

HB464 INTRODUCED



1 HB464
2 846Kvh2-1
3 By Representative Paschal
4 RFD: Judiciary
5 First Read: 17-Feb-26



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4 SYNOPSIS:

5 Under existing law, the State Department of
6 Human Resources investigates reports of child abuse and
7 neglect and maintains a central registry that contains
8 information relating to reports of child abuse and
9 neglect.

10 Under existing law, reports are classified as
11 indicated if credible evidence substantiates that the
12 accused is responsible for child abuse or neglect, and
13 not indicated if credible evidence does not
14 substantiate the accused's responsibility.

15 Existing law defines child abuse as harm or
16 threatened harm to a child's health or welfare, and
17 neglect as negligent treatment or maltreatment of the
18 child, including failure to provide adequate food,
19 medical treatment, supervision, clothing, or shelter.

20 This bill would revise the definition of child
21 abuse as harm or imminent harm to the child's health or
22 welfare, and neglect as negligent treatment or
23 maltreatment where inadequate food, medical treatment,
24 supervision, clothing, or shelter poses a substantial
25 risk of harm to the child.

26 This bill would require the department to notify
27 the subject of an investigation that he or she is under
28 investigation by the department for child abuse or



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29 neglect, subject to certain exemptions.

This bill would require the department, after a preliminary finding that child abuse or neglect is indicated, to notify the subject of the finding, provide him or her with the opportunity for an investigative hearing.

This bill would provide for certain due process rights for the subject during the investigative hearing and require the department to notify each accused individual of those rights.

This bill would prohibit indicated reports of child abuse or neglect from placement on the registry unless the finding is confirmed by an investigative hearing or the subject waives his or her opportunity for an investigative hearing.

This bill would prohibit law enforcement from relying on an indicated report of child abuse or neglect to establish probable cause for a criminal warrant, and would specify that no criminal warrant relying in whole or in part on an indicated report may be executed unless it is returned for indictment by a grand jury.

This bill would prohibit the department from including any not indicated reports of child abuse and neglect, or related information, on the central registry, and would require the department to remove any such reports from the registry.

This bill would prohibit the disclosure of any

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57 records relating to a not indicated report of child
58 abuse and neglect.

59 This bill would require the department to vacate
60 any finding that child abuse or neglect is indicated if
61 a court of competent jurisdiction dismisses a criminal
62 charge based on the same allegations and, if the
63 child's parent or guardian was the subject of the
64 dismissed charge, would require the child to be
65 immediately reunited with his or her parent.

66 Existing law allows the department to order
67 immediate removal of a child who is the subject of a
68 report if good cause is shown that removal is necessary
69 to protect the child from further abuse or neglect.

70 This bill would allow the removal if credible
71 evidence that the removal is necessary to protect the
72 child from further abuse or neglect.

73 This bill would define the term "credible
74 evidence" to mean evidence that is either corroborated
75 by a third party who is not employed by or contracted
76 with the department or unambiguous physical evidence.

77 This bill would require investigators to
78 consider certain factors relating to the well-being of
79 the child, availability of services, alternatives to
80 removal, and the immediacy of the harm before a child
81 may be removed from his or her home due to a report of
82 child abuse or neglect.

83 This bill would require the department employees
84 involved with investigations of child abuse or neglect



85 to undergo training.

86 This bill would require the department to
87 annually prepare and distribute a report relating to
88 child abuse and neglect investigations.

89 This bill would also delete duplicative language
90 and make nonsubstantive, technical revisions to update
91 the existing code language to current style.

92

93

94 A BILL

95 TO BE ENTITLED

96 AN ACT

97

98 Relating to reports of child abuse and neglect; to
99 amend Sections 26-14-1, 26-14-3, 26-14-6.1, 26-14-7,
100 26-14-7.1, and 26-14-8, Code of Alabama 1975; to add Sections
101 26-14-7.3 and 26-14-8.1 to the Code of Alabama 1975; to revise
102 standards for an indicated report of child abuse or neglect;
103 to revise the definitions of child abuse and neglect; to
104 require the State Department of Human Resources (DHR) to
105 notify subjects of ongoing investigations and to provide
106 subjects the opportunity for an administrative hearing before
107 a final disposition that child abuse or neglect is indicated;
108 to prohibit DHR from including records related to not
109 indicated reports of child abuse or neglect on the central
110 registry and to prohibit the disclosure of such records; to
111 require DHR to remove not indicated reports from the central
112 registry; to prohibit the use of an indicated report to



113 establish probable cause for a criminal warrant; to require an
114 indictment by a grand jury to execute a criminal warrant based
115 on an indicated report; to require DHR to vacate indicated
116 findings in certain circumstances; to further provide for
117 investigations of child abuse or neglect; to further provide
118 for defined terms; to require certain employees of DHR to
119 undergo training; to require DHR to prepare and distribute an
120 annual report to the Legislature; and to make nonsubstantive,
121 technical revisions to update the existing code language to
122 current style.

