

STATE STATUTES

Current Through
September 2018

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Immunity for Reporters of Child Abuse and Neglect

Among the State plan requirements for establishing eligibility for Federal grants under the Child Abuse Prevention and Treatment Act, States are required to provide immunity from prosecution for individuals making good-faith reports of suspected or known instances of child abuse or neglect.¹ Children's Bureau policy further clarifies that this requirement must be met in State law.² For this publication, statutes regarding the provision of immunity were collected for all States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands.

¹ 42 U.S.C. § 5106a(b)(2)(B)(vii) (2016).

² See the Children's Bureau *Child Welfare Policy Manual*, § 2.1 at https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=64.

Immunity for Making Reports

The information collected indicates that all States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands provide some form of immunity from prosecution for persons who in good faith report suspected instances of child abuse or neglect under the State's reporting laws. Immunity statutes protect reporters from civil or criminal liability that they might otherwise incur. This protection is extended to both mandatory and voluntary reporters.³

The term "good faith" refers to the assumption that the reporter, to the best of his or her knowledge, had reason to believe that the child in question was being subjected to abuse or neglect. Even if the allegations made in the report cannot be fully substantiated, the reporter is still provided with immunity. There is a "presumption of good faith" in approximately 17 States, the District of Columbia, American Samoa, and Guam, which means that the good faith of the reporter is presumed unless it can be proven to the contrary.⁴

Additional Provision of Immunity

States may provide immunity not only for the initial report of abuse or neglect but also for many of the actions that a reporter may take following the filing of a report. For example, approximately 36 States, the District of Columbia, American Samoa, and Guam provide immunity to a reporter who participates in any judicial proceedings that may arise.⁵ Approximately 27 States provide

³ Mandatory reporters are persons who are required to report; voluntary reporters are not required to report but may choose to report. For a State-by-State summary of mandatory reporting laws, see Child Welfare Information Gateway's Mandatory Reporters of Child Abuse and Neglect at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda/>.

⁴ The word "approximately" is used to stress the fact that the States frequently amend their laws. This information is current through September 2018. The States that provide for presumption of good faith include Colorado, Illinois, Indiana, Maine, Michigan, Mississippi, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, Tennessee, Wisconsin, and Wyoming.

⁵ The States that do not provide this immunity are Arkansas, California, Florida, Illinois, Massachusetts, Michigan, Minnesota, New York, North Dakota, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

immunity to a reporter for assisting with or participating in an investigation of allegations of maltreatment.⁶

Many States also provide immunity for actions taken by medical practitioners in connection with making a report of suspected child maltreatment. These actions may include the following:

- Taking any necessary photographs or x-rays⁷
- Taking a child into emergency protective custody⁸
- Disclosing medical records or other information pertinent to a case⁹
- Performing a medical exam on the child¹⁰
- Performing medically relevant tests¹¹

Limitations to Immunity

In many States, immunity from civil or criminal liability is not provided specifically in cases in which it can be shown that the person making a report acted with malice, in "bad faith," or knowingly made a false report.¹² Minnesota and North Dakota specifically deny immunity from any civil or criminal penalties for mandated reporters who fail to make required reports.¹³ Alaska provides no immunity for persons who knowingly make an "untimely report." Persons who are suspected of committing the abuse or neglect are not provided immunity from prosecution in 16 States.¹⁴

⁶ Alabama, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wisconsin.

⁷ In 15 States (Arkansas, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Missouri, Nevada, New York, Pennsylvania, South Dakota, Utah, Wisconsin), American Samoa, and Guam.

⁸ In 13 States (Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Missouri, Nevada, New York, Pennsylvania, Utah, Virginia, Washington), American Samoa, and Guam.

⁹ In 14 States (Arizona, Connecticut, Illinois, Indiana, Louisiana, Montana, Nevada, New York, North Dakota, Pennsylvania, South Carolina, South Dakota, Tennessee, and Utah) and Puerto Rico.

¹⁰ In four States: Connecticut, Delaware, Indiana, and Wisconsin.

¹¹ In three States: Connecticut, Iowa, and Nevada.

¹² Immunity is denied for acting with malice or in bad faith in 10 States: Arizona, Colorado, Idaho, Indiana, Missouri, Montana, New Mexico, Ohio, Texas, and Virginia. Immunity is denied for knowingly making a false report in 10 States: California, Louisiana, Maine, Missouri, Montana, Nebraska, North Dakota, Ohio, Utah, and Washington.

¹³ Since voluntary reporters are not legally required to report, they are not subject to civil or criminal penalties for not making a report.

