

1 HB676  
2 140587-1  
3 By Representatives Rogers, Moore (M), Robinson (O), Scott  
4 and Coleman  
5 RFD: Judiciary  
6 First Read: 10-APR-12

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8 SYNOPSIS: Under existing law, certain persons, firms,  
9 corporations, and officials are required to report  
10 child abuse and neglect, and other persons may  
11 report child abuse and neglect if the person has  
12 reasonable cause to suspect that a child is being  
13 abused or neglected.

14 This bill would require all persons to  
15 report child abuse and neglect if the person has  
16 reasonable cause to suspect that a child is being  
17 abused or neglected.

18 This bill would repeal the provisions of law  
19 which provide that a person may make such a report  
20 of child abuse or neglect if the person has  
21 reasonable cause to suspect that a child is being  
22 abused or neglected.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           To amend Section 26-14-3, Code of Alabama 1975,  
2 relating to reporting child abuse and neglect; to require all  
3 persons to report child abuse or neglect if the person has  
4 reasonable cause to suspect that a child is being abused or  
5 neglected; and to repeal Section 26-14-4, Code of Alabama  
6 1975, relating to permissive reporting of child abuse or  
7 neglect.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Section 26-14-3, Code of Alabama 1975, is  
10 amended to read as follows:

11           "§26-14-3.

12           "(a) (1) All hospitals, clinics, sanitariums,  
13 doctors, physicians, surgeons, medical examiners, coroners,  
14 dentists, osteopaths, optometrists, chiropractors,  
15 podiatrists, nurses, school teachers and officials, peace  
16 officers, law enforcement officials, pharmacists, social  
17 workers, day care workers or employees, mental health  
18 professionals, members of the clergy as defined in Rule 505 of  
19 the Alabama Rules of Evidence, or any other person called upon  
20 to render aid or medical assistance to any child, when the  
21 child is known or suspected to be a victim of child abuse or  
22 neglect, shall be required to report, or cause a report to be  
23 made of the same, orally, either by telephone or direct  
24 communication immediately, followed by a written report, to a  
25 duly constituted authority.

26           "(2) In addition to those persons and officials  
27 specifically required to report situations involving suspected

1 abuse or neglect of children, any other person shall make a  
2 report if he or she has reasonable cause to suspect that a  
3 child has been abused or neglected in a home or institution or  
4 observes the child being subjected to conditions or  
5 circumstances that would reasonably result in abuse or  
6 neglect.

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

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

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

7           "(e) Any provision of this section to the contrary  
8 notwithstanding, if any agency or authority investigates any  
9 report pursuant to this section and the report does not result  
10 in a conviction, the agency or authority shall expunge any  
11 record of the information or report and any data developed  
12 from the record.

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

19           Section 2. Section 26-14-4, Code of Alabama 1975,  
20 relating to permissive reporting of child abuse or neglect, is  
21 repealed.

22           Section 3. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.