123 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

124 Section 1. Sections 26-14-1, 26-14-3, 26-14-6.1,
125 26-14-7, 26-14-7.1, and 26-14-8, Code of Alabama 1975, are
126 amended to read as follows:

127 "§26-14-1

128 For the purposes of this chapter, the following terms
129 ~~shall have the meanings respectively ascribed to them by this~~
130 section have the following meanings:

131 (1) ABUSE. Harm or ~~threatened imminent~~ harm to a
132 child's health or welfare. Harm or ~~threatened imminent~~ harm to
133 a child's health or welfare can occur through nonaccidental
134 physical or mental injury, sexual abuse or attempted sexual
135 abuse, or sexual exploitation or attempted sexual
136 exploitation. Sexual abuse includes the employment, use,
137 persuasion, inducement, enticement, or coercion of any child
138 to engage in, or having a child assist any other person to
139 engage in, any sexually explicit conduct or any simulation of
140 the conduct for the purpose of producing any visual depiction



141 of the conduct; or the rape, molestation, prostitution, or
142 other form of sexual exploitation of children, or incest with
143 children as those acts are defined by Alabama law. Sexual
144 exploitation includes allowing, permitting, or encouraging a
145 child to engage in prostitution and allowing, permitting,
146 encouraging, or engaging in the obscene or pornographic
147 photographing, filming, or depicting of a child for commercial
148 purposes.

149 (8)(2) NEGLECT. Negligent treatment or maltreatment of
150 a child, ~~including the failure to provide adequate where~~ inadequate food, medical treatment, supervision, clothing, or
151 shelter poses a substantial risk of harm to the child.

153 (3) CHILD. Either of the following:

154 a. An individual ~~A person~~ under ~~the age of~~ 18 years of
155 age.

156 b. An individual ~~A person~~ under ~~the age of~~ 19 years of
157 age who is in need of protective services and does not qualify
158 for adult protective services under Chapter 9 of Title 38.

159 (2) CENTRAL REGISTRY. The statewide central registry
160 for indicated reports of child abuse and neglect created in
161 Section 26-14-8.

162 (4) CREDIBLE EVIDENCE. Clear and convincing evidence of
163 either of the following:

164 a. Evidence of child abuse or neglect which is
165 corroborated by a third party who is not employed by or
166 contracted with the department.

167 b. Unambiguous physical evidence of child abuse or
168 neglect.



169 (5) DEPARTMENT. The State Department of Human
170 Resources.

171 (6) (4) DULY CONSTITUTED AUTHORITY. The chief of police
172 of a municipality or municipality and county; or the sheriff,
173 if the observation of child abuse or neglect is made in an
174 unincorporated territory; or the ~~Department of Human~~
175 ~~Resources~~department; or any person, organization, corporation,
176 group, or agency authorized and designated by the ~~Department~~
177 ~~of Human Resources~~department to receive reports of child abuse
178 and neglect; provided, that a duly constituted authority shall
179 not include an agency involved in the acts or omissions of the
180 reported child abuse or neglect.

181 (7) INDICATED. When there is credible evidence and
182 professional judgment to substantiate that a subject is
183 responsible for child abuse or neglect.

184 (9) NOT INDICATED. When credible evidence and
185 professional judgment does not substantiate that a subject is
186 responsible for child abuse or neglect.

187 (10) SUBJECT. An individual under investigation by the
188 department for allegedly committing child abuse or neglect."

189 "§26-14-3

190 (a) All hospitals, clinics, sanitariums, ~~doctors,~~
191 physicians, surgeons, medical examiners, coroners, dentists,
192 ~~osteopaths,~~ optometrists, chiropractors, podiatrists, physical
193 therapists, nurses, public and private K-12 employees, school
194 teachers and officials, peace officers, law enforcement
195 officials, pharmacists, social workers, day care workers or
196 employees, mental health professionals, employees of public



197 and private institutions of postsecondary and higher
198 education, members of the clergy as defined in Rule 505 of the
199 Alabama Rules of Evidence, or any other ~~person~~ individual
200 called upon to render aid or medical assistance to any child,
201 when the child is known or suspected to be a victim of child
202 abuse or neglect, shall be required to report orally, either
203 by telephone or direct communication immediately, ~~and which~~
204 shall be followed by a written report, to a duly constituted
205 authority.

206 (b) (1) When an initial report is made to a law
207 enforcement official, the official ~~subsequently shall~~
208 immediately shall inform the ~~Department of Human~~
209 ~~Resources~~department of the report so that the department can
210 carry out its responsibility to provide protective services
211 when deemed appropriate to the respective child or children.