¹⁴ Alaska, Arizona, Colorado, Connecticut, Florida, Indiana, Louisiana, Massachusetts, Minnesota, North Dakota, South Dakota, Tennessee, Texas, Vermont, Washington, and Wisconsin.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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Alabama

Current Through September 2018

Citation: Ala. Code § 26-14-9

Any person; firm; corporation; or official, including members of a multidisciplinary child protection team, quality assurance team, child death review team, or other authorized case-review team or panel, by whatever designation, participating in making a good-faith report in an investigation or case review authorized under this chapter or other law or department practice or in the removal of a child pursuant to this chapter or participating in a judicial proceeding resulting therefrom, shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Alaska

Current Through September 2018

Citation: Alaska Stat. § 47.17.050

Except as provided below, a person who, in good faith, makes a report under the reporting laws, permits an interview, or participates in judicial proceedings related to submission of reports is immune from civil or criminal liability that might otherwise be incurred or imposed for making the report or permitting the interview, except that a person who knowingly makes an untimely report is not immune from civil or criminal liability based on the delay in making the report.

A person accused of committing the child abuse or neglect is not immune from civil or criminal liability for the child abuse or neglect as a result of reporting the child abuse or neglect.

American Samoa

Current Through September 2018

Citation: Ann. Code § 45.2012

Any person participating in good faith in the preparation of a report or in a judicial proceeding held under this chapter, and any person responsible for taking photographs or x-rays, or placing temporary protective custody of a child under this chapter, is immune from any liability, civil or criminal, that otherwise might result by reason of the reporting. For the purpose of any proceedings, civil or criminal, any person reporting child abuse; any person taking, or causing to be taken, photographs or x-rays; or any person who has legal authority to place a child in protective custody is presumed to have acted in good faith.

Arizona

Current Through September 2018

Citation: Rev. Stat. § 13-3620(J)

A person who furnishes a report, information, or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information, or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action, unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.

Citation: Rev. Stat. § 8-805(A)

Any person making a complaint, providing information, or otherwise participating in the program authorized by this article shall be immune from any civil or criminal liability by reason of such action, unless such person acted with malice or unless such person has been charged with or is suspected of abusing, abandoning, or neglecting the child or children in question.

Arkansas

Current Through September 2018

Citation: Ann. Code § 12-18-107

A person or agency required by this chapter to report suspected child maltreatment who acts in good faith in making a notification, taking of a photograph or radiological test, or the removal of a child while exercising a 72-hour hold is immune to suit and to civil and criminal liability. If acting in good faith, a person making notification not named in this section is immune from liability. A publicly supported school, facility, or institution acting in good faith by cooperating with the investigative agency under this chapter shall be immune from civil and criminal liability.

California

Current Through September 2018

Citation: Penal Code § 11172(c), (d)(1)

Any commercial computer technician, and any employer of any commercial computer technician, who, pursuant to a warrant from a law enforcement agency investigating a report of suspected child abuse or neglect, provides the law enforcement agency with a computer or computer component that contains possible evidence of a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of providing that computer or computer component to the law enforcement agency.

The legislature finds that even though it has provided immunity from liability to persons required or authorized to make reports pursuant to this article, that immunity does not eliminate the possibility that actions may be brought against those persons based upon required or authorized reports. In order to further limit the financial hardship that those persons may incur as a result of fulfilling their legal responsibilities, it is necessary that they not be unfairly burdened by legal fees incurred in defending those actions. Therefore, a mandated reporter may present a claim to the Department of General Services for reasonable attorney's fees and costs incurred in any action against that person on the basis of making a report required or authorized by this article, if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person or if he or she prevails in the action. The department shall allow that claim if the requirements of this subdivision are met, and the claim shall be paid from an appropriation to be made for that purpose. Attorney's fees awarded pursuant to this section shall not exceed an hourly rate greater than the rate charged by the Attorney General of the State of California at the time the award is made and shall not exceed an aggregate amount of \$50,000.

Citation: Penal Code § 11172(a), (b)

No mandated reporter shall be civilly or criminally liable for any report required or authorized by this article, and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his or her professional capacity or outside the scope of his or her employment. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by this article, unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report, and any person who makes a report of child abuse or neglect known to be false, or with reckless disregard of the truth or falsity of the report, is liable for any damages caused. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse or neglect or causing photographs to be taken of a suspected victim of child abuse or neglect, without parental consent, or for disseminating the photographs, images, or material with the reports required by this article. However, this section shall not be construed to grant immunity from this liability with respect to any other use of the photographs.

Any person who, pursuant to a request from a government agency investigating a report of suspected child abuse or neglect, provides the requesting agency with access to the victim of a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of providing that access.

Colorado

Current Through September 2018

Citation: Rev. Stat. § 19-3-309

Any person, other than the perpetrator, complicitor, coconspirator, or accessory, who participates in good faith in making a report pursuant to the reporting laws, the facilitation of the investigation of such a report or a judicial proceeding resulting therefrom, the taking of photographs or x-rays, the placing in temporary protective custody of a child, or otherwise performing his or her duties or acting pursuant to law shall be immune from any civil or criminal liability or termination of employment that otherwise might result by reason of such acts of participation, unless a court of competent jurisdiction determines that such person's behavior was willful, wanton, and malicious.

