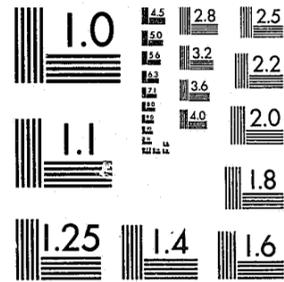


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Children's Bureau
National Center on Child Abuse and Neglect

CHILD ABUSE & NEGLECT

State Reporting Laws

75869

A Special Report from the National
Center on Child Abuse and Neglect

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TABLE OF CONTENTS

I. INTRODUCTION	1
II. REPORTING CHILD ABUSE AND NEGLECT	2
Purpose Clause	2
Reportable Circumstances	2
Definitions of Child Abuse and Neglect	3
Age Limits of Reportable Children	6
Who Must Report	6
Discretion Not to Report	7
Who May Report	10
Immunity for Participation in the Making of a Report	10
Immunity for the Retention or Removal of a Child	10
Immunity for the Taking of Photographs and/or X-rays	10
Statutory Authority to Take Photographs and/or X-rays	14
Abrogation of Privileged Communications	14
Religious Immunity or Exclusion	14
Penalty for Failure to Report	15
III. ROLE OF CHILD PROTECTIVE SERVICES AGENCY	17
Reporting Procedures	17
Mandated Action	17
Investigation of Institutional Abuse and Neglect	19
Central Registry	20
Confidentiality and Access to Records	22
Destruction, Sealing, Expunction, and Amendment of Central Registry Data	23
Education and Training	23
IV. JUDICIAL PROCEEDINGS	24
Protective Custody	24
Guardian Ad Litem or Legal Counsel for the Child	24
Legal Representation for the Parents and Agency	25
Reports as Evidence in Judicial Proceedings	25
V. SUMMARY	27
APPENDIX A: Footnotes for Tables	28
APPENDIX B: Bibliography	30
APPENDIX C: Statute Compilation: State Child Abuse and Neglect Statutes	35

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LIST OF TABLES

Table A. Who Reports 8
Table B. Immunity 11
Table C. Authority to Take X-rays and Photographs 12
Table D. Abrogation of Privileged Communications 13
Table E. Reporting Procedure 18
Table F. Central Registries Mandated by Statutes 21

I. INTRODUCTION

This report surveys key elements of the child abuse and neglect statutes of the 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands that were in effect on January 1, 1979. The report also considers statutory elements of the reporting requirements, the child protective services, and the judicial proceedings in each of these 55 jurisdictions. These laws are listed in a separate section at the end of the report.

We hope this report will aid community leaders and concerned individuals who are seeking to improve state laws. We also hope the convenient summary of the present state of the law also will be useful to those who monitor trends in child abuse and neglect statutes and who wish to keep abreast of this dynamic area of the law. In this regard, similar prior studies of child abuse and neglect statutes are included in the bibliography.

The National Center on Child Abuse and Neglect wishes to acknowledge the work of Marlene H. Alderman of Hermer and Company, who prepared the report under Contract Number HEW-105-78-1101.

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II. REPORTING CHILD ABUSE AND NEGLECT

The enactment of child abuse and neglect reporting laws by state legislatures began in earnest in the early 1960's. It coincided with the first formalized medical profile of the abused or battered child and increasing community awareness of the extent of the problem. Workers dealing with families in crisis had become concerned not only with identification of the problem but also with treatment and prevention of the underlying causes and sought legislation to aid their efforts.

The idea of a child abuse reporting statute was first explored in 1962, and in 1963 a model reporting statute was proposed by the Children's Bureau of HEW. By 1965, two other models had been developed and were offered to the public.¹ Reporting statutes were enacted in 20 states by 1964 and in 49 states by 1966. Today all 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands have reporting laws.

This section examines several key elements of the statutes dealing with the reporting of suspected or known cases of child abuse and neglect. These are: the purpose of the state reporting laws, reportable circumstances, the definition of abuse and neglect, age limits of children, the required state of mind of the reporter, and who must and may report. Also discussed are immunity for reporting and other acts, abrogation of privileges, special exemptions, and the criminal and civil sanctions imposed for failure to report.

Purpose Clause

Forty-one jurisdictions now explicitly state a purpose in their reporting law. Almost all purpose clauses emphasize the protection of children.

The purpose of any reporting statute is threefold: first, to identify the child in peril as quickly as possible; second, to designate an agency to receive and investigate reports of suspected child abuse; and third, to offer, where appropriate, services and treatment.² The purpose clause in most states' reporting statutes includes a provision that encourages increased reporting of suspected cases of abuse and neglect, which is the first step in providing the greatest possible protection for children whose health and welfare may be adversely affected. Many purpose clauses also state that protective services will be provided to prevent further abuse. A majority of states also declare that the purpose of state intervention will be to preserve the unity and welfare of the family whenever possible, with services provided within the family environment.

Purpose clauses also are found in statutory provisions authorizing judicial proceedings. The purpose often stated is to provide judicial procedures in which the parties are assured a fair hearing and their constitutional and other legal rights are recognized and enforced. Another stated purpose is to separate clearly in the judicial process the abused or neglected child from the delinquent child and to provide appropriate and distinct options for the disposition and treatment of these children.

Reportable Circumstances

What circumstances or conditions must or may be reported? Every jurisdiction requires that suspected cases of child abuse be reported. Over the years states have broadened the concept of reportable circumstances by either expanding the definition of child abuse to include physical

injury, emotional harm, sexual abuse and exploitation, and neglect, or by expressly requiring circumstances in addition to child abuse to be reported.³

A few jurisdictions also require reports when one "observes the child being subjected to conditions or circumstances which would reasonably result in child abuse or neglect."⁵

All state laws are similar to the Model Child Protection Act in that they do not require a reporter to know or to be certain that a child has been abused or neglected.⁴ The degree of certainty most often expressed is "reason to believe" or "reasonable cause to believe or suspect," a standard based on the reasonable person's convictions.

Definitions of Child Abuse and Neglect

Each jurisdiction defines child abuse and neglect differently and many jurisdictions have more than one definition. These definitions are found not only in reporting laws but also in

REPORTING LAWS

Alabama - ALA. CODE §§ 26-14-1 to -13 (1975).
Alaska - ALASKA STAT. ch. 17, §§ 47.17.010 to .070 (1975), amended by ch. 17, §§ 47.17.030 (e), .040 (b), .070 (1) (Supp. 1978).
Arizona - ARIZ. REV. STAT. ANN. §§ 8-546, -546.02, -546.03 (1974); §§ 8-546.01, -546.04 (Supp. 1978); § 13-3620 (Supp. 1978).
Arkansas - ARK. STAT. ANN. §§ 42-807 to -818 (Repl. 1977).
California - CAL. PENAL CODE §§ 11161.5 to 11161.8, 11110 (West Supp. 1979); § 11162 (West 1970).
Colorado - COLO. REV. STAT. §§ 19-10-101 to -115 (Supp. 1978).
Connecticut - CONN. GEN. STAT. ANN. §§ 17-38a to -38c, -38f (Supp. 1978); § 17-38d (1975).
Delaware - DEL. CODE ANN. tit. 16, §§ 901 to 909 (Supp. 1978).
District of Columbia - D.C. CODE ANN. §§ 2-161 to -165, -167 (Supp. 1978); § 2-166 (1973); §§ 6-2101 to -2107, -2111 to -2119 (Supp. 1978).
Florida - FLA. STAT. ANN. § 827.07 (1976), amended by § 827.07 (Supp. 1979).
Georgia - GA. CODE ANN. § 74-111 (Supp. 1978); §§ 99-4301, -4302 (1976).
Hawaii - HAWAII REV. STAT. §§ 350-1 to -5 (1976), amended by § 350-1 (Supp. 1977).
Idaho - IDAHO CODE §§ 16-1601, -1602, -1619, -1620, -1629 (Supp. 1978).
Illinois - ILL. ANN. STAT. ch. 23, §§ 2051-2061. (Smith-Hurd Supp. 1978); ch. 51, § 5.1 (Smith-Hurd Supp. 1978).

Indiana - IND. CODE ANN. §§ 12-3-4.1-2 to -5 (Supp. 1978); § 12-3-2-14 (1976); § 12-3-2-15 (Supp. 1978); §§ 31-5.5-3-1 to -8 (Supp. 1978).
Iowa - IOWA CODE ANN. §§ 235A.1 to .24 (Supp. 1978).
Kansas - KAN. STAT. ANN. §§ 38-716, -719 (1973), amended by § 38-716 (Supp. 1978); §§ 38-717, -718, -720 to -724 (Supp. 1978).
Kentucky - KY. REV. STAT. §§ 199.011, .335, .990 (7)-(8) (Supp. 1978); § 199.430 (1975).
Louisiana - LA. REV. STAT. § 14:403 (A), B (1), B (4), C to I (1974); § 14:403 B (2), (3) (Supp. 1978).
Maine - ME. REV. STAT. tit. 22, §§ 3851 to 3860 (Supp. 1978).
Maryland - MD. CODE ANN. Art. 27, § 35A (1976 Repl. Vol.), amended by Art. 27, § 35A (Cum. Supp. 1978); Art. 72A, §§ 4 to 11 (Cum. Supp. 1978).
Massachusetts - MASS. GEN. LAW ANN. ch. 119, §§ 51A to 51G (1975), amended by ch. 119, §§ 51A to 51F (Supp. 1979); ch. 233, § 20, 20B (1975), amended by ch. 233, § 20B (Supp. 1979).
Michigan - MICH. COMP. LAWS ANN. §§ 722.621 to -636 (Supp. 1978), amended by §§ 722.622, .623, .628, .633, P.A. 252, 1978 Mich. Legis. Serv. (West) 759.
Minnesota - MINN. STAT. ANN. § 626.556 (Supp. 1979); § 245.813 (Supp. 1979).
Mississippi - MISS. CODE ANN. §§ 43-21-5, -11 (Supp. 1978); §§ 43-24-1 to -9 (Supp. 1978).
Missouri - MO. REV. STAT. §§ 210.110 to .165 (Supp. 1979).
Montana - MONT. REV. CODES ANN. §§ 10-1300, -1301, -1303 to -1308 (Supp. 1977).