212 (2) As soon as is practicable after a report of known
213 or suspected child abuse or neglect is made, the ~~Department of~~
214 ~~Human Resources~~department shall make efforts to determine the
215 military status of the parent or guardian of the child who is
216 the subject of the child abuse or neglect allegation.

217 (3) If the ~~Department of Human Resources~~department
218 determines that a parent or guardian under subdivision (2) is
219 in the military, the department shall notify a United States
220 Department of Defense family advocacy program at the military
221 installation of the parent or guardian that there is an
222 allegation of child abuse or neglect that is being
223 investigated that involves a child of the military parent or
224 guardian.



225 (c) When the ~~Department of Human Resources~~department
226 receives initial reports of suspected abuse or neglect, as
227 those terms are defined in Section 26-14-1, including
228 suspected abuse or neglect involving discipline or corporal
229 punishment committed in a public or private school or
230 suspected abuse or neglect in a state-operated child
231 residential facility, the ~~Department of Human~~
232 ~~Resources~~department shall transmit a copy of school reports to
233 the law enforcement agency and residential facility reports to
234 the law enforcement agency and the operating state agency
235 which shall conduct the investigation. When the investigation
236 is completed, a written report of the completed investigation
237 shall contain the information required by the ~~state Department~~
238 ~~of Human Resources~~department and, in cases where the final
239 disposition of the investigation is that child abuse or
240 neglect is indicated, ~~which shall be submitted by~~ the law
241 enforcement agency or the state agency shall submit the
242 written report to the county department of human resources for
243 entry into the state's central registry.

244 (d) Nothing in this chapter shall preclude interagency
245 agreements between departments of human resources, law
246 enforcement, and any other state agencies on procedures for
247 investigating reports of suspected child abuse and neglect to
248 provide for departments of human resources to assist law
249 enforcement and other state agencies in these investigations.

250 (e) Any provision of this section to the contrary
251 notwithstanding, if any agency or authority investigates any
252 report pursuant to this section and the report does not



253 indicate child abuse or neglect or result in a conviction, the
254 agency or authority shall expunge any record of the
255 information or report and any data developed from the record.

256 (f) Subsection (a) to the contrary notwithstanding, a
257 member of the clergy shall not be required to report
258 information gained solely in a confidential communication
259 privileged pursuant to Rule 505 of the Alabama Rules of
260 Evidence which communication shall continue to be privileged
261 as provided by law.

262 (g) ~~Commencing on August 1, 2013, a~~ public or private
263 employer who discharges, suspends, disciplines, or penalizes
264 an employee solely for reporting suspected child abuse or
265 neglect pursuant to this section shall be guilty of a Class C
266 misdemeanor."

267 "§26-14-6.1

268 The duty and responsibility for the investigation of
269 reports of suspected child abuse or neglect shall be as
270 follows:

271 (1) Reports of suspected child abuse or neglect
272 involving disciplinary or corporal punishment
273 ~~committed~~administered in a public or private school or
274 kindergarten shall be investigated by law enforcement
275 agencies.

276 (2) Reports of suspected child abuse or neglect
277 committed in a state-operated child residential facility shall
278 be investigated by law enforcement agencies.

279 (3) a. Reports of suspected child abuse or neglect
280 committed during an ongoing domestic dispute shall be referred



281 to the appropriate court overseeing the domestic dispute if:

282 1. The individual alleged to have committed the abuse
283 is a party to the domestic dispute and is the parent, legal
284 guardian, or alleged parent of the child who is the subject of
285 the report; and

286 2. The domestic dispute involves the custody, child
287 support, or care of the child who is the subject of the
288 report. For the purposes of this section, the term "domestic
289 dispute" includes, but is not limited to, a case before an
290 appropriate court with jurisdiction over the dispute involving
291 divorce, protection from abuse, child support, or child
292 custody.

293 b. The judge may: (i) determine the custody of the
294 child pending the completion of the domestic dispute; (ii)
295 refer the report to the department or law enforcement agencies
296 for further investigation; and (iii) determine what, if any,
297 effect the reported abuse or neglect has on the ongoing
298 domestic dispute.

299 c. The department and the Alabama State Law Enforcement
300 Agency may adopt rules, and the Administrative Office of
301 Courts may adopt policies, to implement and administer this
302 subdivision.

303 (4) All other reports of suspected child abuse and
304 neglect shall be investigated by the ~~Department of Human~~
305 Resources department."

306 "§26-14-7

307 (a) The State ~~or County~~ Department of Human Resources
308 or a county department of human resources shall make a



309 thorough investigation promptly upon either the oral or
310 written report of child abuse or neglect. The primary purpose
311 of ~~such an~~ the investigation shall be the protection of the
312 child.