For the purpose of any proceedings, civil or criminal, good faith shall be presumed of any such person reporting child abuse, any such person taking photographs or x-rays, and any such person who has legal authority to place a child in protective custody

Connecticut

Current Through September 2018

Citation: Gen. Stat. § 17a-101e(b)

Any person, institution, or agency that, in good faith, (1) makes a report pursuant to §§ 17a-101a to 17a-101d, inclusive, and 17a-103, or (2) provides professional medical intervention or assistance in any proceeding involving child abuse and neglect, including, but not limited to, (A) causing a photograph, x-ray, or a physical custody examination to be made; (B) causing a child to be taken into emergency protective custody; (C) disclosing a medical record or other information pertinent to the proceeding; or (D) performing a medically relevant test, shall be immune from any liability, civil or criminal, which might otherwise arise from or be related to the actions taken pursuant to this subsection. The person shall have the same immunity with respect to any judicial proceeding that results from such report or actions, provided that person did not perpetrate or cause the abuse or neglect.

The immunity from civil or criminal liability extends only to actions done pursuant to this subsection and does not extend to the malpractice of a medical professional that results in personal injury or death.

Delaware

Current Through September 2018

Citation: Ann. Code Tit. 16, § 908(a)

Any person participating in good faith in the making of a report or notifying police officers pursuant to this chapter; assisting in a multidisciplinary case as required by § 906(b)(4) of this title; performing a medical examination without the consent of those responsible for the care, custody, and control of a child pursuant to § 906(e) of this title; or exercising emergency protective custody in compliance with § 907 of this title has immunity from any liability, civil or criminal, that might otherwise exist, and such immunity extends to participation in any judicial proceeding resulting from the above actions taken in good faith.

This section does not limit the liability of any health-care provider for personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to this chapter.

District of Columbia

Current Through September 2018

Citation: Ann. Code § 4-1321.04

Any person, hospital, or institution participating in good faith in making a report pursuant to the reporting laws shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect to making the report. Any such participation shall have the same immunity with respect to participation in any judicial proceeding involving the report. In all civil or criminal proceedings concerning the child or resulting from the report, good faith shall be presumed unless rebutted.

Florida

Current Through September 2018

Citation: Ann. Stat. § 39.203(1)

Any person, official, or institution participating in good faith in any act authorized or required by the reporting laws or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency shall be immune from any civil or criminal liability that might otherwise result by reason of such action. Nothing contained in the reporting laws shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child or committed any illegal act upon or against a child.

Georgia

Current Through September 2018

Citation: Ann. Code § 19-7-5(f)

Any person or persons, partnership, firm, corporation, association, hospital, or other entity participating in making a report, or causing a report to be made, to a child welfare agency providing protective services or to an appropriate police authority pursuant to the reporting laws or any other law or participating in any judicial proceeding or any other proceeding resulting therefrom shall, in so doing, be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided that such participation is made in good faith.

Any person making a report, whether required by reporting laws or not, shall be immune from liability.

Guam

Current Through September 2018

Citation: Ann. Code Tit. 19, § 13206

Any person, hospital, institution, school, facility, or agency participating in good faith in making a report or testifying in any proceeding arising out of an instance of suspected child abuse or neglect, the taking of photographs, or the removal or keeping of a child pursuant to § 13302 of the Child Protective Act shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child abuse or neglect pursuant to law shall be presumed.

Hawaii

Current Through September 2018

Citation: Rev. Stat. § 350-3

Anyone participating in good faith in making a report pursuant to the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred, imposed by, or result from making the report. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. Any individual who assumes a duty or responsibility pursuant to statute shall have immunity from civil liability for acts or omissions performed within the scope of the individual's duty or responsibility.

Idaho*Current Through September 2018***Citation: Idaho Code § 16-1606**

Any person who has reason to believe that a child has been abused, abandoned, or neglected, and acting upon that belief makes a report of abuse, abandonment, or neglect as required by the reporting laws, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Any person who reports in bad faith or with malice shall not be protected by this section.

Illinois*Current Through September 2018***Citation: Comp. Stat. Ch. 325, § 5/9**

Any person, institution, or agency that, under the reporting laws, participates in good faith in making a report or referral; the investigation of such a report or referral; taking photographs and x-rays; retaining a child in temporary protective custody; or making a disclosure of information concerning reports of child abuse and neglect in compliance with chapter 325, §§ 5/4, 5/4.2, or 5/11.1, as it relates to disclosure by school personnel—and except in cases of willful or wanton misconduct—shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions.

For the purpose of any proceedings, civil or criminal, the good faith of any persons required to report or refer, or who are permitted to report, cases of suspected child abuse or neglect shall be presumed. For purposes of this section 'child abuse and neglect' includes abuse or neglect of an adult resident as defined in this act.

