



# *Alabama Network of Children's Advocacy Centers, Inc.*

## **Changes to Alabama's Mandatory Reporting Law**

\*Changes/Additions are Underlined

### **Who are the Mandatory Reporters?**

- Medical Facilities: All hospitals, clinics, sanitariums
- Medical Professionals: Doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, physical therapists, nurses, pharmacists, and mental health professionals
- Educators: Employees of both public and private K-12 facilities, school teachers and officials, day care workers or employees, employees of public and private institutions of postsecondary and higher education
- Local & State Officials: Peace officers, law enforcement officials, social workers
- Clergy: Any ordained, licensed, or commissioned minister, pastor, priest, rabbi, or practitioner of any bona fide established church or religious organization, or any person who devotes a substantial portion of his or her time and abilities to the service of his or her church or religious organization
- Any person called upon to render aid or medical assistance to any child

### **What is the Procedure for Reporting?**

- When a child is known or suspected to be a victim of child abuse or neglect, the mandatory reporter himself is required to report orally by telephone or direct communication immediately, followed by a written report to a duly constituted authority.
- Previously, the law permitted a person to notify his or her supervisor, and the supervisor would then be responsible for making the report. That process is no longer permitted, and the person who has direct knowledge of or suspicion of abuse or neglect must be the one to make the report.
- The "duly constituted authority" refers to any law enforcement officer, (such as a sheriff or police officer), or the DHR office in the county where the abuse is taking place, or in the county of the child's residence. In the case of an immediate emergency, 911 is an appropriate authority to notify.
- When the initial report is made to a law enforcement official, that law enforcement official must notify DHR, and likewise, when the initial report is made to DHR, the DHR official must notify law enforcement.
- Note on clergy: when a person communicates with clergy in the scope of the clergyman's professional capacity, and when that communication is made with the understanding that it should not be revealed to another, and the person is merely seeking spiritual advice, the communication is protected by privilege, under Rule 505 of the Alabama Rules of Evidence. However, the communication from a person to clergy is not protected (and is thus reportable) when the communication is in furtherance of a crime or a fraud.

## **What are the Consequences of Punishing an Employee Who Reports?**

- Effective immediately, any public or private employer who discharges, suspends, disciplines, or penalizes an employee solely for reporting suspected child abuse or neglect will be guilty of a Class C Misdemeanor.
- The sentence for committing a Class C Misdemeanor is confinement in jail for a period not to exceed 3 months.

### *Sources:*

*The Code of Alabama 1975, Section 26-14-3, as amended*

*The Code of Alabama 1975, Section 13A-5-7(a)(3)*

*Alabama Rules of Evidence, Article 5, Rule 505, and the Advisory Committee's Notes on the same*

*Updated 05/13/2013*