¹ As reported in B. G. Fraser, "A Glimpse at the Past, A Gaze at the Present, A Glimpse at the Future: A Critical Analysis of the Development of Child Abuse Reporting Statutes," *Chicago-Kent Law Review* 54(1978):649-650 [hereinafter cited as Fraser], the three models were set forth in: Children's Bureau, U.S. Department of Health, Education, and Welfare, *The Abused Child-Principles and Suggested Language for the Reporting of the Physically Abused Child* (1963); American Medical Association, *Physical Abuse of Children-Suggested Legislation* (1965); Council of State Governments, *Program for Suggested State Legislation* (1965).

² Fraser, p. 651.

³ The reporting laws of 48 jurisdictions specifically include neglect as a reportable condition.

⁴ *Model Child Protection Act With Commentary*, draft, U.S. Department of Health, Education, and Welfare, Office of Human Development Services, Administration for Children, Youth and Families, Children's Bureau, National Center on Child Abuse and Neglect, August 1977, p. 17 [hereinafter cited as Model Act].

⁵ For example: Arkansas, Colorado, Idaho, Maine, Utah, West Virginia, American Samoa, and the Virgin Islands.

juvenile court laws, criminal codes, and welfare laws. Some jurisdictions define child abuse and neglect as a single concept; other jurisdictions have separate definitions for child abuse and child neglect. Statutory definitions of child abuse and neglect and distinctions between abuse and neglect are among the most controversial issues in the child protection area. One view of the controversy involving these definitions is found in the Model Child Protection Act commentary:

The time and effort spent in trying to distinguish between abuse and neglect serves no useful purpose. Differentiating between abuse and neglect neither establishes nor justifies service priorities; it only confuses the definition of what is reportable, thereby hindering accurate reporting, and detracting from the individualized handling of cases. A child may suffer

REPORTING LAWS (Cont.)

Nebraska - NEB. REV. STAT. §§ 28-1501 to -1508 (1975).
 Nevada - NEV. REV. STAT. §§ 200.501, .5011, .502, .503, .504, .5045, .505, .506, .507 (1977); §§ 432.100 to .130 (1977); §§ 49.185 to .275 (1977).
 New Hampshire - N.H. REV. STAT. ANN. §§ 169:37 to 45 (Repl. 1977).
 New Jersey - N.J. STAT. ANN. §§ 9:6-8.8 to .20 (1976), amended by §§ 9:6-8.10a, -8.10b (Supp. 1978).
 New Mexico - N.M. STAT. ANN. §§ 32-1-3, -15, -16 (1978).
 New York - N.Y. SOC. SERV. LAW §§ 411 to 428 (McKinney 1976), amended by §§ 412 (1), 422 (4), 423 (3) (McKinney Supp. 1978).
 North Carolina - N.C. GEN. STAT. §§ 110-116 to -123 (1978).
 North Dakota - N.D. CENT. CODE §§ 50.25.1-01 to -14 (Supp. 1977).
 Ohio - OHIO REV. CODE ANN. §§ 2151.421, .99 (Page Repl. Vol. 1976).
 Oklahoma - OKLA. STAT. ANN. tit. 21, §§ 845 to 848 (Supp. 1978).
 Oregon - OR. REV. STAT. §§ 418.740 to .775, .990 (6), (7) (Repl. Part 1977).
 Pennsylvania - PA. STAT. ANN. tit. 11, §§ 2201 to 2224 (Supp. 1978).
 Rhode Island - R.I. GEN. LAWS §§ 40-11-1 to -16 (1977).
 South Carolina - S.C. CODE ANN. ch. 10, §§ 20-10-10 to -100, -130 to -160, -190 (Supp. 1978).
 South Dakota - S.D. COMP. LAWS ANN. §§ 26-10-1.1, -10 to -12.3, -14 (1976); § 26-10-15 (Supp. 1978); § 19-2-1 (1967); §§ 19-2-3, -3.1, -5.1 (Supp. 1978).

Tennessee - TENN. CODE ANN. §§ 37-1201, -1202, -1204 (1977 Repl. Vol.); §§ 37-1203, -1205 to -1213 (Supp. 1978).
 Texas - TEX. FAM. CODE ANN. §§ 34.01 to .06 (1975), amended by §§ 34.02, .05 (Supp. 1978); §§ 34.07, .08 (Supp. 1978); § 35.04 (Supp. 1978).
 Utah - UTAH CODE ANN. §§ 78-3b-1 to -13 (Supp. 1978); § 55-15a-26 (Repl. Vol. 1974); § 55-15b-19 (Repl. Vol. 1974).
 Vermont - VT. STAT. ANN. tit. 13, §§ 1351 to 1356 (Supp. 1978).
 Virginia - VA. CODE §§ 63.1-248.1 to .17 (Supp. 1978).
 Washington - WASH. REV. CODE ANN. §§ 26.44.010 to .900 (Supp. 1977); § 5.60.060 (3), (4) (Supp. 1977); § 18.83.110 (Supp. 1977).
 West Virginia - W.VA. CODE §§ 49-6A-1 to -10 (Supp. 1978); § 49-7-1 (Supp. 1978).
 Wisconsin - WIS. STAT. ANN. §§ 905.04 (4) (e), .05 (1), (2), (3) (b) (1975); § 48.981, ch. 355, § 4, 1977-78 Wis. Legis. Serv. 1709.
 Wyoming - WYO. STAT. §§ 14-3-201 to -215 (1978); § 42-1-116 (1977).
 American Samoa - A.S. CODE tit. 21, ch. 29, §§ 2901 to 2914 (Supp. 1978).
 Guam - GUAM PENAL CODE § 273 (d), (e) (Supp. 1974); GUAM GOV'T. CODE § 9120, 1978 P.L. 14-137, 14th Legislature.
 Puerto Rico - P.R. LAWS ANN. tit. 3, § 211 m-r (Supp. 1977).
 Virgin Islands - V.I. CODE ANN. tit. 19, §§ 171 to 176 (1976), amended by tit. 19, §§ 171 to 183 (Supp. 1977).

serious or permanent harm and even death as a result of neglect. Therefore, the same reasons that justify the mandatory reporting of abuse require the mandatory reporting of child neglect.⁶

A survey of the definitions reveals a broad list of maltreatment that constitutes abuse and neglect, including battering; dependency; deprivation; abandonment; exploitation; overwork; emotional maltreatment; failure to provide necessities, proper supervision, or care; and excessive corporal punishment.

One common generalized expression of reportable maltreatment that appears in many statutes is "harm or threatened harm to a child's welfare by the acts or omissions of his parent or other person responsible for his welfare," which follows the language in the Model Act definition of "abuse or neglect."⁷ The term "harm or threatened harm" is usually further defined in the statutes. A typical definition of neglect is "a failure to provide, by those legally responsible for the care of the child, the proper or necessary support, education as required by law, or medical, surgical or any other care necessary for his well-being." Abuse is often defined as "any physical injury, sexual abuse or mental injury inflicted on a child other than by accidental means by a person responsible for the child's health or welfare." Several states specify a variety of specific manifestations of abuse, such as "skin bruising, bleeding, malnutrition, failure to thrive, burns, fractures of any bone, subdural hematoma or soft tissue swelling."

Over the years many states have broadened the concept of reportable abuse to include sexual abuse and exploitation and mental or emotional injury. A growing number of states also have specifically defined these terms. For example, almost all jurisdictions now include sexual abuse in their definition of child abuse. Maryland has defined sexual abuse in its reporting law as:

...any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy or unnatural or perverted sexual practices on a child...

MD. CODE ANN. Art. 27, § 35A(b)
(8) (Cum. Supp. 1978)

Florida has broadened its definition of abuse to include sexual exploitation:

"Abuse" or "maltreatment" also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child.

FLA. STAT. ANN. § 827.07(1)(b)
(Supp. 1979)

Over half of the jurisdictions include the element of mental or emotional injury in their definitions of child abuse. Wyoming defines mental injury as:

...an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his ability to function within a normal range of performance and behavior with due regard to his culture...

WYO. STAT. § 14-3-202(a)(ii) (1978)

This discussion of the definitions of abuse and neglect underscores a concern of many scholars in the field. Many feel that the variations in definitions from state to state lead to nonuniform reporting. And reporters, faced with the variations and ambiguities, cannot pinpoint what must be reported. As more states attempt to define by statute terms such as sexual abuse and mental injury, this problem should be minimized.

Corporal punishment can be defined as inflicted nonaccidental physical injury, and, as such, it would seem to fall within the typical statutory definition of child abuse. No state, however, prohibits parents from using reasonable corporal punishment in the upbringing of their children.⁸ Five states expressly permit the use of reasonable corporal punishment and note that it is not child abuse.⁹

⁶ Model Act, p. 17.

⁷ *Ibid.*, Section 4(b), p. 4.

⁸ Fraser, p. 652.

⁹ They are: Colorado, Ohio, Oklahoma, South Carolina, and Washington.

