

How Do Laws and Policies for Reporting Child Abuse and Neglect Vary Across States?

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Federal law is the foundation of the child welfare system, but states determine much of the structure of their own systems. The Child Abuse Prevention and Treatment Act (CAPTA), as amended in 2010, identifies certain acts or behaviors as child maltreatment. States must comply with the broader CAPTA definitions (see 42 U.S.C.A. § 5106g), but within those parameters, states have their own legal definitions of child abuse and neglect, and they have various policies for reporting and responding to child maltreatment.

CAPTA (42 U.S.C.A. § 5106g) defines child abuse and neglect as: “Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation”; or “An act or failure to act which presents an imminent risk of serious harm.”

This fact sheet summarizes states’ reporting laws and policies, including use of centralized reporting, reporting standards, mandated reporting, and false reporting.

This fact sheet uses newly available data to describe how laws and policies for reporting child maltreatment vary across all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (referred to throughout as “states”). Reporting child abuse and neglect is the process in which a person who knows of or suspects child abuse or neglect notifies child welfare agencies of the alleged child maltreatment. The State Child Abuse and Neglect (SCAN) Policies Database compiles these data on state laws and policies as of 2019. This fact sheet is part of a series that describes key aspects of states’ definitions of child maltreatment and policies for reporting, screening, and investigating child abuse and neglect.

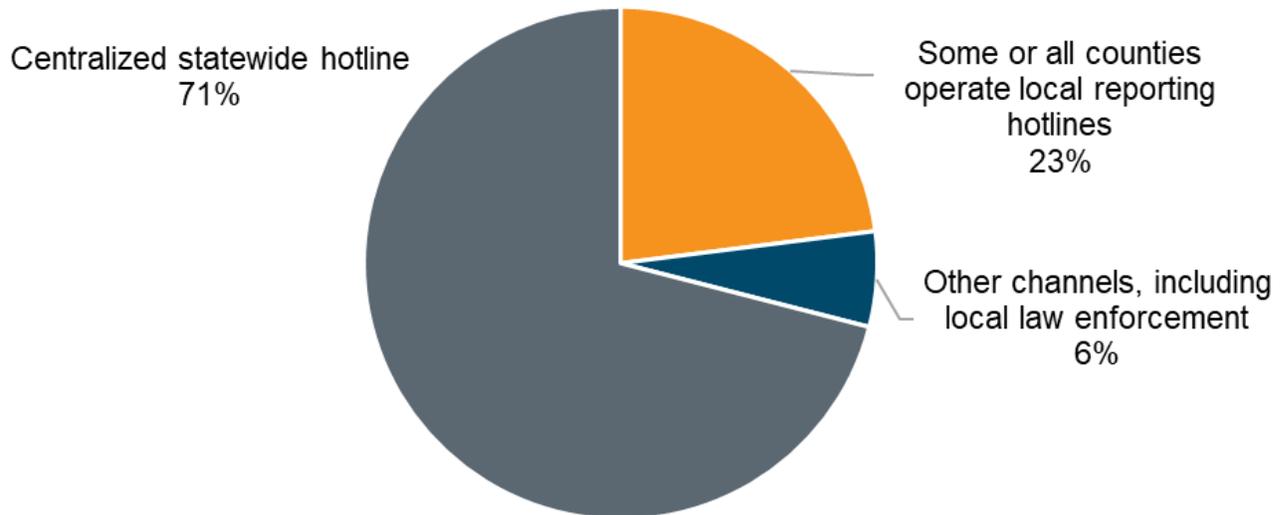
The SCAN Policies Database is funded by the Office of Planning, Research, and Evaluation in collaboration with the Children’s Bureau in the Administration for Children and Families at the U.S. Department of Health and Human Services. The project team is led by Mathematica in partnership with Child Trends. The SCAN Policies Database is available at <https://www.scanpoliciesdatabase.com> or the National Data Archive on Child Abuse and Neglect at <https://www.ndacan.acf.hhs.gov/>. The states contributing to each finding in the fact sheet are listed in the Technical Appendix at <https://www.scanpoliciesdatabase.com/>.

Source: Weigensberg, E., Islam, N., Knab, J., Grider, M., Page, J., & Bardin, S. (2021). State Child Abuse and Neglect (SCAN) Policies Database [Dataset]. National Data Archive on Child Abuse and Neglect. <https://doi.org/10.34681/14t8-8730>.



Most states have one statewide hotline through which people can make reports of suspected child abuse and neglect.¹

Percentage of states receiving reports through various channels



States vary in regard to whether tribes are involved in accepting reports of American Indian or Alaska Native children.

- In 23% of states, tribes directly accept reports that involve American Indian or Alaska Native children.
- In 12% of states, tribes collaborate with public child welfare agencies when accepting reports involving American Indian or Alaska Native children.

