other drugs, means any of the following: (a) Physical injury inflicted on a child by other than accidental means: (am) When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree. (b) Sexual intercourse sexual contact

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## The Project on Addressing Prison Rape

<p><b>Relevant Definitions</b> <b>Cont'd</b> <i>(Wisconsin)</i></p>	<p>(c) Sexual Exploitation of a child (d) Permitting, allowing or encouraging a child to commit prostitution (e) Intentionally causes a child under the age of 18 to view or listen to sexually explicit conduct if the viewing or listening is for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child. (f) Causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child for purposes of sexual arousal or sexual gratification (g) Manufacturing methamphetamine in violation of s. 961.41(1)(e) under any of the following circumstances:</p> <ol style="list-style-type: none"><li>1. With a child physically present during the manufacture.</li><li>2. In a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home.</li><li>3. Under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.</li></ol> <p>(gm) Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.</p> <p>(2) "Child" means a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "child" does not include a person who has attained 17 years of age.</p> <p>WIS. STAT. ANN.. § 948.05 (West 2013)</p> <p>Sexual exploitation of a child: (1) Whoever does any of the following with knowledge of the character and content of the sexually explicit conduct involving the child may be penalized under sub. (2p):</p> <p>(a) Employs, uses, persuades, induces, entices, or coerces any child to engage in sexually explicit conduct for the purpose of recording or displaying in any way the conduct.</p>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>Wisconsin</i>)</p>	<p>(b) Records or displays in any way a child engaged in sexually explicit conduct.</p> <p>(1m) Whoever produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes, or possesses with intent to sell or distribute, any recording of a child engaging in sexually explicit conduct may be penalized under sub. (2p) if the person knows the character and content of the sexually explicit conduct involving the child and if the person knows or reasonably should know that the child engaging in the sexually explicit conduct has not attained the age of 18 years.</p> <p>(2) A person responsible for a child's welfare who knowingly permits, allows or encourages the child to engage in sexually explicit conduct for a purpose proscribed in sub. (1)(a) or (b) or (1m) may be penalized under sub. (2p).</p> <p>(2p)(a) Except as provided in par. (b), a person who violates sub. (1), (1m), or (2) is guilty of a Class C felony.</p> <p>(b) A person who violates sub. (1), (1m), or (2) is guilty of a Class F felony if the person is under 18 years of age when the offense occurs.</p> <p>(3) It is an affirmative defense to prosecution for violation of sub. (1)(a) or (b) or (2) if the defendant had reasonable cause to believe that the child had attained the age of 18 years. A defendant who raises this affirmative defense has the burden of proving this defense by a preponderance of the evidence.</p> <p>WIS. STAT. ANN. § 48.981 (West 2013)</p> <p>“Neglect” means failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.</p>
<p><b>Persons Required to Report</b> (<i>Wisconsin</i>)</p>	<p>WIS. STAT. ANN. § 48.981 (West 2013)</p> <p>1. A child-care worker in a day care center, group home, or residential care center for children and youth;</p> <p>(2)(a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of</p>

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### The Project on Addressing Prison Rape