In addition, 26 jurisdictions have enacted laws that justify the use of physical force upon a minor by a person responsible for his care and supervision to the extent reasonably necessary to maintain discipline or to promote the welfare of the minor.¹⁰ These justification statutes may be used as a defense in criminal or civil proceedings brought against parents, guardians, and teachers for the use of physical force upon children. These statutes do not excuse or lessen the duty to report child abuse, and since they only justify the use of reasonable physical force, they should not preclude a judicial finding of child abuse in cases brought under the child protection laws.

Age Limits of Reportable Children

The federal Child Abuse Prevention and Treatment Act defines a child as a person under the age of 18 or the age specified by the child protection law of a state.¹¹ Fifty-four jurisdictions set the age limit of reportable children at 18 years or younger. Wyoming sets the reportable age limit at 16.

Several jurisdictions qualify their age limit or include separate considerations in their laws. Delaware and American Samoa include mentally retarded persons, regardless of age. Ohio sets the age at under 18 years or any crippled or otherwise physically or mentally handicapped child under 21. Washington's law applies to adult developmentally disabled persons, and Nebraska extends protection to incompetent or disabled persons. Tennessee's law refers to a person under 18 years or persons who are reasonably presumed to be under 18 years. North Dakota's law applies to a person who is under 18 years and is neither married and cohabiting with spouse nor in the military service. Texas refers to a person under 18 years who has not been married or had his disabilities of minority removed for general purposes.

Who Must Report

The earliest focus on mandatory reporting was directed at physicians. Their training and contact

with injured children singled them out as the group most likely to detect and report child abuse and neglect. Table A shows that every jurisdiction requires physicians to report child abuse. This is mandated either by specific mention of physicians or by a more general directive, such as "practitioners of the healing arts" or "any person."

A recent survey indicated that only 1.6% of the child abuse reports filed in the United States came from private physicians.¹² Physicians do not have daily access to young children, and, in most cases, a physician only sees a child when the injuries are so severe that they require immediate medical attention. Over the years, states have broadened the base of mandated reporters to include persons who have more frequent contact with children. Table A indicates which states require reports from other medical professionals, such as nurses, dentists, osteopaths, and interns; and which states also require nonmedical professionals, such as teachers and law enforcement and child care personnel, to report.

A comparison of categories of reporters in each state named in a 1973 report¹³ with the current categories in Table A shows the extent of the trend toward expansion of the scope of those who must report. As of January 1, 1979, reports from teachers or other school personnel are specifically mandated by 45 jurisdictions; thirty-one states required their reports in 1973. Today, 46 jurisdictions require reports of harm from social service workers, as opposed to 32 in 1973. In 1973, nurses were required to report in 38 states; currently the figure is 47. Twenty-five states and two territories currently mandate reports from coroners or medical examiners; only eight states required coroner's reports in 1973. The requirement for clergymen to report has expanded from three states to seven and attorneys are now included in four reporting laws, as opposed to two in 1973.

Nineteen jurisdictions currently mandate "any person" or "any other person" to report. In addition, a variety of persons not included in the categories in Table A are required to make reports. Arizona, Louisiana, and Missouri require reports

from any "other person with responsibility for the care of children." Florida requires reports from "any person, including, but not limited to . . . employees of a public or private facility serving children." Pennsylvania's law focuses on "any person who, in the course of their [sic] employment, occupation, or practice of their profession comes into contact with children." Alabama mandates reports from "any other person called upon to render aid or medical assistance to any child"; Oregon speaks of "any public or private official." North Dakota, West Virginia, and the Virgin Islands require reports from "any other medical professional." Virginia includes "any person licensed to practice medicine . . . and any professional staff person employed by a private or state-operated hospital, institution or facility which children have been committed to or placed in for care or treatment." California requires reports from "every person, firm, or corporation conducting any hospital in the state, or the managing agent thereof; or the person managing or in charge of such hospital, or in charge of any ward or part of such hospital, who receives a patient from a health care facility . . ."

One clause, which commonly appears in the reporting laws, requires medical staff to notify the person in charge of the institution, who, in turn, is responsible for the report. This requirement follows the language in Section 5(b) of the 1977 Model Act draft and is aimed at increasing administrative accountability and the establishment of reporting and follow-up procedures. The Arkansas statute, a typical example, reads:

Whenever such person is required to report . . . in his capacity as a member of the staff of a medical or public or private institution, school, facility or other agency, he shall immediately notify the person in charge . . . or his designated agent, who shall then become responsible for making a report or cause such report to be made. ARK. STAT. ANN. § 42-808 (Repl. 1977)

The New York statute does not completely shift the responsibility for reporting once a staff member notifies his superior:

Whenever such person is required to report under this title in his capacity

as a member of the staff of a medical or other public or private institution, school, facility, or agency, he shall immediately notify the person in charge of such institution, school, facility, or agency, or his designated agent, who then also shall become responsible to report or cause reports to be made. However, nothing in this section or title is intended to require more than one report from any such institution, school or agency. N.Y. SOC. SERV. LAW § 413 (McKinney 1976)

Another special clause, which is gaining favor in state laws, requires that child fatalities due to abuse and neglect be reported to medical examiners or coroners and district attorneys.¹⁴ The West Virginia law, which closely follows the language in section 7 of the Model Act draft, reads:

Any person or official who is required . . . to report cases of suspected child abuse or neglect and who has reasonable cause to suspect that a child has died as a result of child abuse or neglect, shall report that fact to the appropriate medical examiner or coroner. Upon the receipt of such a report, the medical examiner or coroner shall cause an investigation to be made and report his findings to the police, the appropriate prosecuting attorney, the local child protective service agency and, if the institution making a report is a hospital, to the hospital. W.VA. CODE § 49-6A-3 (Supp. 1978)

Discretion Not to Report

Two states give mandatory reporters discretion not to make a report under certain circumstances. The Maryland child neglect reporting law provides:

A person required to notify and report under the provisions of this section need not comply with the notification and reporting requirements of this section if:

¹⁰ They are: Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Kentucky, Louisiana, Maine, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, and Wisconsin.

¹¹ P.L. No. 93-247, January 31, 1974, as amended by Act of April 24, 1978, P.L. No. 95-266.

¹² *American Medical News*, December 19, 1977, p. 8.

¹³ V. De Francis and C. L. Lucht, *Child Abuse Legislation in the 1970's*, rev. ed., (Denver: The American Humane Association, Children's Division, 1974) p. 174.

¹⁴ Examples include: Arkansas, Maine, Massachusetts, Minnesota, Missouri, New York, Pennsylvania, Virginia, Washington, West Virginia, and American Samoa.

TABLE A
WHO REPORTS

States and Territories	WHO MUST REPORT															
	"Any Person" or "Any Other Person"	Physician	Nurse	Surgeon	Osteopath	Dentist	Resident	Intern	Hospital/Institution Personnel	Practitioner of Healing Arts ¹	Chiropractor	Optometrist	Podiatrist	Pharmacist	Mental Health Professional	Coroner/Medical Examiner
Alabama		X	X	X	X	X			X	X	X	X	X	X	X	X
Alaska		X	X	X	X	X			X	X	X			X	X	
Arizona		X	X	X	X	X	X	X		X		X		X	X	X
Arkansas		X	X	X	X	X	X	X						X	X	
California		X	X	X	X	X	X	X		X		X			X	X
Colorado		X	X	X	X	X	X	X		X		X		X	X	
Connecticut	X	X	X	X	X	X	X	X		X	X	X		X	X	
Delaware	X	X	X		X	X	X		X					X	X	
District of Columbia		X	X			X				X				X	X	
Florida	X	X	X													
Georgia		X	X		X	X	X					X		X		
Hawaii		X	X		X	X			X							X
Idaho	X	X	X			X	X									X
Illinois		X	X	X	X	X		X		X		X				X
Indiana	X															
Iowa		X	X	X	X	X	X	X	X	X	X	X		X		
Kansas			X			X	X	X	X					X		
Kentucky	X	X	X		X	X	X	X		X	X			X	X	
Louisiana	X	X	X			X	X	X								
Maine		X	X		X	X	X			X		X		X	X	
Maryland		X	X	X		X	X	X		X				X		
Massachusetts		X	X			X	X									X
Michigan		X	X			X										X
Minnesota								X	X							X
Mississippi		X	X			X	X	X								X
Missouri		X	X			X	X	X	X	X	X	X		X	X	
Montana	X	X	X													
Nebraska	X	X	X					X								
Nevada		X	X	X	X	X	X	X		X	X			X		
New Hampshire	X	X	X	X	X	X	X	X		X	X			X	X	
New Jersey	X															
New Mexico	X	X	X			X	X									
New York		X	X	X	X	X	X	X		X	X	X		X	X	
North Carolina		X	X	X	X	X	X	X		X	X	X		X	X	
North Dakota		X	X			X					X			X	X	
Ohio		X	X	X		X	X					X		X	X	
Oklahoma	X	X	X	X	X	X	X									
Oregon		X	X			X	X	X		X	X			X		
Pennsylvania		X	X		X	X	X	X		X	X	X		X	X	
Rhode Island	X								X		X			X	X	
South Carolina		X	X			X			X		X			X	X	
South Dakota		X	X	X	X	X	X			X	X	X		X	X	
Tennessee	X															
Texas	X															
Utah	X		X													
Vermont		X	X	X	X	X	X	X		X						X
Virginia			X			X	X		X					X		
Washington		X	X	X	X	X			X	X	X	X	X	X	X	
West Virginia						X								X		
Wisconsin		X	X	X		X		X		X	X			X	X	
Wyoming	X															
America Samoa		X	X	X	X	X	X	X		X	X	X		X	X	
Guam		X	X	X	X	X	X	X	X	X	X	X		X	X	
Puerto Rico	X	X	X			X	X	X	X	X				X		
Virgin Islands		X	X			X		X						X		

Numbers refer to explanatory notes in Appendix A.

