
**Human Services & Early Learning
Committee**

SB 6423

Brief Description: Concerning reports alleging child abuse and neglect.

Sponsors: Senators Cleveland, Darneille and Wilson, C.; by request of Department of Children, Youth and Families.

Brief Summary of Bill

- Grants civil and criminal immunity to any person who, in good faith, provides information or assistance in the report, investigation, and legal proceedings of child abuse or neglect.
- Clarifies that the immunity for good faith participation in the reporting, investigation, and legal proceedings associated with child abuse and neglect is both civil and criminal.

Hearing Date: 2/25/20

Staff: Emily Williams (786-7291).

Background:

Reporting Child Abuse and Neglect.

If a person suspects that a child has been abused or neglected, that person may report the abuse or neglect to the Department of Children, Youth, and Families (DCYF) Child Protective Services (CPS) office or to law enforcement. There are many individuals who are required by law to report suspected abuse or neglect if the reporter has reasonable cause to believe that a child has suffered abuse or neglect. Mandatory reporters include professional school personnel; registered or licensed nurses; social service counselors; psychologists; and licensed or certified child-care providers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A mandatory reporter must make a report within 48 hours. If a mandatory reporter fails to make a report or cause a report to be made, that person is guilty of a gross misdemeanor.

To report child abuse or neglect, individuals may call a toll-free number that connects the caller with the CPS officials who are responsible for handling the report. The reporter must share his or her name, address, and phone number. When the DYCF cannot obtain the reporter's name, address, and phone number, they may only investigate if: (1) they believe that there is a serious threat of substantial harm; 2) the report indicates that a criminal offense has or is about to occur in which the child is the victim; or 3) the DYCF has received a report of abuse or neglect in that household within the past three years that was found to be true.

Duty to Investigate.

The DCYF or a law enforcement agency must investigate child abuse and make a report to the CPS upon receipt of a report concerning the possible occurrence of abuse or neglect. The DCYF is not required to investigate when CPS determines that a family assessment is the appropriate response for less serious allegation based on various factors including imminence of the alleged danger, type of alleged mistreatment, and history of past child abuse or neglect. When necessary, the DCYF or a law enforcement agency must refer the report to the court.

The police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff all have a duty to investigate a report of child abuse as law enforcement agencies.

Immunity for Reporting Child Abuse or Neglect.

Any person who, in good faith, participates in making a report of child abuse or neglect or testifies about it in a judicial proceeding is immune from liability that arises out of the report or testimony. A person who in good faith and without gross negligence cooperates in an investigation arising out of a report of child abuse or neglect is immune from civil liability arising out of that person's cooperation. If a person intentionally and in bad faith, knowingly makes a false report of abuse or neglect, that person is guilty of a misdemeanor and is not immune from liability.

Child Abuse Prevention and Treatment Act.

Child Abuse Prevention and Treatment Act is a federal law that provides federal funding and guidance to states to support and encourage prevention, investigation, prosecution, and treatment of child abuse. The law was amended in 2019 to provide immunity from civil and criminal liability (it previously provided immunity from only prosecution) for people who make good-faith child abuse or neglect reports or who provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good-faith report of child abuse or neglect.

Summary of Bill:

Duty to Investigate.

The DCYF and law enforcement must investigate child abuse and make a report to the CPS upon receipt of a report alleging that abuse or neglect has occurred.

Immunity for Reporting Child Abuse or Neglect.

Those who are immune from civil and criminal liability that arises out of the report or testimony include individuals, who in good faith:

- participate in making a report of child abuse or neglect;
- testify about the alleged abuse or neglect in court; or
- otherwise provides information or assistance, including a medical evaluation or consultation in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.