<b>Persons Required to Report Cont'd</b> <i>(Wisconsin)</i>	professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3):  <ol style="list-style-type: none"><li>1. Physician;</li><li>2. A coroner;</li><li>3. A medical examiner;</li><li>4. A nurse;</li><li>5. A dentist;</li><li>6. A chiropractor;</li><li>7. An optometrist;</li><li>8. An acupuncturist;</li><li>9. A medical or mental health professional not otherwise specified in this paragraph;</li><li>10. A social worker;</li><li>11. A marriage and family therapist;</li><li>12. A professional counselor;</li><li>13. A public assistance worker, including a financial and employment planner;</li><li>14. A school teacher;</li><li>15. A school administrator;</li><li>16. A school counselor;</li><li>17. A mediator;</li><li>18. A day care provider;</li><li>19. An alcohol or other drug abuse counselor;</li><li>20. A member of the treatment staff employed by or working under contract with a county department or a residential care center for children and youth;</li><li>21. A physical therapist;</li><li>22. A physical therapist assistant;</li><li>23. An occupational therapist;</li><li>24. A dietitian;</li></ol>
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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Persons Required to Report Cont'd</b> <i>(Wisconsin)</i>	25. A speech-language pathologist; 26. An audiologist; 27. An emergency medical technician; 28. <b>A first responder;</b> 29. <b>A law enforcement officer;</b> 30. Member of the clergy (except for privileged communication).
<b>Reporting Procedures</b> <i>(Wisconsin)</i>	WIS. STAT. ANN. § 48.981 (West 2013)  (3)(a)(1) A person required to report shall immediately inform, by telephone or personally, the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.
<b>Penalty for Failure to Report</b> <i>(Wisconsin)</i>	WIS. STAT. ANN. § 48.981 (West 2013)  (6) Whoever intentionally violates this section by failure to report as required may be fined not more than \$1,000 or imprisoned not more than 6 months or both.
<b>Mandatory Reporting Statute</b> <i>(Wisconsin)</i>	<b>AGAINST AN ADULT</b>  WIS. STAT. ANN. § 46.90 (West 2013)
<b>What has to be reported?</b> <i>(Wisconsin)</i>	WIS. STAT. ANN. § 46.90 (West 2013)  (4)(ad) [A mandated reporter] who has seen an elder adult at risk in the course of the person's professional duties.

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Relevant Definitions</b> ( <i>Wisconsin</i> )	WIS. STAT. ANN. § 46.90 (West 2013)  (a) Abuse means any of the following: 1. Physical abuse. 2. Emotional abuse. 3. Sexual abuse. 4. Treatment without consent. 5. Unreasonable confinement or restraint.  (br) Elder adult at risk means any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.  (cm) Emotional abuse means language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.  (ed) Financial exploitation means any of the following:  1. Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his or her will without his or her informed consent. 2. Theft 3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities. 4. Unauthorized use of an individual's personal identifying information or documents 5. Unauthorized use of an entity's identifying information or documents 6. Forgery 7. Financial transaction card crimes
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### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (<i>Wisconsin</i>)</p>	<p>(f) Neglect means the failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. "Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under ch. 154, a power of attorney for health care under ch. 155, or as otherwise authorized by law.</p> <p>(fg) Physical abuse means the intentional or reckless infliction of bodily harm.</p> <p>(g) Self-neglect means a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care.</p>
<p><b>Persons Required to Report</b> (<i>Wisconsin</i>)</p>	<p>WIS. STAT. ANN. § 46.90 (West 2013)</p> <p>4) Reporting. (ab) The following persons shall file reports:</p> <ul style="list-style-type: none"> <li>(1) An employee of any entity that is licensed, certified, or approved by or registered with the department;</li> <li>(3) A health care provider;</li> <li>(4) A social worker, professional counselor, or marriage and family therapist.</li> </ul>
<p><b>Reporting Procedures</b> (<i>Wisconsin</i>)</p>	<p>WIS. STAT. ANN. § 46.90 (West 2013)</p> <p>Mandated Reporters shall file a report with the county department, the elder-adult-at-risk agency, a state or local law enforcement agency, the department, or the board on aging and long-term care if the elder adult at risk has requested the person to make the report, or if the person has reasonable cause to believe the abuse has occurred.</p>
<p><b>Penalty for Failure to Report</b> (<i>Wisconsin</i>)</p>	<p>WIS. STAT. ANN. § 46.90 (West 2013)</p> <p>(9)(e) Whoever intentionally violates sub. (4)(ad) by failure to report as required may be fined not more than \$500 or imprisoned not more than 6 months or both.</p>

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### The Project on Addressing Prison Rape