Indiana*Current Through September 2018***Citation: Ann. Code § 31-33-6-1**

A person, other than a person accused of child abuse or neglect, is immune from any civil or criminal liability that might otherwise be imposed because of the following actions, even if the reported child abuse or neglect is classified by the Department of Child Services as unsubstantiated, when that person:

- Makes or causes to be made a report of a child who may be a victim of child abuse or neglect
- Is a health-care provider and detains a child for purposes of causing photographs, x-rays, or a medical examination to be made
- Makes any other report of a child who may be a victim of child abuse or neglect
- Participates in or assists with an investigation by the department or a law enforcement agency resulting from a report that a child may be a victim of child abuse or neglect, including by transferring photographs, x-rays, or medical examination records
- Is a health-care provider and provides professional intervention resulting from a report that a child may be a victim of child abuse or neglect, including the following:
 - » Providing care or treatment to the child
 - » Participating in a case review concerning the child
 - » Providing advice or consultation concerning the child
 - » Disclosing medical records and other health information concerning the child, in accordance with Federal or State law governing the disclosure of medical records
 - » Providing information to a child fatality review team
 - » Recommending judicial action concerning a child
- Participates, including testifying as a witness, in any judicial proceeding or other proceeding resulting from a report that a child may be a victim of child abuse or neglect or relating to the subject matter of the report

The section above does not apply to an action brought against a qualified health-care provider for medical malpractice.

Citation: Ann. Code § 31-33-6-2

Immunity does not attach for a person who has acted with gross negligence or willful or wanton misconduct.

Citation: Ann. Code § 31-33-6-3

A person who makes a report that a child may be a victim of child abuse or neglect or assists in any requirement of the reporting laws is presumed to have acted in good faith.

Iowa

Current Through September 2018

Citation: Ann. Code § 232.73

A person participating in good faith in making a report, taking photographs or x-rays, performing a medically relevant test, or aiding and assisting in an investigation of a child abuse report pursuant to the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. The person shall have the same immunity with respect to participation in good faith in any judicial proceeding resulting from the report or relating to the subject matter of the report.

A 'medically relevant test' is a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, other illegal drugs, or combinations or derivatives of the illegal drugs, including a drug urine screen test.

Kansas

Current Through September 2018

Citation: Ann. Stat. § 38-2223(f)

Anyone who, without malice, participates in making a report to the secretary of Social and Rehabilitation Services or a law enforcement agency relating to a suspicion that a child may be a child in need of care, or who participates in any activity or investigation relating to the report, or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

Kentucky

Current Through September 2018

Citation: Rev. Stat. § 620.050(1)-(2)

Anyone acting upon reasonable cause in the making of a report or acting under §§ 620.030 to 620.050 in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

Any employee or designated agent of a children's advocacy center shall be immune from any civil liability arising from performance within the scope of the person's duties as provided in §§ 620.030 to 620.050. Any such person shall have the same immunity with respect to participation in any judicial proceeding. Nothing in this subsection shall limit liability for negligence. Upon the request of an employee or designated agent of a children's advocacy center, the attorney general shall provide for the defense of any civil action brought against the employee or designated agent.

Louisiana

Current Through September 2018

Citation: Children's Code Art. 611

No cause of action shall exist against any of the following:

- A person who in good faith makes a report, cooperates in any investigation arising as a result of such report, or participates in judicial proceedings authorized under the provisions of this chapter
- A caseworker who in good faith conducts an investigation, makes an investigative judgment or disposition, or releases or uses information contained in the State repository or central registry for the purpose of protecting a child

Such individuals shall have immunity from civil or criminal liability that otherwise might be incurred or imposed.

This immunity shall not be extended to the following:

- Any alleged principal, conspirator, or accessory to an offense involving the abuse or neglect of the child
 - Any person who makes a report known to be false or with reckless disregard for the truth of the report
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Maine

Current Through September 2018

Citation: Rev. Stat. Tit. 22, § 4014

A person, including an agent of the department, participating in good faith in reporting under the reporting laws or participating in a related child protection investigation or proceeding, including, but not limited to, a multidisciplinary team, out-of-home abuse investigating team, or other investigating or treatment team, is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding.

Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury or regarding the abuse or neglect that led to a report, investigation, or proceeding.

A person participating in good faith in taking photographs or x-rays pursuant to the reporting laws is immune from civil liability for invasion of privacy that might otherwise result from these actions.

In a proceeding regarding immunity from liability, there shall be a rebuttable presumption of good faith.

Maryland

Current Through September 2018

Citation: Fam. Law § 5-708

Any person who makes or participates in making a report of abuse or neglect under §§ 5-704, 5-705, or 5-705.1, or participates in an investigation or a resulting judicial proceeding, shall have immunity from civil liability or criminal penalty.