313 (b) The investigation, to the extent that is reasonably
314 possible, shall include:

315 (1) The nature, extent, and cause of the child abuse or
316 neglect;

317 (2) The identity of the ~~person~~individual responsible
318 ~~therefor~~ for the child abuse or neglect;

319 (3) The names and conditions of any other children in
320 the home;

321 (4) An evaluation of the parents or ~~person~~individuals
322 responsible for the care of the child;

323 (5) The home environment and the relationship of the
324 child or children to the parents or other ~~persons~~individuals
325 responsible for their care; and

326 (6) All other data deemed ~~pertinent~~ relevant to the
327 investigation.

328 (c) (1) The investigation may include a visit to the
329 child's home, an interview with the subject child, and ~~may~~
330 ~~include~~ a physical, psychological, or psychiatric examination
331 of any child or children in that home. If the investigators
332 cannot obtain: (i) ~~the~~ admission to the home, school, or any
333 other place that the child may be, or (ii) permission of the
334 parent or other persons responsible for the child or children,
335 for the physical, psychological, or psychiatric examination of
336 the child or children, ~~cannot be obtained~~, then a court of



337 competent jurisdiction, upon cause shown by a verified
338 petition, shall order the parents or ~~persons~~individuals
339 responsible and in charge of any place where the child may be
340 to allow the interview, examinations, and investigation.

341 (2) If, before the examination is complete, the opinion
342 of the investigators is that immediate removal is necessary to
343 protect a child or children from further abuse or neglect, a
344 court of competent jurisdiction, on a verified petition by the
345 investigators and with ~~good cause~~ credible evidence being
346 shown, shall issue an order for temporary removal and custody.
347 In determining whether to remove a child under this section,
348 the investigators shall consider all of the following:

349 a. The immediacy of the imminent harm to the safety of
350 the child.

351 b. The impact of the removal on the child's emotional
352 and physical well-being.

353 c. The availability of services necessary to create a
354 safe and comfortable environment for the child, should the
355 child be removed.

356 d. Whether the child could safely remain in the home by
357 arranging for informal supports such as care by family
358 members, the voluntary removal of the subject from the home,
359 or the provision of in-home services.

360 e. If the safety threat could be rectified by providing
361 resources, education, or other services to the child's parent
362 or legal guardian.

363 (3) If the department relies in whole or in part on an
364 evaluation by a child abuse pediatrician or other designated



365 specialist in forming a preliminary finding or final
366 disposition of indicated, the parent or legal guardian of the
367 child who is the subject of the investigation may obtain an
368 independent medical opinion from a licensed physician of their
369 choice. The department shall review and consider any such
370 independent medical opinion: (i) when determining whether
371 credible evidence of child abuse or neglect exists; and (ii)
372 in any investigative hearing conducted under Section
373 26-14-7.1.

374 (d) After completing the investigation required by this
375 section, the county department of human resources may make a
376 preliminary finding that child abuse or neglect is indicated
377 if:

378 (1) There is credible evidence and professional
379 judgment to substantiate that a subject is responsible for
380 child abuse or neglect; and

381 (2) There is credible evidence that an injury to the
382 child who is the subject of the investigation was the result
383 of abuse or neglect, and accidental injury and complex medical
384 conditions have been ruled out.

385 (e) The county department of human resources shall make
386 a complete written report of the investigation, together with
387 its recommendations. If the preliminary finding of the
388 investigation is indicated, the department shall notify the
389 subject and provide him or her with the opportunity for an
390 investigative hearing, as provided in Section 26-14-7.1. Such
391 ~~reports may be made available to the appropriate court, the~~
392 ~~district attorney, and the appropriate law enforcement agency~~



393 ~~upon request. The county department of human resources shall~~
394 ~~make a written report or case summary, together with services~~
395 ~~offered and accepted to the state's central registry on forms~~
396 ~~supplied by the registry for that purpose~~

397 (f) The department shall establish a training program
398 for employees and investigators involved in the investigation
399 of reports of child abuse or neglect under this section. The
400 training must include, but is not limited to, the following:

401 (1) Best practices for investigation techniques,
402 including how to separate personal feelings from
403 professionalism when decision-making.

404 (2) Factors that an investigator must consider before
405 removing a child from his or her home, including services
406 which would facilitate family preservation.

407 (3) When child abuse or neglect must be reported to law
408 enforcement, and the criminal standards for child abuse and
409 neglect.

410 (4) An explanation of family preservation services."