WYOMING	
<b>Mandatory Reporting Statute</b> <i>(Wyoming)</i>	<p style="background-color: yellow;"><b>AGAINST A CHILD</b></p> <p>WYO. STAT. ANN. § 14-3-205 (West 2013)</p>
<b>What has to be reported?</b> <i>(Wyoming)</i>	<p>WYO. STAT. ANN. § 14-3-205 (West 2013)</p> <p>(a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.</p>
<b>Relevant Definitions</b> <i>(Wyoming)</i>	<p>WYO. STAT. ANN. § 14-3-202 (West 2013)</p> <p>(ii) “Abuse” means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, unless the abandonment is a relinquishment substantially in accordance with W.S. 14-11-101 through 14-11-109, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof by reason of intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child as defined by law:</p> <p style="padding-left: 40px;">(A) “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his ability to function within a normal range of performance and behavior with due regard to his culture;</p> <p style="padding-left: 40px;">(B) “Physical injury” means any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition;</p> <p style="padding-left: 40px;">(C) “Substantial risk” means a strong possibility as contrasted with a remote or insignificant possibility;</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Wyoming)</p>	<p>(D) Imminent danger includes threatened harm and means a statement, overt act, condition or status which represents an immediate and substantial risk of sexual abuse or physical or mental injury.</p> <p>(iii) “Child” means any person under the age of eighteen (18)</p> <p>(vii) “Neglect” means a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's well being. Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone.</p>
<p><b>Persons Required to Report</b> (Wyoming)</p>	<p>WYO. STAT. ANN. § 14-3-205 (West 2013)</p> <p>(a) <b>Any person.</b></p>
<p><b>Reporting Procedures</b> (Wyoming)</p>	<p>WYO. STAT. ANN. § 14-3-205 (West 2013)</p> <p>(a) Immediately report to the child protective agency or local law enforcement agency or cause a report to be made.</p> <p>(b) If a person reporting child abuse or neglect is a member of the staff of a medical or other public or private institution, school, facility or agency, he shall notify the person in charge or his designated agent as soon as possible, who is thereupon also responsible to make the report or cause the report to be made.</p>
<p><b>Penalty for Failure to Report</b> (Wyoming)</p>	<p>WYO. STAT. ANN. § 14-3-205 (West 2013)</p> <p>(c) Any employer, public or private, who discharges, suspends, disciplines or penalizes an employee solely for making a report of neglect or abuse under W.S. 14-3-201 through 14-3-216 is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.</p> <p>(d) Any person who knowingly and intentionally makes a false report of child abuse or neglect, or who encourages or coerces</p>

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<b>Penalty for Failure to Report</b> <i>(Wyoming)</i>	another person to make a false report of child abuse or neglect, is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.
<b>Mandatory Reporting Statute</b> <i>(Wyoming)</i>	<b>AGAINST AN ADULT</b>  WYO. STAT. ANN. § 35-20-111 (West 2013)
<b>What has to be reported?</b> <i>(Wyoming)</i>	WYO. STAT. ANN. § 35-20-111 (West 2013)  (a) Without exception to a person or agency who knows, or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe, that a vulnerable adult has been or is being abused, neglected, exploited or abandoned, or is committing self-neglect.
<b>Relevant Definitions</b> <i>(Wyoming)</i>	WYO. STAT. ANN. § 35-20-102 (West 2013)  (a)(ii) “Abuse” means the intentional or reckless infliction, by the vulnerable adult's caregiver, family member or other individual of: (A) Injury; (B) Unreasonable confinement which threatens the welfare and well-being of a vulnerable adult; or (C) Intimidation or cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult.  (ix) Exploitation means the reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult, to: (A) Obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult's money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property; or (B) In the absence of legal authority:

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## Fifty State Survey of Mandatory Reporting Statutes