Massachusetts

Current Through September 2018

Citation: Gen. Laws Ch. 119, § 51A(g)

No mandated reporter shall be liable in any civil or criminal action for filing a report under this section or for contacting local law enforcement authorities or the child advocate, if the report or contact was made in good faith, was not frivolous, and the reporter did not cause the abuse or neglect. No other person filing a report under this section shall be liable in any civil or criminal action by reason of the report if it was made in good faith and if that person did not perpetrate or inflict the reported abuse or cause the reported neglect. Any person filing a report under this section may be liable in a civil or criminal action if the department or a district attorney determines that the person filing the report may have perpetrated or inflicted the abuse or caused the neglect.

Michigan

Current Through September 2018

Citation: Comp. Laws Ann. § 722.625

A person acting in good faith who makes a report, cooperates in an investigation, or assists in any other requirement pursuant to the reporting laws is immune from civil or criminal liability that might otherwise be incurred by that action. A person making a report or assisting in any other requirement of the reporting laws is presumed to have acted in good faith.

This immunity from civil or criminal liability extends only to acts done according to the reporting laws and does not extend to a negligent act that causes personal injury or death, or to the malpractice of a physician that results in personal injury or death.

Minnesota

Current Through September 2018

Citation: Ann. Stat. § 626.556, Subd. 4

The following persons are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith:

- Any person making a voluntary or mandated report under the reporting laws or assisting in an assessment
- Any person with responsibility for performing duties under this section; a supervisor employed by a local welfare agency; or the commissioner of an agency responsible for operating or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed or certified, a school, or a nonlicensed personal care provider organization
- A representative or employee of any public or private school or facility who permits access by a local welfare agency, the Department of Education, or local law enforcement agency and assists in an investigation or assessment

A person who is a supervisor or person with responsibility for performing duties under this section who is employed by a local welfare agency, the commissioner of human services, or the commissioner of education complying with the reporting laws or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions if the person is (1) acting in good faith and exercising due care or (2) acting in good faith and following the information collection procedures established by law.

This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

Mississippi

Current Through September 2018

Citation: Ann. Code § 43-21-355

Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child care giver, minister, law enforcement officer, school attendance officer, public school district employee, nonpublic school employee, licensed professional counselor, or any other person participating in making a required report pursuant to the reporting laws or participating in a judicial proceeding resulting therefrom shall be presumed to be acting in good faith.

Any person or institution reporting in good faith shall be immune from any civil or criminal liability that might otherwise be incurred or imposed.

Missouri

Current Through September 2018

Citation: Rev. Stat. § 210.135

Any person, official, or institution complying with the provisions of the reporting laws in making a report; taking color photographs and/or making radiologic examinations; removing or retaining a child pursuant to statute; or cooperating with the division or any other law enforcement agency, juvenile office, court, or child protective service agency of this or any other State in any activities pursuant to statute or any other allegation of child abuse, neglect, or assault shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions.

However, any person, official, or institution intentionally filing a false report, or acting in bad faith or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

Any person who is not a school district employee who makes a report of child abuse by a school employee to any employee of the school district shall have immunity from any liability, civil or criminal, that otherwise might result because of such report. Any such person who makes a false report while knowing that the report is false, or who acts in bad faith or with ill intent in making such report, shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

Montana

Current Through September 2018

Citation: Ann. Code § 41-3-203(1)

Anyone investigating or reporting any incident of child abuse or neglect, participating in resulting judicial proceedings, or furnishing hospital or medical records pursuant to the reporting laws is immune from any civil or criminal liability that might otherwise be incurred or imposed, unless the person was grossly negligent, acted in bad faith or with malicious purpose, or provided information knowing the information to be false.

Nebraska

Current Through September 2018

Citation: Rev. Stat. § 28-716

Any person participating in an investigation or making a report of child abuse or neglect required by § 28-711 or participating in a judicial proceeding resulting therefrom shall be immune from any civil or criminal liability that might otherwise be incurred or imposed, except for maliciously false statements.

Nevada

Current Through September 2018

Citation: Rev. Stat. § 432B.160

Except as otherwise provided below, immunity from civil or criminal liability extends to every person who in good faith:

- Makes a report pursuant to the reporting laws
 - Conducts an interview or allows an interview to be taken
 - Allows or takes photographs or x-rays
 - Causes a medical test to be performed
 - Provides a record, or a copy of a record, of a medical test to an agency that provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to § 432B. 220, or the prosecuting attorney's office
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- Holds a child pursuant to § 432B.400 (pertaining to the temporary detention of a child by a physician), takes possession of a child pursuant to § 432B.630 (pertaining to the delivery of a newborn child to a provider of emergency services), or places a child in protective custody
- Performs any act pursuant to § 432B.630(2)
- Refers a case or recommends the filing of a petition pursuant to § 432B.380 (pertaining to the referral of a case to a district attorney for criminal prosecution)
- Participates in a judicial proceeding resulting from a referral or recommendation

The provisions above do not confer any immunity from liability for the negligent performance of any act pursuant to § 432B.630. In any proceeding to impose liability against a person for making a report pursuant to the reporting laws or performing any of the actions listed above, there is a presumption that a person acted in good faith.