*A state that does not specify categories of professionals that must report, but instead requires that every person or any person report, is checked only in this column.

TABLE A (Continued)
WHO REPORTS

WHO MUST REPORT											WHO MAY REPORT			
Teachers ²	Other School Personnel	Social Services Worker	Law Enforcement Officer	Peace Officer	Police Officers	Probation Officer	Parole Officer	Religious Healing ³ Practitioner	Child Care Institution/Worker	Clergyman	Attorney	Others ⁴	States and Territories	Permissive Reporting
X	X	X	X	X				X				X	Alabama	●
X		X		X				X				X	Alaska	●
X	X	X	X	X								X	Arizona	●
X	X	X	X	X				X					Arkansas	●
X	X	X		X		X		X	X	X		X	California	●
X	X	X						X	X			X	Colorado	●
X	X	X			X				X	X			Connecticut	●
X	X	X											Delaware	●
X	X	X	X						X				District of Columbia	●
X	X	X	X									X	Florida	●
X	X	X							X				Georgia	●
X	X	X	X						X				Hawaii	●
X	X	X							X				Idaho	●
X	X	X	X					X	X			X	Illinois	●
X	X	X											Indiana	●
X	X	X	X					X					Iowa	●
X	X	X	X										Kansas	●
X	X	X		X									Kentucky	●
X	X	X										X	Louisiana	●
X	X	X	X					X	X				Maine	●
X	X	X	X									X	Maryland	●
X	X	X	X			X	X						Massachusetts	●
X	X	X	X						X			X	Michigan	●
X	X	X	X						X				Minnesota	●
X	X	X	X						X	X			Mississippi	●
X	X	X	X	X				X	X	X		X	Missouri	●
X	X	X	X								X		Montana	●
X	X	X											Nebraska	●
X	X	X										X	Nevada	●
X	X	X	X						X	X	X	X	New Hampshire	●
X		X	X										New Jersey	●
X		X	X	X				X	X				New Mexico	●
X	X	X	X										New York	●
X	X	X	X						X			X	North Carolina	●
X	X	X	X						X			X	North Dakota	●
X	X	X							X	X		X	Ohio	●
X	X	X											Oklahoma	●
X	X	X							X	X	X	X	Oregon	●
X	X	X	X	X					X	X		X	Pennsylvania	●
X	X	X	X										Rhode Island	●
X	X	X	X						X	X			South Carolina	●
X	X	X	X										South Dakota	●
X													Tennessee	●
X													Texas	●
X													Utah	●
X	X	X	X	X	X	X	X					X	Vermont	●
X	X	X										X	Virginia	●
X	X	X	X	X	X				X	X		X	Washington	●
X	X	X	X						X	X		X	West Virginia	●
X	X	X	X							X			Wisconsin	●
X	X	X	X										Wyoming	●
X	X	X	X	X	X	X	X		X	X			America Samoa	●
X	X	X	X	X	X	X	X		X	X		X	Guam	●
X	X	X	X			X	X	X				X	Puerto Rico	●
X	X	X	X			X						X	Virgin Islands	●

(1) Efforts are being made or will be made to alleviate the conditions or circumstances which may cause the child to be considered a neglected child and it is concluded by the health practitioner, educator, social worker, or law enforcement agency or officer that these efforts will alleviate these conditions or circumstances; or

(2) The health practitioner, educator, social worker, or law enforcement agency or officer believes that the notification and reporting would inhibit the child, parent, guardian, or custodian from seeking assistance in the future and thereby be detrimental to the child's welfare.
MD. CODE ANN. Art. 72A, § 6(c)
(Cum. Supp. 1978)

The Maine reporting law states:

This subsection does not require any person to report when the factual bases for knowing or suspecting child abuse or neglect came from treatment of the individual for suspected child abuse or neglect, the treatment was sought by the individual for a problem relating to child abuse or neglect, and, in the opinion of the person required to report, the child's life or health is not immediately threatened.
ME. REV. STAT. Tit. 22, § 3853(1)
(Supp. 1978)

Who May Report

The last column in Table A shows the 32 jurisdictions which currently provide specific authorization for permissive reporting. Many states make no provision for permissive reporting because they mandate reporting by everyone.

Immunity for Participation in the Making of a Report

One of the eligibility criteria for state grants under the federal Child Abuse Prevention and Treatment Act is a provision extending "immunity

for persons reporting instances of child abuse and neglect from prosecution, under any state or local law, arising out of such reporting."¹⁵ This provision serves to encourage full reporting by removing the threat of legal action from reporters and, in particular, from medical professionals.

Table B shows that all 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands grant immunity from any liability, civil or criminal, for the making of a report. This chart also reflects the fact that most jurisdictions provide additional immunity for participation in any judicial proceeding resulting from the report.

Table B also indicates that the majority of jurisdictions qualify their grant of immunity with the requirement that the report be made in good faith. Twenty of these jurisdictions, however, include a presumption of the good faith of reporters. Arizona, Indiana, Louisiana, and North Dakota specifically withhold immunity from reporters if they are charged with or suspected of abusing or neglecting a child who is the subject of a report.

Immunity for the Retention or Removal of a Child

At least 17 jurisdictions explicitly extend the grant of immunity to any person participating in the temporary removal of a child pursuant to state law.¹⁶

Immunity for the Taking of Photographs and/or X-rays

Photographs, and especially X-rays, can be important to a diagnosis of alleged abuse or neglect and to preservation of the evidence for court action or provision of protective services. At least 16 jurisdictions grant immunity to persons participating in good faith in the taking of photographs of the areas of trauma visible on a child. Several jurisdictions extend this immunity to any person who takes such photographs; others extend the immunity only to mandatory reporters or persons authorized by the reporting laws to take photographs. Table B shows that 10 of these 16 jurisdictions also extend immunity to those performing X-ray examinations that are medically indicated.

¹⁵P.L. No. 93-247, January 31, 1974, Section 4 (b)(2)(A).

¹⁶They are: Alabama, Arkansas, Colorado, Florida, Illinois, Michigan, Missouri, New Jersey, New York, Pennsylvania, Utah, Virginia, Washington, Wyoming, American Samoa, Guam, and the Virgin Islands.

TABLE B
IMMUNITY

States and Territories	Civil and Criminal Immunity in Making of a Report	Immunity for the Taking of Photographs	Immunity for the Taking of X-rays	Immunity in Resulting Judicial Proceedings	Requirement of Good Faith	Good Faith Presumed
Alabama	X			X		
Alaska	X			X	X	
Arizona	X			X	X	
Arkansas	X	X				X
California	X			X	X	
Colorado	X	X	X	X		X
Connecticut	X			X	X	
Delaware	X			X	X	
District of Columbia	X			X	X	X
Florida	X	X	X	X		X
Georgia	X			X	X	
Hawaii	X			X	X	
Idaho	X			X	X	
Illinois	X	X	X	X		X
Indiana	X	X	X	X	X	X
Iowa	X			X	X	
Kansas	X			X	X	
Kentucky	X			X		
Louisiana	X			X	X	
Maine	X			X		X
Maryland	X			X	X	
Massachusetts	X				X	
Michigan	X	X ¹	X ¹			X
Minnesota	X				X	
Mississippi	X			X		X
Missouri	X	X	X	X	X	
Montana	X			X		X
Nebraska	X			X	X	
Nevada	X			X	X	
New Hampshire	X			X	X	
New Jersey	X			X	X	
New Mexico	X			X		X
New York	X	X				X
North Carolina	X			X	X	
North Dakota	X				X	X
Ohio	X			X		
Oklahoma	X			X	X	
Oregon	X			X	X	
Pennsylvania	X	X		X	X	X
Rhode Island	X			X	X	
South Carolina	X			X	X	X
South Dakota	X			X	X	
Tennessee	X					X
Texas	X			X	X	
Utah	X	X	X		X	
Vermont	X			X	X	
Virginia	X			X	X	
Washington	X			X	X	
West Virginia	X	X ²	X ²		X	
Wisconsin	X	X			X	X
Wyoming	X	X ³	X ³		X	X
America Samoa	X	X			X	X
Guam	X	X		X	X	X
Puerto Rico	X					
Virgin Islands	X	X ⁴	X ⁴		X	

Numbers refer to explanatory notes in Appendix A.

