

## HB464 INTRODUCED



1 HB464  
2 846KVH2-1  
3 By Representative Paschal  
4 RFD: Judiciary  
5 First Read: 17-Feb-26



## 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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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



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to undergo training.

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

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

A BILL  
TO BE ENTITLED  
AN ACT

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



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§26-14-1

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

(1) ABUSE. Harm or ~~threatened~~ imminent harm to a child's health or welfare. Harm or ~~threatened~~ imminent 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



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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.

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

(3) CHILD. Either of the following:

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

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

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

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

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

b. Unambiguous physical evidence of child abuse or neglect.



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

(6) ~~(4)~~ DULY CONSTITUTED AUTHORITY. 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~~ department; or any person, organization, corporation, group, or agency authorized and designated by the ~~Department of Human Resources~~ department 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.

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

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

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

"§26-14-3

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





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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.



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

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

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



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

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

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

"§26-14-6.1

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

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

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

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



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to the appropriate court overseeing the domestic dispute if:

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

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

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

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

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

"§26-14-7

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

(4) An explanation of family preservation services."

"§26-14-7.1

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





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

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

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

1. The department issues a preliminary finding that



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abuse or neglect is indicated; or

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

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

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

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

~~(4) The alleged perpetrator shall be given ten~~



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

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

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

(4) ~~(7)~~ The ~~alleged perpetrator~~ subject shall have the following rights at any departmental investigative hearing:

a. The right to present his or her case himself or herself or be represented by legal counsel or any other ~~person~~ individual.

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

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



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be presented at the hearing.

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

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

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

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

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

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



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

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

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

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

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



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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," such~~ indicated, 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



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

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

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

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

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

"§26-14-8

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

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

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



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

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

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

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

(1) All information in the written report.

(2) ~~Record~~ A record of the final disposition of the report, including services offered and services accepted.

(3) The names and identifying data, dates, and circumstances of any persons requesting or receiving information from the registry; provided, however, that requests for information and responses where no report exists may be destroyed after three years from the date of the request.





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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



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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~~ 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~~



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

(12) For purposes of employment, to

~~(d) The names of persons or information in the investigative report placed on the state's central registry which may be made available to the subject's alleged perpetrator's employer, prospective employer, or others are those cases that the Department of Human Resources or the investigative hearing officer has determined child abuse or neglect to be indicated.~~

(d) (1) (e) In the case of any child abuse or neglect investigation which that the department or the investigative hearing officer has is determined to be not indicated or otherwise does not have a final disposition of indicated, no record of the report of child abuse or neglect or any related information may be:

a. Placed or maintained on the central registry;

b. Used or disclosed for purposes of employment or other background checks; or

c. Otherwise disclosed, reported, or made available for any purpose, including, but not limited to, for law

enforcement purposes ~~"not indicated," the alleged perpetrator may request after five years from the completion of the investigation that his or her name be expunged from the central registry so long as the Department of Human Resources has received no further reports concerning the alleged perpetrator during the five years, at which time the department shall expunge the name.~~

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



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

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

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

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

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

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



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

§26-14-7.3

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

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

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

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

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

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

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

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



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

§26-14-8.1

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

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

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