

1 SB361
2 175435-1
3 By Senators Holtzclaw, Dial, Williams and Whatley
4 RFD: Health and Human Services
5 First Read: 15-MAR-16

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8 SYNOPSIS: Under existing law, certain persons and
9 state and local agencies are required to report any
10 suspected or known child abuse or neglect to a duly
11 constituted authority, such as the chief of police
12 of a municipality, the sheriff of a county, or the
13 local department of human resources, and when the
14 initial report is made to a law enforcement
15 official, the official must inform the Department
16 of Human Resources so that the department can carry
17 out its responsibility to provide protective
18 services when necessary.

19 This bill would require the Department of
20 Human Resources to make efforts to determine the
21 military status of the parent or guardian of the
22 child who is the subject of the child abuse or
23 neglect allegation.

24 This bill would further provide that if the
25 parent or guardian is in the military, the
26 Department of Human Resources would be required to
27 notify a United States Department of Defense family

1 advocacy program at the military installation of
2 the parent or guardian that there is an allegation
3 of child abuse or neglect that is being
4 investigated that involves a child of the military
5 parent or guardian.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 26-14-3 of the Code of Alabama
12 1975, relating to the mandatory reporting requirements of
13 child abuse or neglect; to require the Department of Human
14 Resources to make efforts to determine the military status of
15 the parent or guardian of the child; and to further require
16 the Department of Human Resources to notify a United States
17 Department of Defense family advocacy program at the military
18 installation of the parent or guardian of the allegation of
19 child abuse or neglect.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 26-14-3 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§26-14-3.

24 "(a) All hospitals, clinics, sanitariums, doctors,
25 physicians, surgeons, medical examiners, coroners, dentists,
26 osteopaths, optometrists, chiropractors, podiatrists, physical
27 therapists, nurses, public and private K-12 employees, school

1 teachers and officials, peace officers, law enforcement
2 officials, pharmacists, social workers, day care workers or
3 employees, mental health professionals, employees of public
4 and private institutions of postsecondary and higher
5 education, members of the clergy as defined in Rule 505 of the
6 Alabama Rules of Evidence, or any other person called upon to
7 render aid or medical assistance to any child, when the child
8 is known or suspected to be a victim of child abuse or
9 neglect, shall be required to report orally, either by
10 telephone or direct communication immediately, followed by a
11 written report, to a duly constituted authority.

12 " (b) (1) When an initial report is made to a law
13 enforcement official, the official subsequently shall inform
14 the Department of Human Resources of the report so that the
15 department can carry out its responsibility to provide
16 protective services when deemed appropriate to the respective
17 child or children.

18 "(2) As soon as is practicable after a report of
19 known or suspected child abuse or neglect is made, the
20 Department of Human Resources shall make efforts to determine
21 the military status of the parent or guardian of the child who
22 is the subject of the child abuse or neglect allegation.

23 "(3) If the Department of Human Resources determines
24 that a parent or guardian under subdivision (2) is in the
25 military, the department shall notify a United States
26 Department of Defense family advocacy program at the military
27 installation of the parent or guardian that there is an

1 allegation of child abuse or neglect that is being
2 investigated that involves a child of the military parent or
3 guardian.

4 "(c) When the Department of Human Resources receives
5 initial reports of suspected abuse or neglect involving
6 discipline or corporal punishment committed in a public or
7 private school or suspected abuse or neglect in a
8 state-operated child residential facility, the Department of
9 Human Resources shall transmit a copy of school reports to the
10 law enforcement agency and residential facility reports to the
11 law enforcement agency and the operating state agency which
12 shall conduct the investigation. When the investigation is
13 completed, a written report of the completed investigation
14 shall contain the information required by the state Department
15 of Human Resources which shall be submitted by the law
16 enforcement agency or the state agency to the county
17 department of human resources for entry into the state's
18 central registry.

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

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

1 in a conviction, the agency or authority shall expunge any
2 record of the information or report and any data developed
3 from the record.

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

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

15 Section 2. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.