

1 HB604
2 138645-1
3 By Representatives Drake, Ball, Givan, Jackson, Williams (D),
4 Faust, Brown, Nordgren, Collins, Todd, Hall and Treadaway
5 RFD: Children and Senior Advocacy
6 First Read: 22-MAR-12

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8 SYNOPSIS: Under existing law, all hospitals, clinics,
9 sanitariums, doctors, physicians, surgeons, medical
10 examiners, coroners, dentists, osteopaths,
11 optometrists, chiropractors, podiatrists, nurses,
12 school teachers and officials, peace officers, law
13 enforcement officials, pharmacists, social workers,
14 day care workers or employees, mental health
15 professionals, members of the clergy as defined in
16 Rule 505 of the Alabama Rules of Evidence, or any
17 other person called upon to render aid or medical
18 assistance to any child, when the child is known or
19 suspected to be a victim of child abuse or neglect,
20 are required to report, or cause a report to be
21 made of the same, to a duly constituted authority.

22 This bill would provide that anyone with a
23 duty to report known or suspected child abuse shall
24 directly report to a duly constituted authority.
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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 26-14-3, Code of Alabama 1975,
4 relating to mandatory reporting of child abuse; to provide
5 that individuals mandated to report child abuse under the
6 mandatory child abuse reporting provisions shall directly
7 report to a duly constituted authority.

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

25 "(b) When an initial report is made to a law
26 enforcement official, the official subsequently shall inform
27 the Department of Human Resources of the report so that the

1 department can carry out its responsibility to provide
2 protective services when deemed appropriate to the respective
3 child or children.

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

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

25 "(e) Any provision of this section to the contrary
26 notwithstanding, if any agency or authority investigates any
27 report pursuant to this section and the report does not result

1 in a conviction, the agency or authority shall expunge any
2 record of the information or report and any data developed
3 from the record.

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

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.