411 "§26-14-7.1

412 (a) The following due process procedures shall apply in
413 any investigation of child abuse or neglect by the
414 department~~Any person who comes under investigation by the~~
415 ~~Department of Human Resources for the abuse or neglect of a~~
416 ~~child or children and who is employed by, serves as a~~
417 ~~volunteer for, holds a license or certificate for, or is~~
418 ~~connected with any facility, agency, or home which cares for~~
419 ~~and controls any children and which is licensed, approved, or~~
420 ~~certified by the state, operated as a state facility, or any~~



421 ~~public, private, or religious facility or agency that may be~~
422 ~~exempt from licensing procedures shall be granted the~~
423 ~~following due process rights by the Department of Human~~
424 ~~Resources:~~

425 (1) a. The department shall notify the ~~alleged~~
426 ~~perpetrator subject in writing~~ that an investigation has
427 commenced against him or her after ~~such the~~ investigation has
428 officially begun ~~in accordance with written policies~~
429 ~~established by the Department of Human Resources~~. The notice
430 shall ~~be in writing and shall~~ state the name of the child or
431 children allegedly abused, the date or dates that the alleged
432 abuse is thought to have occurred, and the substance of the
433 ~~person's individual's~~ actions ~~which that~~ are alleged to be
434 abusive.

435 b. The department shall establish and maintain written
436 policies outlining the specifics of the notification required
437 by this subdivision and any other policies ~~The department~~
438 ~~shall establish and maintain written policies outlining the~~
439 ~~specifics of such notification and other policies deemed~~
440 ~~necessary and prudent by the department~~ necessary to inform
441 the ~~alleged perpetrator~~subject of his or her rights and the
442 procedures ~~utilized~~ used by the department involving child
443 abuse and neglect investigations. The notice required by this
444 subdivision may be provided after the department interviews
445 the child who is the subject of the investigation. If the
446 subject has a criminal history of committing violent offenses
447 or abuse, the notice may be withheld until:

448 1. The department issues a preliminary finding that



449 abuse or neglect is indicated; or

450 2. The department determines that abuse or neglect is
451 not indicated.

452 (2) a. If the department conducts an investigation
453 relating to child abuse ~~or~~ neglect, the department shall
454 notify the subject~~alleged perpetrator~~ shall be notified of the
455 investigator's conclusions. If the investigation results in a
456 preliminary finding of indicated, the department shall provide
457 the subject with the opportunity for an investigative hearing
458 to confirm or reject the investigator's preliminary findings,
459 and notice of his or her right to that investigative hearing.
460 The department shall notify the subject of the preliminary
461 indicated disposition and of the date, time, and place of the
462 investigative hearing. The department shall provide the
463 subject with written notice of all of his or her rights set
464 forth in subdivision (4). The hearing shall not be open to the
465 public.

466 b. A subject may waive his or her right to an
467 investigative hearing by submitting a signed, written waiver
468 stating as such to the department. Failure of a subject to
469 appear at the hearing constitutes a waiver of his or her right
470 to an investigative hearing, provided that the department has
471 confirmed the subject's receipt of the notice required by
472 paragraph a.

473 (3) If the department's investigators conclude that
474 child abuse/neglect is indicated, an investigative hearing may
475 be held to confirm or reject the investigators' conclusions.

476 (4) The alleged perpetrator shall be given ten



477 ~~departmental working days from the receipt of the notification~~
478 ~~of the investigator's conclusions to request a hearing, and~~
479 ~~such request must be in writing. If no such request is~~
480 ~~received in the department's office within ten departmental~~
481 ~~working days, the alleged perpetrator's opportunity for a~~
482 ~~hearing shall be considered waived by the department.~~

483 (3) (5) The department may not notify the employer of a
484 ~~subject an alleged perpetrator shall not be notified of the~~
485 ~~investigator's preliminary findings conclusions prior to a~~
486 ~~hearing or its waiver unless, in the opinion of the~~
487 ~~department's investigators if the subject's continued~~
488 ~~employment places, a child is in danger of abuse or neglect;~~
489 ~~in such case, any person in a position to discover, prevent,~~
490 ~~or protect the child from his abuse or neglect may be informed~~
491 ~~of information gathered in the investigation prior to a~~
492 ~~requested investigative hearing for the alleged perpetrator.~~

493 (6) The ~~alleged perpetrator shall be notified of the~~
494 ~~date, time, and place of any investigative hearing. Such~~
495 ~~hearing shall not be open to the public.~~

496 (4) (7) The ~~alleged perpetrator~~subject shall have the
497 following rights at any departmental investigative hearing:
498 a. The right to present his or her case himself or
499 herself or be represented by legal counsel or any other ~~person~~
500 individual.

501 b. The right to present written evidence, oral
502 testimony, and witnesses.

503 c. The right to be provided by the department a short
504 and plain written statement of the matters asserted which will



505 be presented at the hearing.

506 d. The right to review and copy at cost any written or
507 recorded statement made by the ~~alleged perpetrator~~subject and
508 child to departmental personnel in the course of the child
509 abuse ~~or~~ neglect investigation.~~This~~ In order to review or
510 copy statements under this paragraph, the subject must request
511 ~~must be made prior to~~ to do so before the date for the
512 hearing.