TABLE C

AUTHORITY TO TAKE X-RAYS AND PHOTOGRAPHS

States and Territories	Photographs	X-Rays	Notify of or forward to Child Protective Service	Taken at Public Expense
Alabama				
Alaska				
Arizona	X	X		
Arkansas	X	X	X	X
California				
Colorado	X	X	X	
Connecticut				
Delaware				
District of Columbia	X	X		
Florida	X	X	X	X
Georgia				
Hawaii				
Idaho				
Illinois	X	X		X
Indiana	X	X	X	X
Iowa	X	X	X	X
Kansas				
Kentucky	X	X		
Louisiana				
Maine				
Maryland				
Massachusetts				
Michigan	X	X	X	
Minnesota				
Mississippi				
Missouri	X	X	X	X
Montana				
Nebraska				
Nevada				
New Hampshire				
New Jersey	X	X	X	
New Mexico				
New York	X	X	X	X
North Carolina				
North Dakota				
Ohio	X	X		
Oklahoma				
Oregon	X			
Pennsylvania	X	X	X	
Rhode Island				
South Carolina	X	X	X	
South Dakota				
Tennessee				
Texas		X		
Utah	X	X	X	
Vermont				
Virginia	X	X		
Washington	X			
West Virginia	X	X	X	X
Wisconsin				
Wyoming	X	X		X
America Samoa	X	X	X	X
Guam	X	X	X	
Puerto Rico				
Virgin Islands	X	X	X	X

TABLE D
ABROGATION OF PRIVILEGED COMMUNICATIONS

States and Territories	All Privileges	Physician Patient	Husband-Wife	Any Similar Privileges	All But Attorney-Client	Social Workers	Psycho-Therapist-Patient Privileges	Ministers	Other ¹
Alabama					X				
Alaska		X	X						
Arizona		X	X		X	X			X
Arkansas		X	X		X			X	X
California									
Colorado		X	X						
Connecticut			X						
Delaware		X	X		X	X			X
District of Columbia ²		X	X						
Florida			X		X		X		
Georgia									
Hawaii		X	X						
Idaho		X	X		X			X	X
Illinois	X	X							
Indiana		X	X						
Iowa		X	X						
Kansas		X		X					
Kentucky			X		X				
Louisiana		X	X		X			X	X
Maine			X		X				
Maryland		X				X			X
Massachusetts			X				X		X
Michigan					X				
Minnesota		X	X						
Mississippi									
Missouri					X				
Montana		X		X					
Nebraska		X	X						
Nevada		X	X					X	X
New Hampshire					X				
New Jersey									
New Mexico		X		X					
New York		X	X	X		X			
North Carolina		X	X						
North Dakota			X		X				
Ohio		X							
Oklahoma		X		X					
Oregon		X	X						X
Pennsylvania		X	X						X
Rhode Island			X		X				
South Carolina			X						X
South Dakota		X	X				X		X
Tennessee			X				X		
Texas					X				
Utah		X							
Vermont									
Virginia		X	X						
Washington		X					X	X	
West Virginia			X		X				
Wisconsin		X	X						
Wyoming			X		X				
America Samoa		X	X		X			X	X
Guam		X		X					
Puerto Rico									
Virgin Islands			X		X				

Numbers refer to explanatory notes in Appendix A.

Statutory Authority to Take Photographs and/or X-rays

Table C indicates that at least 26 jurisdictions specifically authorize some persons or any person to take, or cause to be taken, photographs or X-rays of injury to a child without parental permission. Fifteen of these 26 jurisdictions are those which also specifically grant immunity for the taking of photographs. Ten of the 26 jurisdictions that authorize the taking of photographs or X-rays extend this authorization to any person required to report.¹⁷ The other jurisdictions extend the authorization to physicians or other medical personnel, law enforcement or social services personnel, or to any person responsible for the child abuse or neglect investigation.

Table C also indicates that 16 jurisdictions require the person authorized to take photographs and/or X-rays to notify the appropriate child protection service of their action or to forward any such evidence to that agency.

To encourage complete reporting and the preservation of evidence of harm, 11 jurisdictions explicitly authorize that the photographs and X-rays be taken at public expense.¹⁸

Abrogation of Privileged Communications

There are certain classes of communications between persons who stand in a confidential relationship with each other which the law will not permit to be divulged or will not allow inquiry into during a judicial proceeding, unless the person to be protected voluntarily waives the privilege. In order to make available all relevant evidence in a judicial proceeding, the laws of most jurisdictions make these legal restrictions on divulging confidential information inapplicable in child abuse and neglect cases.

Table D records the specific privileges excluded. The physician-patient privilege is explicitly excluded in 32 jurisdictions. Another 14 abrogate the physician-patient privilege by excluding "all" privileges or "all other privileges except the attorney-client privilege."

Some remaining jurisdictions exempt physicians by inference, by excluding, for example, "any privilege . . . provided for by professions or a code of ethics."

Explicit restrictions on the husband-wife privilege are found in more than 30 jurisdictions. Another 11 states restrict the husband-wife privilege by inferences such as exclusion of "all" privileges, "all other privileges except attorney-client," or "any similar privilege or rule against disclosure."

Four states specifically abrogate the confidential communications privilege for social workers. Six states restrict the minister-penitent communications privilege and five jurisdictions restrict the psychotherapist-patient privilege. Thirteen jurisdictions abrogate the privileges between other professionals, such as counselors, and their clients, or waive any privilege provided for by professions or a code of ethics.

Religious Immunity or Exclusion

The religious immunity or spiritual healing exemption has been the subject of widespread legislative activity. In its modern form, the clause qualifies a statutory definition of neglect or maltreatment:

. . . any child who does not receive specific medical treatment by reason of the legitimate practice of the religious belief of said child's parents, guardian, or others legally responsible for said child, for that reason alone, shall not be considered to be an abused or neglected child. . .
MO. REV. STAT. § 210.115(3)
(Supp. 1979)

Despite some commentators' characterization of these clauses as an impediment to the protection of children,¹⁹ legislative adoption of the clause has increased from 11 jurisdictions in 1974 to 44 jurisdictions today.

¹⁷They are: Arkansas, Iowa, New York, Ohio, Pennsylvania, South Carolina, West Virginia, American Samoa, Guam, and the Virgin Islands.

¹⁸Florida requires reimbursement from the parent, guardian, or custodian of the child for the cost of X-rays and photographs.

¹⁹See, for example, De Francis, *Child Abuse Legislation in the 1970's*, p. 17.

They are:

- | | |
|----------------------|---------------|
| Alabama | Michigan |
| Alaska | Minnesota |
| Arizona | Mississippi |
| Arkansas | Missouri |
| California | Nevada |
| Colorado | New Hampshire |
| Connecticut | New Jersey |
| Delaware | New York |
| District of Columbia | Ohio |
| Florida | Oklahoma |
| Georgia | Oregon |
| Hawaii | Pennsylvania |
| Idaho | Rhode Island |
| Illinois | South Dakota |
| Indiana | Utah |
| Iowa | Vermont |
| Kansas | Virginia |
| Kentucky | Washington |
| Louisiana | West Virginia |
| Maine | Wisconsin |
| Maryland | Wyoming |
| Massachusetts | Guam |

Three states, Arizona, Connecticut, and Washington, limit the exception to Christian Science practitioners. Many other states limit the exception to treatment in accordance with the tenets and practices of a recognized or well-recognized church or religious denomination.

In an attempt to balance the conflict between the parents' right to religious freedom and the child's right to live, some states have modified the clause. Alabama, Florida, Kansas, Kentucky, Maine, Michigan, Missouri, and Rhode Island, for example, explicitly authorize courts to order medical treatment when the child's health requires it.²⁰ Even without explicit statutory authorization, a court might still have the power to authorize necessary medical treatment.²¹

Penalty for Failure to Report

While it is generally maintained that complete reporting ultimately rests with the concerned response of the community, an additional motivation for reporting abuse and neglect is the penalty

provision. At this writing the following 45 jurisdictions impose a criminal penalty for failure to report:

- | | |
|----------------------|----------------|
| Alabama | New Jersey |
| Arizona | New Mexico |
| Arkansas | New York |
| California | North Dakota |
| Colorado | Ohio |
| Connecticut | Oklahoma |
| Delaware | Oregon |
| District of Columbia | Pennsylvania |
| Florida | South Carolina |
| Georgia | South Dakota |
| Indiana | Tennessee |
| Iowa | Texas |
| Kansas | Utah |
| Kentucky | Vermont |
| Louisiana | Virginia |
| Maine | Washington |
| Massachusetts | West Virginia |
| Michigan | Wisconsin |
| Minnesota | American Samoa |
| Missouri | Guam |
| Nebraska | Puerto Rico |
| Nevada | Virgin Islands |
| New Hampshire | |

Failure to report is generally a misdemeanor. The typical penalties range from a low of 5 to 30 days in jail and/or a \$10 to \$100 fine to as high as a year in jail and/or a \$1,000 fine. The basis of liability giving rise to a penalty is most often expressed in state law as a "knowing" or "willful" failure to report. The requirement of proving a willful failure to report beyond a reasonable doubt makes the likelihood of a successful prosecution very unlikely. Despite the widespread provision for penalties, there are no reported cases of a criminal prosecution for failure to report an abused or neglected child.

Another incentive for complete reporting is the exposure of mandated reporters to civil liability for damages proximately caused by their failure to report. Five jurisdictions, Arkansas, Colorado, Iowa, New York, and American Samoa, provide for civil liability, in addition to a criminal penalty.

The most celebrated case of civil liability for failure to report is a 1976 California Supreme

²⁰For appellate court decision summaries in cases involving parental refusal to provide medical care see: E. W. Browne and L. Penny, *The Non-Delinquent Child in Juvenile Court: A Digest of Case Law* (Reno, Nevada: National Council of Juvenile Court Judges, 1974) pp. 9-13.

²¹See, for example, *In the Matter of Sampson*, 29 N.Y. 2d 900, 278 N.E. 2d 919 (1972).

Court decision,²² which held that a doctor who fails to report a child abuse victim can be exposed to liability for subsequent injuries to the child on a theory of medical malpractice. The case involved an 11-month-old girl. She was released by the defendant doctor to her parents after an examination, despite signs of brutality evidenced by unexplained fractures, bruises, and lacerations. The court held that whether a physician's required standard of care included properly diagnosing and treating the battered child syndrome was a question to be decided by a jury on the basis of expert

testimony, and not as a matter of law. The issue of whether the intervening injuries were reasonably foreseeable by a prudent physician was held to be a fact to be decided from trial testimony.²³

Another California case, resulting in a \$600,000 settlement, arose when a father brought an action on behalf of his 3-year-old son who had suffered permanent brain damage after repeated beatings by the custodial mother's boyfriend. The child was allegedly examined by four doctors before he was reported as a battered child.²⁴

²² *Landeros v. Flood*, 17 Cal. 3d 399, 551 P.2d 389, 131 Cal. Rptr. 69 (1976).