New Hampshire

Current Through September 2018

Citation: Rev. Stat. § 169-C:31

Anyone participating in good faith in making a report pursuant to the reporting laws is immune from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the Division for Children, Youth, and Families or judicial proceeding resulting from such report.

New Jersey

Current Through September 2018

Citation: Ann. Stat. § 9:6-8.13

Anyone acting pursuant to the reporting laws in making a report under the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such person shall have the same immunity with respect to testimony given in any judicial proceeding resulting from such report.

New Mexico

Current Through September

Citation: Ann. Stat. § 32A-4-5(B)

Anyone reporting an instance of alleged child neglect or abuse, or participating in a judicial proceeding brought as a result of a report required by the reporting laws, is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by the law, unless the person acted in bad faith or with malicious purpose.

New York

Current Through September 2018

Citation: Soc. Serv. Law § 419

Any person, official, or institution participating in good faith in making a report, the taking of photographs, or the removal or keeping of a child pursuant to this title, or the disclosure of child protective services information in compliance with child reporting laws, shall have immunity from any civil or criminal liability that might otherwise result by reason of such actions.

For the purpose of any civil or criminal proceeding, the good faith of any such person, official, or institution required to report cases of child abuse or maltreatment or providing a reporting procedure service shall be presumed—provided that person, official, or institution was acting in the discharge of their duties and within the scope of their employment and that such liability did not result from the willful misconduct or gross negligence of such person, official, or institution.

North Carolina

Current Through September 2018

Citation: Gen. Stat. § 7B-309

Anyone who makes a report pursuant to the reporting laws, cooperates with the county Department of Social Services in a protective services assessment, testifies in any judicial proceeding resulting from a protective services report or assessment, or otherwise participates in the program authorized by law is immune from any civil or criminal liability that might otherwise be incurred or imposed for such action, provided that the person was acting in good faith. In any proceeding involving liability, good faith is presumed.

North Dakota

Current Through September 2018

Citation: Cent. Code § 50-25.1-09

Any person, other than the alleged violator, participating in good faith in making a report, assisting in an investigation, assisting in an assessment, assisting in an alternative response assessment, furnishing information, in providing protective services, or who is a member of the child fatality review panel is immune from any civil or criminal liability—except for criminal liability as provided for under penalties for failure to report and false reporting—that otherwise might result from reporting the alleged case of abuse, neglect, or death resulting from child abuse or neglect.

For the purpose of any civil or criminal proceeding, the good faith of any person who is required to report cases of child abuse, neglect, or death must be presumed.

Northern Mariana Islands

Current Through September 2018

Citation: Commonwealth Code Tit. 6, § 5314

Any person making a good-faith report shall be immune from civil or criminal liability that might otherwise arise from such action.

Ohio

Current Through September 2018

Citation: Rev. Code § 2151.421(G)(1)(a) & (2)(b)

Except as provided in the law regarding false reports, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under § 2151.421(A); anyone or any hospital, institution, school, health department, or agency participating in good faith in making reports under § 2151.421(B); and anyone participating in good faith in a judicial proceeding resulting from the reports shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of making the reports or the participating in the judicial proceeding.

In any civil or criminal action or proceeding in which it is alleged and proved that participation in making a report under this section was not in good faith, or that participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs. If a civil action or proceeding is voluntarily dismissed, the court may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

Oklahoma

Current Through September 2018

Citation: Ann. Stat. Tit. 10A, § 1-2-104

Any person who, in good faith and exercising due care, reports suspected child abuse or neglect, or who allows access to a child by persons authorized to investigate a report concerning the child, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. For purposes of any proceeding, civil or criminal, the good faith of any person in making a report pursuant to the provisions of § 1-2-101 of this title shall be presumed.

A child advocacy center that is accredited by the National Children's Alliance, and the employees thereof, who are acting in good faith and exercising due care shall have immunity from civil liability that may be incurred or imposed through participation in the investigation process and any judicial proceeding resulting from the investigation process.

Oregon

Current Through September 2018

Citation: Rev. Stat. § 419B.025

Anyone participating in good faith in making a report of child abuse and who has reasonable grounds for the making thereof shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

Pennsylvania

Current Through September 2018

Citation: Cons. Stat. Ch. 23, § 6318

A person, hospital, institution, school, facility, agency or agency employee acting in good faith shall have immunity from civil and criminal liability that might otherwise result from any of the following:

- Making a report of suspected child abuse or making a referral for general protective services, regardless of whether the report is required to be made under this chapter
- Cooperating or consulting with an investigation under this chapter, including providing information to a child fatality or near-fatality review team
- Testifying in a proceeding arising out of an instance of suspected child abuse or general protective services
- Engaging in any action authorized under § 6314 (relating to photographs, medical tests, and x-rays of a child subject to report), § 6315 (relating to taking child into protective custody), § 6316 (relating to admission to private and public hospitals), or § 6317 (relating to mandatory reporting and postmortem investigation of deaths)

An official or employee of the department or county agency who refers a report of suspected child abuse for general protective services to law enforcement authorities or provides services as authorized by this chapter shall have immunity from civil and criminal liability that might otherwise result from the action.