513 e. The right to review and copy at cost, before or
514 during the hearing, the written material and other evidence in
515 possession of the department which had been generated by,
516 relied on, received by, or reviewed by the department in the
517 ~~course of the investigation~~~~will be placed into evidence at the~~
518 ~~hearing.~~

519 f. The right to inspect and copy any exculpatory
520 evidence~~which~~ that may be in the possession of departmental
521 investigators, and the right to be informed of such evidence
522 if known by departmental investigators before the hearing;
523 provided, that a request for such evidence~~is~~ must be made at
524 least five working days prior to the date set for the hearing.

525 g. The right to review and copy at cost all
526 ~~non-confidential~~ nonconfidential department documents
527 pertinent to the case, including written policies and rights.

528 h. The right to cross-examine witnesses testifying at
529 the hearing.

530 i. The right to request issuance of subpoenas to
531 witnesses and compel attendance.~~This~~ The subject must request
532 ~~must be received~~ such issuances no later than~~ten~~ 10 calendar



533 days prior to the hearing, unless a shorter time is agreed
534 upon by the hearing officer.

535 j. The right to review and copy at cost all documents
536 in the official hearing file maintained by the hearing
537 officer.

538 k. The right to have a hearing officer appointed who
539 shall be disinterested, fair, and impartial.

540 (5) (8) The ~~Department of Human Resources~~ department or
541 its investigative hearing officers ~~shall have the power and~~
542 ~~authority to~~ may issue subpoenas to compel attendance by and
543 production of documents from any witness. Subpoenas may be
544 served in the same manner as subpoenas issued out of any
545 circuit court. Where any witness has been summoned by the
546 ~~Department of Human Resources~~ subject, department, its
547 commissioner , or any of his or her agents, ~~and~~ and the witness
548 refuses to appear, testify, or produce records or documents as
549 requested ~~to~~, then any circuit court in this state, or any judge
550 thereof, on application, may issue an attachment for ~~such~~
551 ~~person~~ the witness and compel him or her to comply with ~~such~~
552 the order and the court or judge shall have power to punish
553 for contempt in cases of disobedience of such an order.

554 (6) (9) The ~~Department of Human Resources~~ department
555 shall establish policies and written guidelines for the
556 conduct and procedures involved in an investigative hearing.
557 At ~~such~~ an investigative hearing, the fact that there was a
558 ~~finding~~ final order by a juvenile court judge or by a criminal
559 court that child abuse or neglect has occurred shall be
560 presumptive evidence that the report should be marked



561 indicated.

562 ~~(7)(10)~~ The hearing officer shall notify the ~~alleged~~
563 ~~perpetrator~~subject in writing of the hearing officer's
564 decision not later than 14 days after the hearing date.

565 ~~(11) Results of investigative hearings:~~

566 a. If the hearing officer concludes that clear and
567 convincing evidence supports a final disposition that child
568 abuse~~and/or~~ or neglect is "indicated," suchindicated, the
569 department shall:

570 1. File the findings and evidence~~shall be filed~~ with
571 the appropriate district attorney and other law enforcement
572 officials, as deemed necessary by~~which~~ the department~~may~~
573 ~~deem necessary;~~ and

574 2. Enter the final disposition into the central
575 registry, as provided in Section 26-14-7(e).

576 b. The department may notify the subject's~~alleged~~
577 ~~perpetrator's~~ employer or licensing~~or~~ certifying agency or
578 group~~may also be notified~~ of the "indicated"indicated
579 findings if the disclosure would prevent child abuse or
580 neglect.~~Such~~ The notification shall be marked "Confidential"
581 and "To Be Used Only For The Purpose Of Discovery Or
582 Preventing Child Abuse." The department shall establish
583 written policies for notification of employers, prospective
584 employers, and licensing~~or~~ certifying agencies or groups.

585 (b) If any court of competent jurisdiction enters a
586 final order dismissing a criminal charge based on an
587 allegation of child abuse or neglect that was also subject to
588 an investigation by the department, the court shall notify the



589 department of the dismissal. Upon receipt of the notification,
590 the department shall:

591 (1) Vacate any preliminary finding or final disposition
592 that the alleged child abuse or neglect is indicated;

593 (2) Immediately remove any reports or records relating
594 to the alleged child abuse or neglect from the central
595 registry and treat those reports or records as not indicated
596 for purposes of Section 26-14-8; and

597 (3) Promptly notify the subject that the finding has
598 been vacated and removed from the central registry.

599 (4) If a child was removed from the custody of a parent
600 or legal guardian based in whole or in part on the allegations
601 underlying the dismissed criminal charge, the department shall
602 file a motion for immediate reunification of the child and his
603 or her parent or legal guardian. The court shall order the
604 reunification unless the court finds, by clear and convincing
605 evidence, that the return of the child would present an
606 imminent risk of serious physical harm based on evidence
607 independent of the dismissed allegations."