²³ See J. N. Clymer, "The Battered Child—A Doctor's Civil Liability for Failure to Diagnose and Report," *Washburn Law Journal* 16 (Winter 1977): 543-551; N. J. Lehto, "Civil Liability for Failing to Report Child Abuse," *Detroit College of Law Journal* (Spring 1977): 135-166; W. T. Curran, "Failure to Diagnose Battered-Child Syndrome," *New England Journal of Medicine* 296 (April 7, 1977): 795-796.

²⁴ *The Capital Times*, November 1, 1972, p. 16.

III. ROLE OF PROTECTIVE SERVICES AGENCY

Reporting Procedures

Table E lists the various procedures that reporters are required to follow. Nearly all jurisdictions require immediate action in reporting. The breakdown of procedures in the jurisdictions is: 25 require oral reports to be followed by written reports; four merely require oral reports; two allow the reporter to choose between oral or written reports; 17 require oral reports to be followed by written reports, if requested; and eight require reports, but do not specify the procedure in the reporting law.

Oral reports are to be made "immediately," "promptly," or "as soon as possible." The time within which written reports must follow oral reports ranges from 24 hours to 7 days. The purpose of the oral report is to permit the receiving agency to take immediate protective action if the child's life or health is in danger. The purpose of the written report is to provide a foundation for the investigation and a written record of the report.²⁵

States vary somewhat on the required contents of the report. Typically, the reporter is required to state, if known, the names and addresses of the child and his parents or person having custody of the child and the nature and extent of the child's injuries, including evidence of previous injuries or neglect. A commonly used catch-all phrase reads: "Any other information that the person making the report believes may be helpful in establishing the cause of the injury . . . and protecting the child."

Many states require that the reporter make an accusatory report or name the person allegedly responsible for the harm. Others, such as Connecticut and Hawaii, avoid a direct mandate to name the suspected perpetrator by requiring the reporter

only to name the "person responsible for the care of the child, if available." Some, such as Arkansas, require both.

To facilitate oral reporting, many local communities and states have established toll-free, 24-hour-a-day reporting hotlines. A number of states established these hotlines through legislation.²⁶ The hotline simplifies the reporting procedure and provides a trained person to receive the call.

A trend has developed in which the statutes designate a single agency to be responsible for the receipt and subsequent investigation of reports of child abuse and neglect. Table E indicates that many states now require that reports be made directly to the local or state social services department. In 1974, 13 jurisdictions named a department of social services to be the sole receiver of reports.²⁷ More than 25 currently name the social services department as the sole receiver. A few continue to require reports to be made only to law enforcement agencies, and many jurisdictions allow reporters to choose between two or more agencies, typically the social services department or a local law enforcement agency. Thirteen jurisdictions also require or allow reports to be made to other persons or agencies, such as the state's attorney, district court, probation services office, or a person or agency designated to be responsible for the protection of children.

Mandated Action

The majority of state laws require the agency receiving the report of abuse or neglect to initiate an investigation "immediately," "promptly," or "within 48 hours" and to take appropriate action to protect the child. The trend in recent years has been to develop specific guidelines for the

²⁵ Fraser, p. 660.

²⁶ Examples include: Arkansas, Maine, Massachusetts, Minnesota, Missouri, New York, Pennsylvania, Virginia, West Virginia, and American Samoa.

²⁷ De Francis, *Child Abuse Legislation in the 1970's*, p. 178.

TABLE E
REPORTING PROCEDURE

States and Territories	Orally, Followed By Writing	Time When Writing is Due	As Soon As Possible (ASAP) or Not Specified (NS)	Orally Only	Orally or In Writing	Orally, Then In Writing If Requested	Time When Due, If Requested	Procedure Not Specified	Receipt of Report Social Services Agency	Law Enforcement Agency	Other Agency
Alabama	X		NS						X	X	X
Alaska								X	X ⁶		
Arizona								X	X	X	
Arkansas						X	48 hours		X		
California	X	36 hours							X	X	X
Colorado	X		NS						X	X	
Connecticut	X ¹	72 hours							X	X	
Delaware						X	NS ³		X		
District of Columbia						X	NS		X	X	
Florida	X		ASAP						X		
Georgia						X	NS		X ⁷		
Hawaii	X		ASAP						X		
Idaho								X ⁴		X	
Illinois	X	24 hours							X		
Indiana				X					X	X	
Iowa	X ²	48 hours							X		
Kansas						X	NS				X
Kentucky						X	48 hours		X ⁸		
Louisiana	X	5 days							X	X	
Maine						X	48 hours		X		
Maryland	X	48 hours							X	X	
Massachusetts	X	48 hours							X		
Michigan	X	72 hours							X		
Minnesota	X		ASAP						X	X	
Mississippi	X		ASAP						X		
Missouri	X	48 hours							X		
Montana								X	X		X
Nebraska	X		NS							X	
Nevada	X		ASAP						X	X	X
New Hampshire						X	48 hours		X		
New Jersey								X	X		
New Mexico								X	X		X
New York	X	48 hours							X ⁹		X
North Carolina					X				X		
North Dakota					X	X	48 hours		X		
Ohio						X	NS		X	X	X
Oklahoma	X		ASAP						X		
Oregon				X					X	X	
Pennsylvania	X	48 hours							X		
Rhode Island	X		NS						X		
South Carolina				X					X	X	
South Dakota				X					X		X
Tennessee								X	X	X	X
Texas	X	5 days							X	X	X
Utah						X	48 hours		X	X	
Vermont	X	7 days							X		
Virginia	X		NS						X		
Washington						X	NS		X	X	
West Virginia						X	48 hours		X		
Wisconsin						X	NS		X	X	
Wyoming						X	NS		X	X	
America Samoa						X	48 hours				X
Guam	X	48 hours							X		
Puerto Rico								48 ⁵	X		
Virgin Islands						X	48 hours				X

Numbers refer to explanatory notes in Appendix A.

investigation. The Arkansas law, a typical example, states:

The investigation shall include the nature, extent and cause of the child abuse, sexual abuse or neglect; the identity of the person responsible therefore; the names and conditions of other children in the home; and evaluation of the parents or persons responsible for the care of the child; the home environment and the relationship of the child(ren) to the parents or other persons responsible for their care; and all other pertinent data. ARK. STAT. ANN. § 42-813(b) (Repl. 1977)

To accomplish these objectives, many states authorize the investigation to include a visit to the child's home, a physical examination of the child, and an interview with the child. If admission to the child's place of residence cannot be obtained, state laws may specifically authorize the court with juvenile jurisdiction, upon good cause shown, to order the person responsible for the child's care to allow the interview, examination, and investigation.

The social services department also is authorized in many states to enlist the assistance of law enforcement agencies or other state agencies in its investigation.

The central element of the investigation is a determination of whether there is probable cause to believe that the child who is the subject of the report is abused or neglected. Expressions of a discernible standard to determine the validity of a report vary from state to state. Some states, such as Oregon, require "reasonable cause to believe." New York requires "some credible evidence of the alleged abuse or maltreatment." Other states, such as South Carolina, require a determination that a report is either "indicated" or "unfounded"; an indicated report is one "supported by facts which warrant a finding that abuse or neglect is more likely than not to have occurred."

If the investigation indicates that child abuse or neglect has occurred, the social services department must determine what services and further action would be appropriate. The Wyoming law, for example, states:

The local child protection agency shall: . . . (iv) if the investigation discloses that child abuse or neglect is present, initiate services with the fam-

ily of the abused or neglected child to assist in resolving problems that lead to or caused the child abuse or neglect. WYO. STAT. § 14-3-204(a) (1978)

If the investigation indicates that there is reasonable cause to believe the child is in immediate danger, many states, such as Massachusetts and Connecticut, authorize the immediate removal of the child from his surroundings.

The investigating department may also be given discretion or mandated to forward a copy of its findings to an appropriate agency for possible legal action. The Wyoming law, for example, states:

The local child protection agency shall: . . . (vi) when the best interest of the child require court action, contact the county and prosecuting attorney to initiate legal proceedings. WYO. STAT. § 14-3-204(a) (1978)

To assist the social services department with identification, investigation, and disposition of reported cases of child abuse and neglect, several states have legislatively established child protection teams. The teams are comprised of members with a variety of expertise, such as social services workers, physicians, nurses, attorneys, mental health professionals, and lay representatives of the community. The responsibilities of the team vary from state to state. In several states, such as Massachusetts, Michigan, Missouri, Pennsylvania, South Carolina, and Utah, the social services department has the option of utilizing the team's expertise. The department may ask the team to assist in investigations and in the planning and providing of protective services. In other states, such as Tennessee, the team is required to review each report of suspected child abuse and make recommendations to the department of social services, and is permitted to file a petition in the juvenile court on behalf of an abused child.

