

Joint Legislative Child Protection Oversight Committee: Mandatory Reporting
Summary of organizational reporting requirements in other states
July 27, 2016

Mandatory reporting within an organizational setting:

Approximately 33 States, the District of Columbia, and the Virgin Islands provide statutory procedures that must be followed in cases where there are internal policies for institutional reporting. Of those, in approximately 18 States, the District of Columbia, and the Virgin Islands, any staff member who suspects abuse must notify the head of the institution, organization, agency, or facility when the staff member feels that abuse or possible abuse should be reported to an appropriate authority. (Including California, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New York, Pennsylvania, South Dakota Tennessee, Virginia, West Virginia, and Wyoming.)

Organizational leader responsible for report to child protection agency:

In approximately nine States, the staff member who suspects abuse must notify the head of the organization first, and then the head or his or her designee is required to make the report. (Including Georgia, Idaho, Indiana, Kentucky, Maine, Massachusetts, South Dakota, Virginia, and Wyoming.)

Reporter must report to government agency AND organizational leader:

In approximately nine other States, the individual reporter must make the report to the appropriate authority first and then notify the institution that a report has been made. (Including California, Connecticut, where the Commissioner of Children and Families makes the notification, Hawaii, Illinois, Michigan, New York, Pennsylvania, Tennessee, and West Virginia.)

Mandated reporter has individual duty to report:

Approximately 16 States have statutes that make clear that, regardless of any policies within the organization, the mandatory reporter is not relieved of his or her responsibility to report. (Including Alaska, California, Florida, Indiana, Iowa, Kentucky, Maine, Michigan, Missouri, North Dakota, Oklahoma, Oregon, Tennessee, Texas, Vermont, and Wyoming.) Two of these states have created a statutory provision to reduce duplicative reporting: California and Maine.

Statutes addressing duplicative reporting that results from an individual duty to report:

Team approach

CA Penal Code § 11166(h):

When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

Written confirmation approach

ME Rev. Stat. § 4011-A, in relevant part:

Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person immediately shall notify either the person in charge of the institution, agency or facility or a designated agent who then shall cause a report to be made. The staff also may make a report directly to the department.

If a person required to report notifies either the person in charge of the institution, agency or facility or the designated agent, the notifying person shall acknowledge in writing that the institution, agency or facility has provided confirmation to the notifying person that another individual from the institution, agency or facility has made a report to the department. The confirmation must include, at a minimum, the name of the individual making the report to the department, the date and time of the report and a summary of the information conveyed. If the notifying person does not receive the confirmation from the institution, agency or facility within 24 hours of the notification, the notifying person immediately shall make a report directly to the department.