

Reporting Child Abuse or Neglect

Both Penn State University and Syracuse University have recently been involved in highly publicized incidents involved allegations of child sexual abuse by coaches. In both situations, attention has been focused on what information was known to various parties concerning the abuse and what was (or was not) reported to appropriate law enforcement officials. In light of these cases, it may be helpful to review Alabama law pertaining to the reporting of child abuse and neglect.

The Alabama statute on child abuse and neglect reporting, found at *Alabama Code*, § 26-14-1, *et seq.* (1975), begins by defining “abuse,” as follows:

Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. "Sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. *Id.* at § 26-14-1(1).

A “child” is defined as someone under the age of 18 years. The reporting of known or suspected child abuse is mandatory by hospitals, clinics, sanitariums, and medical professionals. Reports are also mandatory by teachers and school officials. *Id.* at § 26-14-3(2). Nothing in the statute or the case law indicates that the definition of teachers and school officials does not apply to higher education personnel. Mandatory reports are also required from peace officers and law enforcement officials, social workers, daycare workers, mental health professionals, members of the clergy, and any other person called upon to render aid or medical assistance to a child. Communications given to a member of the clergy in confidence and communications between an attorney and client remain privileged.

Permissive reporting is allowed by any other person who has reasonable cause to suspect that a child is being abused. *Id.* at § 26-14-4. All reports should be made to a “duly constituted authority,” which is defined as the chief of police of a municipality, the sheriff of an unincorporated territory, or an official of the Department of Human Resources. *Id.* at § 26-14-1(4).

The statute does not explicitly require the reporter to give his or her name when making the report. Anyone who makes a “good faith report” is immunized from liability. *Id.* at § 26-14-9. An individual who is required to make a report and who fails to do so is guilty of a misdemeanor. *Id.* at § 26-14-13.

It is certainly everyone's hope that the events at Penn State and Syracuse are isolated incidents. However, these events serve as a timely reminder about the utmost seriousness of the duty to properly report child abuse. There is no doubt that Alabama law requires the timely reporting by many categories of professionals and other individuals, including university officials, to designated authorities when a child is known or suspected to be a victim of abuse. As recent news stories illustrate, an individual with an obligation to report who fails to do so can expect to be implicated in the web of culpability associated with the abuse.