### The Project on Addressing Prison Rape

<p><b>Relevant Definitions Cont'd</b> (Wyoming)</p>	<p>(I) Employ the services of a third party for the profit or advantage of the person or another person to the detriment of a vulnerable adult;</p> <p>(II) Force, compel, coerce or entice a vulnerable adult to perform services for the profit or advantage of another against the will of the vulnerable adult.</p> <p>(xi) Neglect means the deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, other care and prescribed medication as necessary to maintain a vulnerable adult's life or health, or which may result in a life-threatening situation. The withholding of health care from a vulnerable adult is not neglect if:</p> <p style="padding-left: 40px;">(A) Treatment is given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination;</p> <p style="padding-left: 40px;">(B) The withholding of health care is in accordance with a declaration executed pursuant to W.S. 35-22-401 through 35-22-416; or</p> <p style="padding-left: 40px;">(C) Care is provided by a hospice licensed in accordance with and pursuant to W.S. 35-2-901 through 35-2-910.</p> <p>(xvii) Self neglect means when a vulnerable adult is unable, due to physical or mental disability, or refuses to perform essential self-care tasks, including providing essential food, clothing, shelter or medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety, or managing financial affairs;</p> <p>(xviii) Vulnerable adult means any person eighteen (18) years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability.</p>
<p><b>Persons Required to Report</b> (Wyoming)</p>	<p>WYO. STAT. ANN. § 35-20-111 (West 2013)</p> <p>(a) <b>Any person or agency.</b></p>

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### The Project on Addressing Prison Rape

<p><b>Reporting Procedures</b> (<i>Wyoming</i>)</p>	<p>WYO. STAT. ANN. § 35-20-103 (West 2013)</p> <p>(a) Report the information immediately to a law enforcement agency or the department.</p> <p>(b) The report may be made orally or in writing. The report shall provide to law enforcement or the department the following, to the extent available:</p> <ul style="list-style-type: none"> <li>(i) The name, age and address of the vulnerable adult;</li> <li>(ii) The name and address of any person responsible for the vulnerable adult's care;</li> <li>(iii) The nature and extent of the vulnerable adult's condition;</li> <li>(iv) The basis of the reporter's knowledge;</li> <li>(v) The names and conditions of the other residents, if the vulnerable adult resides in a facility with other vulnerable adults;</li> <li>(vi) An evaluation of the persons responsible for the care of the residents, if the vulnerable adult resides in a facility with other vulnerable adults;</li> <li>(vii) The adequacy of the facility environment;</li> <li>(viii) Any evidence of previous injuries;</li> <li>(ix) Any collaborative information; and</li> <li>(x) Any other relevant information.</li> </ul>
<p><b>Penalty for Failure to Report</b> (<i>Wyoming</i>)</p>	<p>WYO. STAT. ANN. § 35-20-111 (West 2013)</p> <p>(b) Any person or agency who knows or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe that a vulnerable adult is being or has been abused, neglected, exploited or abandoned, or is committing self neglect, and knowingly fails to report in accordance with this act is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.</p>
<p><b>UNITED STATES</b></p>	

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## The Project on Addressing Prison Rape

<b>Mandatory Reporting Statute</b> <i>(Federal Law)</i>	<b>AGAINST A CHILD</b>  There is no federal mandatory reporting law.
<b>Mandatory Reporting Statute</b> <i>(Federal Law)</i>	<b>AGAINST AN ADULT</b>  There is no federal mandatory reporting law.

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<sup>1</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, detention or correctional officers are NOT considered peace officers in Arizona unless they received a certificate from the Arizona peace officer standards and training board.

<sup>2</sup> Section (hh) effective January 1, 2012.

<sup>3</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, correctional officers ARE considered law enforcement officials in the District of Columbia.

<sup>4</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, youth workers at the Kentucky Department of Juvenile Justice ARE mandatory reporters.

<sup>5</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, staff from the community corrections division are mandatory reporters. Kentucky is a unified corrections system; the Department of Community Corrections is a division under the Department of Corrections DOC staff are also mandatory reporters.

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<sup>6</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, correctional officers are public safety officers and are considered mandatory reporters in Montana.

<sup>7</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, a correctional officer is considered law enforcement and is a mandatory reporter in New Hampshire.

<sup>8</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, peace officer does not include corrections officers in Ohio.

<sup>9</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, a small number of correctional officers in Oklahoma are peace officers.

<sup>10</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, in Oregon, whether correctional staff are peace officers depends on the county. If a Sheriff decides to make the jail staff peace officers, then they would be mandatory reporters. However, if the Sheriff does not consider correctional staff peace officers, they are not considered mandatory reporters.

<sup>11</sup> Consistent with original research through a WCL Project on Addressing Prison Rape listserv query, correctional officers are peace officers in Pennsylvania.

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