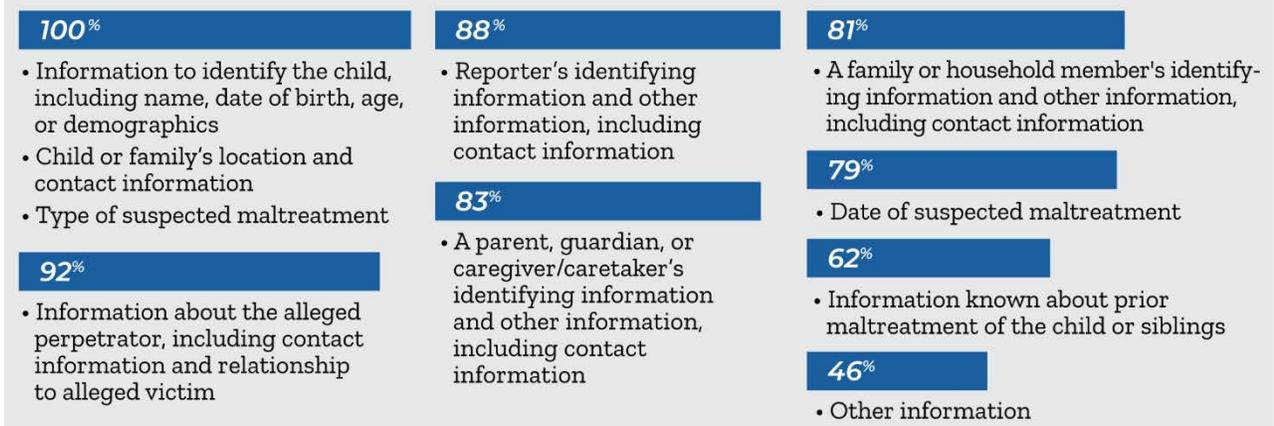


In all states, the standard for making a report for child maltreatment is that the reporter has reasonable cause, meaning trustworthy information or perception, to believe a child was abused or neglected.

- 65% of states also use a narrower reporting standard that the reporter has knowledge of child abuse or neglect.

¹ Across states, child welfare systems may be administered by the state (79%), by counties (17%), or partially by the state and partially by one or more counties (4%). Of states with a centralized statewide hotline, 95% had state-administered systems and 5% had county-administered systems. Of states without a centralized statewide hotline, 40% had state-administered systems, 47% had county-administered systems, and 13% had systems partially administered by the state and one or more counties.

States vary in regard to information that is requested at the time of a child maltreatment report

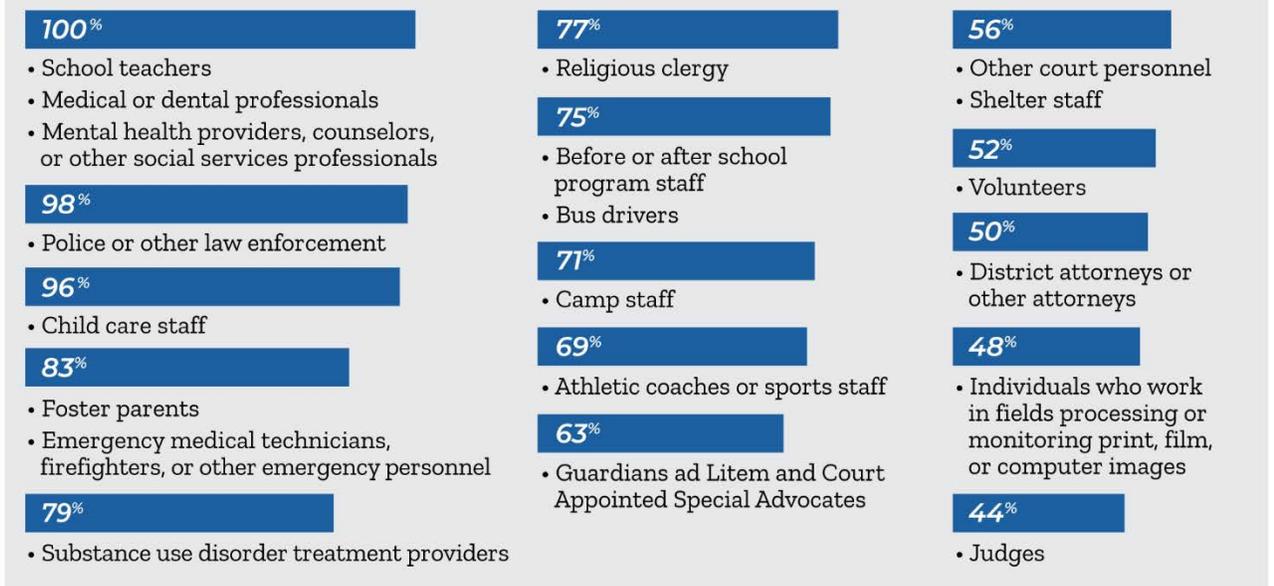


Note: Examples of other information included the alleged perpetrator's knowledge of the report and safety concerns for investigators.



33% of states have universal mandated reporting, meaning all adults are required to report child maltreatment.

States include these professions as mandated reporters



Note: 96% of states specified other professions not included in the above categories. Examples included coroners and domestic violence or sexual assault victim advocates.

- 38% of states require child maltreatment reporting training for all or some mandated reporters. The most common professions that state policies require to have mandated reporting training are teachers (37%), school bus drivers or other transportation staff (19%), mental health or social services professionals (15%), medical or dental professionals (13%), before- or after-school program staff (13%), and police or law enforcement (12%).



All states have laws or policies that stipulate penalties for failure to report child abuse and neglect.

- 92% of states have criminal penalties for failure to report child abuse and neglect, and 27% of states also have civil penalties. In addition, 13% of states have professional penalties, such as having professional licensure suspended or revoked.
- 58% of states have penalties for all mandated reporters who fail to report child maltreatment, 33% have penalties for all adults, and 10% of states have penalties for some mandated reporters.
- All states with universal mandated reporting specify penalties for failure to report. 87% of states without universal mandated reporting specify penalties for all mandated reporters for failure to report child abuse and neglect.



Although all states provide immunity from penalties for reporters who act in good faith when making reports of suspected child maltreatment, states' laws and policies vary in their penalties for making false reports.

- 79% of states specify penalties for making false reports of child maltreatment.
- Penalties for false reporting include criminal penalties (67%), civil penalties (31%), and professional penalties such as license suspension (6%).

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