For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to § 6311 (relating to persons required to report suspected child abuse) and of any person required to make a referral to law enforcement officers under this chapter shall be presumed.

Puerto Rico

Current Through September 2018

Citation: Ann. Laws Tit. 8, § 446(c)

Information provided in good faith by any persons, officials, or institutions bound to report situations of abuse, institutional abuse, neglect, and/or institutional neglect of minors, as set forth in this chapter, may not be used against them in any civil or criminal procedure that may be initiated as a result of said action. Nor may the information so reported by school and hospital employees and by law enforcement officers, who are obliged to allow the department's intervention pursuant to the provisions of this section, be used against them.

Rhode Island

Current Through September 2018

Citation: Gen. Laws § 40-11-4

Any person participating in good faith in making a report pursuant to the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the rep

South Carolina

Current Through September 2018

Citation: Ann. Code § 63-7-390

A person required or permitted to report pursuant to the reporting laws, or who participates in an investigation or judicial proceedings resulting from the report, who is acting in good faith, is immune from civil and criminal liability that might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is rebuttably presumed. Immunity extends to full disclosure by the person of facts that gave the person reason to believe that the child's physical or mental health or welfare had been or might be affected adversely by abuse or neglect.

South Dakota

Current Through September 2018

Citation: Codified Laws § 26-8A-14

Any person or party participating in good faith in making a report or submitting copies of medical examination, treatment, or hospitalization records pursuant to the reporting laws is immune from any liability, civil or criminal, that might otherwise be incurred or imposed and has the same immunity for participation in any judicial proceeding resulting from the report.

Immunity also extends in the same manner to persons requesting the taking of photographs and x-rays pursuant to the reporting laws, to persons taking the photographs and x-rays, to child protection teams established by the Secretary of Social Services, to public officials or employees involved in the investigation and treatment of child abuse or neglect or making a temporary placement of the child pursuant to this chapter, or to any person who in good faith cooperates with a child protection team or the Department of Social Services in an investigation, placement, or treatment plan.

The provisions of this section or any other section granting or allowing the grant of immunity do not extend to any person alleged to have committed an act or acts of child abuse or neglect.

Tennessee

Current Through September 2018

Citation: Ann. Code § 37-1-410(a)(1), (4), (5)(A)

If a health-care provider makes a report of harm as required by § 37-1-403, and if the report arises from an examination of the child performed by the health-care provider in the course of rendering professional care or treatment of the child, or if the health-care provider, who is highly qualified by experience in the field of child abuse and neglect as evidenced by special training or credentialing, renders a second opinion at the request of the department or any law enforcement agency, whether or not the health-care provider has examined the child, rendered care or treatment, or made the report of harm, then the health-care provider shall not be liable in any civil or criminal action that is based solely upon:

- The health-care provider's decision to report what the provider believed to be harm
- The health-care provider's belief that reporting the harm was required by law
- The fact that a report of harm was made
- The fact that the second opinion was requested and provided

Nothing in this subsection shall be construed to confer any immunity upon a health-care provider for a criminal or civil action arising out of the treatment of the child about whom the report of harm was made.

If absolute immunity is not conferred upon a person pursuant to the subdivision above, and if, acting in good faith, the person makes a report of harm, as required by § 37-1-403, then the person shall not be liable in any civil or criminal action that is based solely upon the following:

- The person's decision to report what the person believed to be harm
- The person's belief that reporting the harm was required by law
- The fact that a report of harm was made

Citation: Ann. Code § 37-1-410(a)(5)(B), (6)-(8)

Because of the overriding public policy to encourage all persons to report the neglect, harm, or abuse of children, any person upon whom good faith immunity is conferred shall be presumed to have acted in good faith in making a report of harm.

No immunity conferred pursuant to this subsection shall attach if the person reporting the harm perpetrated or inflicted the abuse or caused the neglect.

A person furnishing a report, information, or records as required, requested, or authorized under this part shall have the same immunity and the same scope of immunity with respect to testimony that person may be required to give or may give in any judicial or administrative proceeding or in any communications with the department or any law enforcement official as is otherwise conferred upon the person for making the report of harm by this subsection.

If the person furnishing a report, information, or records during the normal course of the person's duties as required, authorized, or requested under this part is different from the person originally reporting the harm, then the person furnishing the report, information, or records shall have the same immunity with respect to any testimony the person may be required to give or may give in any judicial or administrative proceeding or in any communications with the department or any law enforcement official as is otherwise conferred upon the person who made the original report of harm by this subsection.

