

1 SB96
2 181694-1
3 By Senator Holtzclaw
4 RFD: Veterans and Military Affairs
5 First Read: 07-FEB-17

2
3
4
5
6
7
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.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To amend Section 26-14-3 of the Code of Alabama
12 1975, as last amended by Act 2016-354, 2016 Regular Session,
13 relating to the mandatory reporting requirements of child
14 abuse or neglect; to require the Department of Human Resources
15 to make efforts to determine the military status of the parent
16 or guardian of the child; and to further require the
17 Department of Human Resources to notify a United States
18 Department of Defense family advocacy program at the military
19 installation of the parent or guardian of the allegation of
20 child abuse or neglect.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 26-14-3 of the Code of Alabama
23 1975, as last amended by Act 2016-354, 2016 Regular Session,
24 is amended to read as follows:

25 "§26-14-3.

26 "(a) All hospitals, clinics, sanitariums, doctors,
27 physicians, surgeons, medical examiners, coroners, dentists,

1 osteopaths, optometrists, chiropractors, podiatrists, physical
2 therapists, nurses, public and private K-12 employees, school
3 teachers and officials, peace officers, law enforcement
4 officials, pharmacists, social workers, day care workers or
5 employees, mental health professionals, employees of public
6 and private institutions of postsecondary and higher
7 education, members of the clergy as defined in Rule 505 of the
8 Alabama Rules of Evidence, or any other person called upon to
9 render aid or medical assistance to any child, when the child
10 is known or suspected to be a victim of child abuse or
11 neglect, shall be required to report orally, either by
12 telephone or direct communication immediately, and shall be
13 followed by a written report, to a duly constituted authority.

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

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

25 "(3) If the Department of Human Resources determines
26 that a parent or guardian under subdivision (2) is in the
27 military, the department shall notify a United States

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

6 "(c) When the Department of Human Resources receives
7 initial reports of suspected abuse or neglect, as defined in
8 Section 26-14-1, including suspected abuse or neglect
9 involving discipline or corporal punishment committed in a
10 public or private school or suspected abuse or neglect in a
11 state-operated child residential facility, the Department of
12 Human Resources shall transmit a copy of school reports to the
13 law enforcement agency and residential facility reports to the
14 law enforcement agency and the operating state agency which
15 shall conduct the investigation. When the investigation is
16 completed, a written report of the completed investigation
17 shall contain the information required by the state Department
18 of Human Resources which shall be submitted by the law
19 enforcement agency or the state agency to the county
20 department of human resources for entry into the state's
21 central registry.

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

1 "(e) Any provision of this section to the contrary
2 notwithstanding, if any agency or authority investigates any
3 report pursuant to this section and the report does not result
4 in a conviction, the agency or authority shall expunge any
5 record of the information or report and any data developed
6 from the record.

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

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

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.