Investigation of Institutional Abuse and Neglect

Institutional child abuse and neglect generally refers to situations in which the person responsible for a child's welfare is not the biological parent. These include foster homes, private institutions, or government residential facilities. The incidence of child maltreatment in such settings is not insignificant. Many states have attempted to insure that investigations will be independent and thorough when the agency responsible for the investigation is related administratively to the institution in

which the alleged harm took place. A growing number of states have incorporated clauses into their legislation to insure independence in investigations.²⁸ Other states have adopted administrative procedures to implement this standard. Examples of the language used in the laws are:

If there is reasonable cause to suspect that a child in the care of or under the control of a public or private agency, institution, or facility is an abused or neglected child, the agency, institution, or facility shall be investigated by an agency administratively independent of the agency, institution, or facility being investigated.
MICH. COMP. LAWS ANN. § 722.628(4) (Supp. 1978)

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the juvenile and domestic relations court of the county or city where the abuse or neglect was discovered...
VA. CODE § 63.1-248.3(A) (Supp. 1978)

Central Registry

In 1966, only four states had legislation establishing a central registry of reported cases of child abuse and neglect.²⁹ By 1973, 33 states had established a central registry.³⁰ Table F illustrates the 44 jurisdictions that have legislatively provided for a central registry system as of January 1979. In addition, several jurisdictions maintain a centralized record of child abuse reports as a matter of administrative policy.³¹

Except in California, where the registry is within the Department of Justice, all state laws place central registries somewhere within the structure

of the state department of welfare or social services. Most jurisdictions provide for one registry located at the state level. A few states, such as New York and Tennessee, require both state and county registries.

The central registry has many potential uses. Information on incidents of suspected child abuse and neglect can assist medical and protective services personnel in properly diagnosing maltreatment and in determining the extent of danger to a child. Follow-up information can provide a record of how cases are handled and assist in evaluating the effectiveness of protective services. As a source of research data, the registry provides information and statistics on the extent of child abuse and neglect and the impact of various treatment efforts on behalf of the child and the family.

Several states have incorporated these concepts in their central registry statutes. The District of Columbia's law states:

The purposes of the Register are to:

- (1) maintain a confidential index of cases of abused and neglected children;
 - (2) assist in the identification and treatment of abused and neglected children and their families; and
 - (3) serve as a resource for the evaluation, management, planning of programs and services...
- D.C. CODE ANN. § 2111(b) (Supp. 1978)

Proponents of the central registry, however, acknowledge the widespread failure of these systems in fulfilling their "diagnostic, case monitoring and statistical function."³² Insufficient staffing and office space, as well as inefficient methods of relaying reports to the registry, play roles in this failure.

Twenty-eight of the jurisdictions that have legislated central registries specify what categories

²⁸ Examples include: Alabama, District of Columbia, Florida, Georgia, Indiana, Kansas, Michigan, Minnesota, Nevada, Oklahoma, Pennsylvania, South Carolina, Utah, Vermont, Virginia, West Virginia, Wisconsin, Guam, Puerto Rico, and the Virgin Islands.

²⁹ They were: California, Illinois, Maryland, and Virginia.

³⁰ De Francis, *Child Abuse Legislation in the 1970's*, pp. 13, 18, 178.

³¹ They include: Georgia, Indiana, Kansas, Kentucky, Minnesota, North Dakota, and West Virginia.

³² D. J. Besharov, "Putting Central Registers to Work," *Children Today* 6(September-October 1977):9-13.

TABLE F
CENTRAL REGISTRIES MANDATED BY STATUTES

States and Territories	Central Registry Mandated by Statute	Statute Silent About Types of Reports in Registry	Only Initial Reporter's Report Included	Reports Describing Results of All Investigations Included	Reports Describing the Results of "Founded" or "Indicated" Investigations Included	Reports Describing Results of All Investigations & Initial Reports Included	Follow-up Reports Included	Other Information Authorized to be Included
Alabama	X					X	X	X
Alaska	X			X				
Arizona	X					X		
Arkansas	X					X	X	X
California	X		X ⁴					
Colorado	X	X						
Connecticut	X		X					
Delaware	X ⁷							
District of Columbia	X				X ⁶		X	X
Florida	X			X				
Georgia								
Hawaii	X	X						
Idaho	X	X						
Illinois	X		X					
Indiana								
Iowa	X					X	X	
Kansas								
Kentucky								
Louisiana	X	X						
Maine								
Maryland	X	X ⁶						
Massachusetts	X ¹							
Michigan	X	X						
Minnesota								
Mississippi	X ²							
Missouri	X					X	X	
Montana	X	X						
Nebraska	X		X					
Nevada	X			X			X	X
New Hampshire	X	X						
New Jersey	X	X						
New Mexico								
New York	X					X	X	X
North Carolina	X	X						
North Dakota								
Ohio	X	X						
Oklahoma	X			X				
Oregon	X				X			
Pennsylvania	X				X		X	
Rhode Island	X	X						
South Carolina	X				X			
South Dakota	X ³							
Tennessee	X ²							
Texas	X	X						
Utah	X					X	X	X
Vermont	X				X		X	
Virginia	X	X						
Washington	X	X						
West Virginia								
Wisconsin	X			X				
Wyoming	X ⁸				X			X
American Samoa	X					X	X	X
Guam	X				X		X	X
Puerto Rico								
Virgin Islands								

Numbers refer to explanatory notes in Appendix A.

of information should or can be placed in the registry. The Arkansas statute, for example, states:

The central registry shall contain, but shall not be limited to: all information in the written report; record of the final disposition of the report including services offered and accepted; the plan for rehabilitative treatment; the names and identifying data, dates and circumstances of any person requesting or receiving information from the registry; and any other information which might be helpful in furthering the purposes of this Act.
ARK. STAT. ANN. § 42-818(3)
(Repl. 1977)

Table F indicates that four states place only the initial reporter's report in the central registry. Oregon and South Carolina include only the reports of all "founded" or "indicated" investigations while four other jurisdictions include these reports and follow-up reports. Four states include all investigation reports, and Nevada includes all investigation reports plus follow-up reports. Arizona retains all initial reports and investigation reports. Nine jurisdictions authorize the inclusion of "other" information. Fifteen jurisdictions do not describe the categories of data to be placed in the registry.

Confidentiality and Access to Records

In addition to operational problems, the potential for infringement of privacy in central registry systems is ever-present, despite efforts to keep registry information current and accurate. This risk often is compounded by a failure to inform the subjects of reports of the existence of the file or its contents. In response to privacy considerations, most states have a provision in their laws declaring the confidential nature of records. This trend has gained added impetus because of the federal Act's eligibility criteria provision for methods "to preserve the confidentiality of all records."³³

A majority of states also have legislated penalties for any breach of the confidentiality of re-

ports, a federal requirement in order for a state to qualify for grants. The offense is typically a misdemeanor and punishable by fine, imprisonment, or both. Some states, such as Iowa and West Virginia, specifically include provisions imposing civil liability for damages resulting from a breach of the confidentiality of records.

One common approach to the confidentiality issue is for state law to authorize the department of social services to regulate entry, retention, and access to records. Another approach is to enumerate in the statute those parties with authorization to see records. Although this varies from state to state, most statutes are consistent with the federal regulations³⁴ and allow the following agencies and persons to have access to child abuse and neglect records: child protective agencies investigating reports of child abuse and neglect or treating a child or family which is the subject of a report; law enforcement agencies investigating reports; physicians or persons authorized to place a child in protective custody when such persons have before them a child whom they reasonably suspect may be abused or neglected; any person named in the report who is alleged to be abused or neglected or, if he is a minor or otherwise incompetent, his guardian ad litem; a parent or guardian named in the report; a court; a grand jury; any appropriate state or local official responsible for child protective services and legislation; and persons engaged in bona fide research.

Due to the potential research value of registry information, access to researchers has been provided, but the authorization usually is narrowly confined. For example:

Reports . . . shall only be made available to: . . . (h) any person engaged in a bona fide research purpose, provided, however, that no information identifying the subjects of the report shall be made available to the researcher unless it is absolutely essential to the research purpose and the state board of social welfare gives prior approval.
N.Y. SOC. SERV. LAW § 422(4)
(McKinney Supp. 1978)

Destruction, Sealing, Expunction, and Amendment of Central Registry Data

Twenty jurisdictions that have established central registries by statute have provided in their reporting laws for the destruction, sealing, expunction, or amendment of information in these data systems.³⁵ Other states may have administrative procedures or other statutes that regulate the handling of records held by state agencies.

Sealing records means merely closing them by putting them in a sealed binding or in a locked file. Sealed records are not destroyed, so there is the possibility that they may be unsealed at a later time. Expunction is the physical erasure or obliteration of information. This material cannot be retrieved later although the document or file from which the information was removed often survives. Amending a record involves the adding or subtracting of information in a file in light of new information or corrections brought to the attention of the agency responsible for maintaining the files.

The circumstances that necessitate the destruction, sealing, expunction, or amendment of registry information vary from state to state. Several states, such as Iowa, New Hampshire, and Vermont, destroy all records if the investigation indicates that a report is unfounded, while other jurisdictions, such as Arkansas, Florida, Massachusetts, New York, and Pennsylvania, retain the unfounded report but expunge names and other identifying information. Arizona and Vermont destroy the records when the child who is the subject of the report reaches the age of 18. A few states, such as Arkansas, Nevada, and New York, seal all records no later than when the subject reaches the age of 28. Instead of sealing or destroying records, several states provide for the expunction of identifying information when certain conditions, such as the termination of services, have been met.

