



Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES

STATE
STATUTES
SERIES

Current Through
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Making and Screening Reports of Child Abuse and Neglect

All 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have laws and policies that specify procedures for making and responding to reports of suspected child abuse or neglect. All States require mandated reporters to make an immediate report when they suspect or know of abusive or neglectful situations.¹ In all jurisdictions, the initial report may be made orally to either the child protective services (CPS) agency or a law enforcement agency. In addition, the laws and

¹ See Child Welfare Information Gateway's *Mandatory Reporters of Child Abuse and Neglect* (2005), available at www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm.

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To find statute information for a particular State, go to www.childwelfare.gov/systemwide/laws_policies/search/

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download at www.childwelfare.gov/systemwide/laws_policies/statutes/repprocall.pdf

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Content of Reports

policies in all jurisdictions specify procedures for the initial response required by the agencies receiving the reports.

Most States specify in statute the kind of information that should be included in the report of suspected abuse or neglect. The reporter will be asked to provide as much information about the child's situation as he or she can, including the name and address of the child and the child's parents or other persons responsible for the child's care, the child's age, conditions in the child's home environment, and the nature and extent of the child's injuries.

Special Reporting Procedures

Some States also specify reporting procedures for special situations, such as the suspicious death of a child and cases of substance-exposed infants.

Specific reporting procedures to be followed in the event of a suspicious child death have been enacted in approximately 30 States, Puerto Rico, and 3 territories.² Typically, these statutes instruct a mandatory reporter to report a suspicious child death to a medical examiner or coroner. For States that do not have specific reporting procedures for suspicious child deaths, standard child abuse reporting procedures apply.

The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires States to have policies and procedures to address the needs of substance-exposed infants.³ Specific reporting procedures for cases of suspected substance-exposed infants are in place in approximately 15 States and the District of Columbia.⁴ In general, these statutes make drug exposure or a positive drug test alone the basis for reporting child abuse or neglect. Standard reporting procedures apply in those States that statutorily define infant drug exposure as child abuse

² Arkansas, California, Colorado, Connecticut, Florida, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New York, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, American Samoa, Guam, and the Northern Mariana Islands.

³ 42 U.S.C. 5106a(b)(2)(A)(ii).

⁴ Arizona, California, Hawaii, Illinois, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nevada, Oklahoma, Utah, and Washington.

Screening Reports

and neglect but have no specific reporting procedures for substance-exposed infants.⁵

In most States, the agency that receives a report of suspected child abuse or neglect will first screen the report to determine whether it meets the criteria for acceptance. For acceptance, the report must concern actions that meet the statutory definition of child abuse or neglect in that State.⁶ Typically, this will involve situations of harm or threatened harm to a child committed by a parent, guardian, or other person responsible for a child's care. Reports that do not meet the statutory criteria are screened out.

Reports that meet the criteria are screened in and accepted for investigation, usually by the State CPS agency. All States require CPS to initiate an investigation in a prompt and timely manner, generally within 72 hours. In addition, most States require investigations to be initiated immediately, in as little as 2 hours and no longer than 24 hours, when there is reasonable cause to believe that a child is in imminent danger.

The approaches used to screen reports vary from State to State, but nearly all States utilize some type of safety assessment to determine which reports require an immediate response. Approximately seven States categorize reports based on the level of risk of harm to the child and assign different response times.⁷ Eleven States use differential response systems in which more serious cases are assigned to be investigated, while less serious cases are assigned to family assessments.⁸

Investigations may be conducted by the child protective agency, a law enforcement agency, or cooperatively by both agencies, while family assessments are conducted by the child protection agency. In approximately 16 States and the Virgin Islands, cases of physical or sexual abuse may be investigated by a law

⁵ See Child Welfare Information Gateway's *Parental Drug Use as Child Abuse* (2005), available at www.childwelfare.gov/systemwide/laws_policies/statutes/drugexposed.cfm.

⁶ See Child Welfare Information Gateway's *Definitions of Child Abuse and Neglect* (2005), available at www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm.

⁷ Alabama, Georgia, Indiana, Missouri, New Mexico, Rhode Island, and Texas. The word *approximately* is used to stress the fact that the States frequently amend their laws. This information is current through April 2006.

⁸ Arizona, Delaware, Idaho, Kentucky, Louisiana, Minnesota, New Jersey, North Carolina, Oklahoma, Virginia, and Wyoming.

enforcement agency.⁹ In nine States, reports are referred to law enforcement agencies when the alleged perpetrator is a person other than the parent or other caretaker.¹⁰ Most States also require cross-reporting among professional entities. Typically, reports are shared among social services agencies, law enforcement agencies, and prosecutors' offices.¹¹

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 in agency regulations, case law, and informal practices and procedures.

⁹ Alaska, Arkansas, Florida, Illinois, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, North Carolina, North Dakota, Rhode Island, Texas, and Washington.

¹⁰ Alaska, Connecticut, Florida, Iowa, Louisiana, Michigan, New Mexico, North Carolina, and Texas.

¹¹ See Child Welfare Information Gateway's *Cross-Reporting Among Responders to Child Abuse and Neglect* (2005), available at www.childwelfare.gov/systemwide/laws_policies/statutes/xreporting.cfm.