608 "§26-14-8

609 (a) ~~For the purposes of this section, the following~~
610 ~~words shall have the following meanings, respectively:~~

611 ~~(1) INDICATED. When credible evidence and professional~~
612 ~~judgment substantiates that an alleged perpetrator is~~
613 ~~responsible for child abuse or neglect.~~

614 ~~(2) NOT INDICATED. When credible evidence and~~
615 ~~professional judgment does not substantiate that an alleged~~
616 ~~perpetrator is responsible for child abuse or neglect.~~



617 **(b)** The ~~Department of Human Resources~~ department shall
618 establish a statewide central registry for reports of child
619 abuse and neglect made pursuant to this chapter. The
620 department shall maintain information on the central registry
621 as follows:

622 (1) If a report of child abuse or neglect results in a
623 final disposition of indicated, the department shall include
624 the report on the central registry. A final disposition may
625 not be entered into the registry unless the preliminary
626 finding of indicated has been confirmed by an investigative
627 hearing as provided in Section 26-14-7.1, or the subject
628 waived his or her right to the investigative hearing.

629 (2) If, following a report and an investigation under
630 this chapter, child abuse or neglect is not indicated, the
631 department may not include the report or any related
632 information on the central registry.

633 (b) The central registry shall contain, but shall not
634 be limited to, the following information for reports of child
635 abuse and neglect with a final disposition of indicated:

636 (1) All information in the written report~~†~~.
637 (2) ~~Record~~A record of the final disposition of the
638 report, including services offered and services accepted~~†~~.
639 (3) The names and identifying data, dates, and
640 circumstances of any persons requesting or receiving
641 information from the registry; provided, however, that
642 requests for information and responses where no report exists
643 may be destroyed after three years from the date of the
644 request~~†~~.



645 (4) The plan for rehabilitative treatment;~~and~~.

646 (5) Any other information~~which~~ that might be helpful
647 in furthering the purposes of this chapter.

648 (c) The~~Department of Human Resources~~ department shall
649 establish and enforce reasonable rules~~and regulations~~
650 governing the custody, use, and preservation of~~the~~ reports
651 and records of child abuse and neglect. Child abuse and
652 neglect reports and records shall be limited to the purposes
653 for which they are furnished and by the provisions of law
654 under which they may be furnished. The reports and records of
655 child abuse and neglect and related information or testimony
656 shall be confidential,~~and~~. Reports and records of final
657 indicated dispositions of child abuse and neglect shall not be
658 used or disclosed for any purposes other than:

659 (1) To permit their use to prevent or to discover abuse
660 or neglect of children through the information contained
661 therein,~~except reports or records in cases determined to be~~
662 "~~not indicated~~" shall not be used or disclosed for purposes of
663 ~~employment or other background checks; or~~

664 (2) For investigation of child abuse or neglect by the
665 police or other law enforcement agency;~~or~~

666 (3) ~~For use by a grand jury upon its determination that~~
667 ~~access to such reports and records is necessary in the conduct~~
668 ~~of its official business; or~~

669 ~~(4)~~ For use by a court where it finds that~~such the~~
670 information is necessary for the determination of an issue
671 before the court;~~or~~

672 (4)~~(5)~~ For use by any person engaged in bona fide



673 research who is authorized to have access to ~~such the~~
674 information by the ~~Commissioner~~ commissioner of the department
675 ~~of the Department of Human Resources; or~~

676 (5)(+6) For use by any ~~person~~individual authorized by a
677 court to act as a representative for an abused or neglected
678 child who is the subject of a report; ~~or~~

679 (6)(+7) For use by a physician who has before him or her
680 a child whom ~~he~~the physician reasonably suspects may be abused
681 or neglected; ~~or~~

682 (7)(+8) For use by an attorney or guardian ad litem in
683 representing or defending a child or ~~its~~the child's parents or
684 guardians in a court proceeding related to abuse or neglect of
685 the child; ~~or~~

686 (8)(+9) For use by federal, state, or local governmental
687 entities, social service agencies of another state, or any
688 agent of ~~such those~~ entities, having a need for the
689 information in order to carry out their responsibilities under
690 law to protect children from abuse and neglect; ~~or~~

691 (9)(+10) For use by child abuse citizen review or
692 quality assurance or multidisciplinary review panels; ~~or~~

693 (10)(+11) For use by child fatality review panels; ~~or~~

694 (11)(+12) For public disclosure of the findings or
695 information about the case of child abuse or neglect which has
696 resulted in a child fatality or near fatality. For the
697 purposes of this subdivision, ~~+~~ the term "near fatality" means
698 an act that, as certified by a physician, places the child in
699 serious or critical condition. Information identifying any
700 individuals, other than the victim, may ~~by name persons other~~