Citation: Ann. Code § 37-1-613

Any person making a report of child sexual abuse shall be afforded the same immunity and shall have the same remedies as provided by § 37-1-410 for other persons reporting harm to a child. Any other person, official, or institution participating in good faith in any act authorized or required by this part shall be immune from any civil or criminal liability that might otherwise result by reason of such action.

Texas

Current Through September 2018

Citation: Family Code § 261.106

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect, or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect, is immune from civil or criminal liability that might otherwise be incurred or imposed.

Immunity from civil and criminal liability extends to an authorized volunteer of the Department of Human Services or a law enforcement officer who participates at the request of the department in an investigation of alleged or suspected abuse or neglect or in an action arising from an investigation if the person was acting in good faith and in the scope of the person's responsibilities.

A person who reports the person's own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability.

Utah

Current Through September 2018

Citation: Ann. Code § 62A-4a-410(1)-(3)

Except as provided below, any person, official, or institution participating in good faith in making a report, taking photographs or x-rays, assisting an investigator from the division, serving as a member of a child protection team, or taking a child into protective custody pursuant to this part is immune from any liability, civil or criminal, that otherwise might result by reason of those actions.

This section does not provide immunity with respect to acts or omissions of a governmental employee except as provided in Title 63G, Chapter 7, Governmental Immunity Act of Utah.

The immunity described above does not apply if the person, official, or institution:

- Acted or failed to act through fraud or willful misconduct
- Intentionally or knowingly gave, upon a lawful oath or in any form allowed by law as a substitute for an oath, false testimony material to the issue or matter of inquiry in a judicial or administrative proceeding
- Intentionally or knowingly fabricated evidence or, except as provided in § 62A-4a-410(4), with a conscious disregard for the rights of others, failed to disclose evidence that:
 - » Was known to the person, official, or institution
 - » Was known by the person, official, or institution to be relevant to a material issue or matter of inquiry in a pending judicial or administrative proceeding if the person, official, or institution knew of the pending judicial or administrative proceeding
 - » Was known by the person, official, or institution to be relevant to a material issue or matter of inquiry in a judicial or administrative proceeding, if disclosure of the evidence was requested of the employee by a party to the proceeding or counsel for a party to the proceeding

Citation: Ann. Code § 62A-4a-410(4)

- Immunity is not lost under § 62A-4a-410 if the person, official, or institution:
- Failed to disclose evidence because the person, official, or institution is prohibited by law from disclosing the evidence
- Pursuant to the provisions of 45 Code of Federal Regulation 164.502(g)(5) (pertaining to the disclosure of protected health information), refused to disclose evidence to a person who requested the evidence
- After refusing to disclose the evidence described above, complied with or responded to a valid court order or valid subpoena received by the person, official, or institution to disclose the evidence

Vermont

Current Through September 2018

Citation: Ann. Stat. Tit. 33, § 4913(d)(1)

Any person, other than a person suspected of child abuse, who in good faith makes a report to the department, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of making a report.

Virgin Islands

Current Through September 2018

Citation: Ann. Code Tit. 5, § 2537

Any person, official, or institution participating in good faith in any act permitted or required by this subchapter shall be immune from any civil or criminal liability that otherwise might result by reason of such actions.

Virginia

Current Through September 2018

Citation: Ann. Code § 63.2-1512

Any person who makes a report or complaint pursuant to the reporting laws, takes a child into custody pursuant to law, or participates in a judicial proceeding resulting therefrom shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent.

Washington

Current Through September 2018

Citation: Rev. Code § 26.44.060(1)-(2), (5)

Any person participating in good faith in making a report pursuant to the reporting laws or testifying as to alleged child abuse or neglect in a judicial proceeding shall be immune from any liability arising out of such reporting or testifying.

A person convicted of knowingly making a false report shall not be immune from liability under this subsection.

An administrator of a hospital or similar institution or any licensed physician taking a child into custody pursuant to § 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

A person who, in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to this chapter shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who caused or allowed the child abuse or neglect to occur.

West Virginia

Current Through September 2018

Citation: Ann. Code § 49-2-810

Any person, official, or institution participating in good faith in any act permitted or required by the reporting laws shall be immune from any civil or criminal liability that otherwise might result by reason of those actions.

Wisconsin

Current Through September 2018

Citation: Ann. Stat. § 48.981(4)

Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child or of an expectant mother under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

Wyoming

Current Through September 2018

Citation: Ann. Stat. § 14-3-209

Any person, official, institution, or agency participating in good faith in any act required or permitted by the reporting laws is immune from any civil or criminal liability that might otherwise result by reason of the action. For the purpose of any civil or criminal proceeding, the good faith of any person, official, or institution participating in any act permitted or required by the reporting laws shall be presumed.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

