

1 SB559
2 140587-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 24-APR-12

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, certain persons, firms,
9 corporations, and officials are required to report
10 child abuse and neglect, and other persons may
11 report child abuse and neglect if the person has
12 reasonable cause to suspect that a child is being
13 abused or neglected.

14 This bill would require all persons to
15 report child abuse and neglect if the person has
16 reasonable cause to suspect that a child is being
17 abused or neglected.

18 This bill would repeal the provisions of law
19 which provide that a person may make such a report
20 of child abuse or neglect if the person has
21 reasonable cause to suspect that a child is being
22 abused or neglected.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

To amend Section 26-14-3, Code of Alabama 1975, relating to reporting child abuse and neglect; to require all persons to report child abuse or neglect if the person has reasonable cause to suspect that a child is being abused or neglected; and to repeal Section 26-14-4, Code of Alabama 1975, relating to permissive reporting of child abuse or neglect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-14-3, Code of Alabama 1975, is amended to read as follows:

"§26-14-3.

"(a) (1) All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, members of the clergy as defined in Rule 505 of the Alabama Rules of Evidence, or any other person called upon to render aid or medical assistance to any child, when the child is known or suspected to be a victim of child abuse or neglect, 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.

1 "(2) In addition to those persons and officials
2 specifically required to report situations involving suspected
3 abuse or neglect of children, any other person shall make a
4 report if he or she has reasonable cause to suspect that a
5 child has been abused or neglected in a home or institution or
6 observes the child being subjected to conditions or
7 circumstances that would reasonably result in abuse or
8 neglect.

9 "(b) When an initial report is made to a law
10 enforcement official, the official subsequently shall inform
11 the Department of Human Resources of the report so that the
12 department can carry out its responsibility to provide
13 protective services when deemed appropriate to the respective
14 child or children.

15 "(c) When the Department of Human Resources receives
16 initial reports of suspected abuse or neglect involving
17 discipline or corporal punishment committed in a public or
18 private school or suspected abuse or neglect in a
19 state-operated child residential facility, the Department of
20 Human Resources shall transmit a copy of school reports to the
21 law enforcement agency and residential facility reports to the
22 law enforcement agency and the operating state agency which
23 shall conduct the investigation. When the investigation is
24 completed, a written report of the completed investigation
25 shall contain the information required by the state Department
26 of Human Resources which shall be submitted by the law

1 enforcement agency or the state agency to the county
2 department of human resources for entry into the state's
3 central registry.

4 "(d) Nothing in this chapter shall preclude
5 interagency agreements between departments of human resources,
6 law enforcement, and other state agencies on procedures for
7 investigating reports of suspected child abuse and neglect to
8 provide for departments of human resources to assist law
9 enforcement and other state agencies in these investigations.

10 "(e) Any provision of this section to the contrary
11 notwithstanding, if any agency or authority investigates any
12 report pursuant to this section and the report does not result
13 in a conviction, the agency or authority shall expunge any
14 record of the information or report and any data developed
15 from the record.

16 "(f) Subsection (a) to the contrary notwithstanding,
17 a member of the clergy shall not be required to report
18 information gained solely in a confidential communication
19 privileged pursuant to Rule 505 of the Alabama Rules of
20 Evidence which communication shall continue to be privileged
21 as provided by law."

22 Section 2. Section 26-14-4, Code of Alabama 1975,
23 relating to permissive reporting of child abuse or neglect, is
24 repealed.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.