701 ~~than the victim shall~~ not be disclosed; or

702 (12) For purposes of employment, to

703 ~~(d) The names of persons or information in the~~

704 ~~investigative report placed on the state's central registry~~

705 ~~which may be made available to the subject's alleged~~

706 ~~perpetrator's employer, prospective employer, or others~~~~are~~

707 ~~those cases that the Department of Human Resources or the~~

708 ~~investigative hearing officer has determined child abuse or~~

709 ~~neglect to be indicated.~~

710 (d) (1) ~~(e)~~ In the case of any child abuse or neglect

711 ~~investigation~~which ~~that the department or the investigative~~

712 ~~hearing officer has~~is ~~determined to be~~ not indicated or

713 ~~otherwise does not have a final disposition of indicated, no~~

714 ~~record of the report of child abuse or neglect or any related~~

715 information may be:

716 a. Placed or maintained on the central registry;

717 b. Used or disclosed for purposes of employment or

718 other background checks; or

719 c. Otherwise disclosed, reported, or made available for

720 any purpose, including, but not limited to, for law

721 enforcement purposes ~~"not indicated," the alleged perpetrator~~

722 ~~may request after five years from the completion of the~~

723 ~~investigation that his or her name be expunged from the~~

724 ~~central registry so long as the Department of Human Resources~~

725 ~~has received no further reports concerning the alleged~~

726 ~~perpetrator during the five years, at which time the~~

727 ~~department shall expunge the name.~~

728 (2) No later than 30 days after the effective date of



729 this act, the department shall remove any records or
730 information related to not indicated reports of child abuse or
731 neglect from the central registry. The department may not
732 require any subject to request expungement in order for his or
733 her records to be removed under this subsection.

734 (3) This subsection shall be retroactive and apply to
735 any not indicated reports of child abuse or neglect entered
736 before, on, or after the effective date of this act.

737 (e) (f) Nothing in this section~~shall~~ may be construed
738 ~~as restricting~~ to restrict the ability of ~~a~~ the State
739 Department of Human Resources or a county department of human
740 resources to refuse to disclose identifying information
741 concerning the individual initiating a report or complaint
742 alleging suspected instances of child abuse or neglect, except
743 that the department may not refuse such a disclosure in cases
744 in which a court orders~~such~~ the disclosure after the court
745 has reviewed, in camera, the record of the department related
746 to the report or complaint and has determined that ~~it~~ the court
747 has reason to believe that the ~~person~~ individual making the
748 report knowingly made a false report.

749 (f) (g) Any person receiving reports or records of child
750 abuse or neglect or related information under this section
751 shall maintain the confidentiality of the documents and
752 information and not disclose ~~it~~ any document or information
753 except as authorized by law.

754 (g) (h) Any violation of the provision of
755 confidentiality shall be a Class A misdemeanor."

756 Section 2. Sections 26-14-7.3 and 26-14-8.1 are added



757 to the Code of Alabama 1975, to read as follows:

758 \$26-14-7.3

759 No later than March 1 of each year, the department
760 shall prepare and distribute a report to the chairs of the
761 House of Representatives Judiciary Committee, the House of
762 Representatives Children and Senior Advocacy Committee, the
763 Senate Judiciary Committee, and the Senate Children and Youth
764 Health Committee. The report shall detail the following
765 information for the previous calendar year:

766 (1) The number of investigative hearings made pursuant
767 to this article and the result of those hearings.

768 (2) The number of employees employed by the department
769 who are trained pursuant to Section 26-14-7.

770 (3) The number of children who are placed in the legal
771 custody of relatives or next of kin following an investigation
772 under this article, including a breakdown of how many of those
773 children were voluntarily placed with kin to prevent removal
774 or foster care placement.

775 (4) The number of children who are placed in the
776 custody of nonrelatives.

777 (5) The number of children who are reunified with their
778 parents or legal custodians disaggregated by age, the reason
779 for initial removal, the length of time the child was removed,
780 and the location of the child during the removal.

781 (6) The number of cases where an advanced pick-up order
782 was required for the removal of a child, disaggregated by the
783 age of the child and the reason the child was removed.

784 (7) The number of cases in which a child was removed



785 without a pick-up order, disaggregated by the age of the child
786 and the reason for removal.

787 \$26-14-8.1

788 (a) Reports and records of final indicated dispositions
789 of child abuse and neglect by the department shall not be
790 sufficient to establish probable cause for any criminal
791 warrant, and any evidence within the records or reports must
792 be corroborated by law enforcement in order to be used to
793 secure a criminal warrant. Reports and records of final
794 indicated dispositions of child abuse and neglect are not
795 admissible as evidence in any criminal case.

796 (b) No criminal warrant relying in whole or in part on
797 records or reports of the department's final indicated
798 disposition of child abuse or neglect may be served unless a
799 grand jury has returned an indictment for the charge.

800 Section 3. This act shall become effective on October
801 1, 2026.