Only a few jurisdictions, such as the District of Columbia, New York, Pennsylvania, and South Carolina, require that persons listed in the central

registries be told that they are in the data system. These states also require that subjects be told of their right to challenge the contents of their files. In several other states, for example, Arkansas, Iowa, and Michigan, subjects have the right to request amendment, sealing, or expunction of their records. At least ten jurisdictions give subjects the right to a hearing if their request to change a record is denied.³⁶

Education and Training

"Ultimately," according to the Model Act commentary, "the key to more effective prevention, identification, and treatment of child abuse and neglect . . . is the support of an informed and aware citizenry and the capable efforts of concerned professionals."³⁷

A growing number of jurisdictions have endorsed this approach by legislatively mandating state or local agencies to operate training programs for persons who work in the area of child abuse and neglect, and publicity and education programs for the public, staff personnel, persons required to report, and others.³⁸ The Wisconsin law, a typical example, states:

The department and county agencies to the extent feasible shall conduct continuing education and training programs for state and county department staff, persons and officials required to report, the general public and others as appropriate The department and county agencies shall develop public information programs about child abuse and neglect.
Ch.355, § 11, 1977-78 Wis. Legis. Serv. 1713

Section 4(b)(2) of the federal Act describes such provisions for the dissemination of information as an element of its eligibility criteria.

³³ P.L. No. 93-247, January 31, 1974, Section (4)(b)(2)(E).

³⁴ 45 C.F.R. 1340.3-3(d)(5).

³⁵ They are: Arizona, Arkansas, Colorado, District of Columbia, Florida, Iowa, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New York, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Wisconsin, Wyoming, and American Samoa.

³⁶ They include: Arkansas, Colorado, Iowa, Maryland, Michigan, New York, Pennsylvania, Utah, Vermont, and American Samoa.

³⁷ Model Act, Section 26, p. 103.

³⁸ For example: California, Florida, Georgia, Indiana, Iowa, Kansas, Michigan, Missouri, New York, Pennsylvania, South Carolina, South Dakota, Virginia, West Virginia, Wisconsin, American Samoa, Guam, and the Virgin Islands.

IV. JUDICIAL PROCEEDINGS

Protective Custody

The previous chapter briefly mentioned the provisions found in state reporting laws that allow the emergency removal and temporary custody of children without parental consent or decree of the court in order to protect the child from further abuse or injury.

Most jurisdictions authorize police to remove from the home a child in imminent danger of extreme abuse. A growing number of states now extend this protective custody power to child protection agencies.³⁹ An even greater number of jurisdictions extend protective custody powers to hospitals when a physician believes it is necessary to retain the child in order to protect him from further injury.⁴⁰ The authorization usually limits the custodial period from 24 to 72 hours or until the next session of a family or juvenile court.

Most states limit the circumstances in which a child can be placed in protective custody. States that allow removal without a court order require that authorized persons have reasonable cause to believe the child is in imminent danger and that there is not time to secure a court order. Similar limitations are imposed by the Fourth Amendment to the Constitution, which prohibits unreasonable seizures. In states that require a court order prior to removal, the person requesting the order must establish that immediate harm may occur to a child unless the order is issued.

Most states require that the parents of children taken into custody be notified immediately and that a petition be filed for a formal hearing within some fixed period of time. These requirements attempt to balance the rights of the parents and the welfare of the child. The issue of parental rights versus the welfare of the child is still a controversial one in child protection law.

³⁹ For example: Alabama, Alaska, Arizona, Arkansas, Connecticut, Florida, Maryland, Massachusetts, Montana, New Jersey, New York, Texas, Virginia, and American Samoa.

⁴⁰ For example: Alabama, Arkansas, Connecticut, Florida, Illinois, Kentucky, Michigan, Missouri, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, Wyoming, American Samoa, Guam, and the Virgin Islands.

⁴¹ S. N. Katz, R. W. Howe, and M. McGrath, "Child Neglect Laws in America," *Family Law Quarterly* 9(Spring 1975):5.

Another restriction, which attaches to the protective custody process in a growing number of states, prohibits placing abused or neglected children in any adult detention facility. Several states also forbid placing abused or neglected children in any detention facility.

Guardian Ad Litem or Legal Counsel for the Child

Section 4(b)(2)(G) of the federal Act requires that states, in order to be eligible for federal grants from the National Center on Child Abuse and Neglect, "provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child." The court gives this person the power and the duty to represent the interests of the child in these court proceedings.

Often the interest of the parents and the child conflict in child protection proceedings. It is this built-in conflict which has led some commentators to hold the following view:

The traditional legal adversary system assumes that the only way to judicial truth is through competing lawyers who each advance his own client's cause with the judge as referee. It is questionable whether such a system can effectively result "in the best interests" of the child if there is no independent counsel for the child.⁴¹

While the federal Act does not define the qualifications or function of the guardian ad litem,

eleven states require that only a lawyer can serve in this capacity.⁴² Twenty other jurisdictions require the appointment of a guardian ad litem in child abuse and neglect proceedings but do not specify any qualifications for appointment.⁴³ Nine states do not mention guardian ad litem but do require that a lawyer be appointed to represent the child's interests in these proceedings.⁴⁴ South Carolina provides for the appointment of both a guardian ad litem and legal counsel to represent the child. Many states have specific conditions or requirements in their statutes providing for a lawyer or guardian ad litem, or only provide for such appointment at the discretion of the court.⁴⁵

Section 25 of the draft Model Act⁴⁶ suggests that a child should be represented by an independent attorney who also serves as the child's guardian ad litem. The section reads:

(a) Any child who is alleged to be abused or neglected in a juvenile court [family or other similar civil court] proceeding shall have independent legal representation in such proceeding. If independent legal representation is not available, the court shall appoint counsel to represent the child at public expense. The attorney representing a child under this section shall also serve as the child's guardian ad litem unless a guardian ad litem has been appointed by the appropriate court.

⁴² They are: Alabama, District of Columbia, Florida, Idaho, Kansas, New Jersey, New York, North Carolina, Pennsylvania, Virginia, and Wisconsin. New Jersey specifies that the law guardian be employed by the Office of Public Defender. Florida provides for the appointment of a guardian ad litem from the office of the public defender, or, if there is a conflict of interest, the appointment of a member of the bar.

⁴³ They are: Alaska, Arkansas, Colorado, Delaware, Georgia, Iowa, Maine, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Rhode Island, South Carolina, Utah, American Samoa, Puerto Rico, and the Virgin Islands.

⁴⁴ They are: Arizona, California, Connecticut, Michigan, Nevada, New Hampshire, Oklahoma, South Dakota, and West Virginia.

⁴⁵ For example: Hawaii—the court has the power to appoint a guardian; Illinois—unless the guardian ad litem is an attorney, the minor shall be represented by counsel; Indiana—the court may appoint a guardian ad litem, who need not be an attorney but may be an attorney; Louisiana—the court may also appoint an attorney to represent the sole interest of the child; Maryland—the court may appoint an attorney; Montana—the court may appoint a guardian ad litem; Oregon—the court may appoint some suitable person to appear in behalf of the child; Tennessee—the guardian ad litem may not be a party to the proceeding or his employee or representative; Texas—the court may appoint a guardian ad litem....The court may appoint an attorney to represent the interests of a minor child in which a guardian ad litem has not been appointed; Vermont—the court shall appoint a guardian ad litem or counsel; Washington—the requirement of a guardian ad litem is satisfied if the child is represented by counsel; Wyoming—the court shall appoint counsel....Any attorney representing a child shall also serve as the child's guardian ad litem unless a guardian ad litem has been appointed by the court; Guam—any child may be represented by legal counsel.

⁴⁶ Model Act, Section 25, p. 98.

Legal Representation for the Parents and Agency

Although the parents' right to counsel is well established in criminal actions resulting from alleged child abuse and neglect, the right to counsel in civil proceedings in juvenile court is not so widely recognized. Nevertheless, over one half of the states, including Arizona, California, Connecticut, Rhode Island, South Carolina, and Utah, do provide in their statutes for appointment of counsel for the parents, if they are indigent.

Many commentators feel that child protection agencies are at an unfair disadvantage if they appear in proceedings without counsel, especially if the parents are represented by counsel. In addition, full representation of all parties avoids any inclination by the court to advocate an unrepresented party's interests and confines the court to an unbiased assessment of all the evidence. Some states, such as Rhode Island and South Carolina, do require that an attorney assist a child protective services agency appearing in child abuse and neglect proceedings. Others, such as Colorado, leave appointment of counsel to the discretion of the court. The statutes specify whether the state attorney, local district attorney, or the agency's own attorney will represent it in court.

Reports as Evidence in Judicial Proceedings

Reports made pursuant to the child protection laws can be useful evidence in judicial proceedings concerning child abuse and neglect. Several juris-

dictions, such as Arkansas, Colorado, Illinois, and American Samoa, specifically provide that such reports are admissible in evidence. Other jurisdictions do not expressly provide for admission, but do state that the report shall not be excluded

on the grounds that the matter is the subject of a privilege or a rule against disclosure.⁴⁷ Whether the report is admissible may depend on the stage of the litigation, i.e., fact-finding or disposition, at which it is offered.⁴⁸

V. SUMMARY

In the last 15 years, state child abuse and neglect law has been one of the most active areas of legislative adoption and amendment. It is an area which continues to generate activity. As this report documents, similarities among states are at least as great as the differences so often commented on.

Evidence of this legislative activity is reflected in the findings of earlier surveys.⁴⁹ Between 1967 and 1970, 27 states and two territories passed amendments modifying one or more basic elements of their child abuse and neglect statutes; 18 of these were in the reporting laws. Between 1970 and 1973, 38 jurisdictions enacted substantive amendments. In the last two years, more than 30 have amended some characteristic of their reporting laws. More than 20 have enacted amendments to their judicial proceedings and criminal codes. Significant changes have been enacted since April 1977 in the District of Columbia, Indiana, Kansas, Maryland, Mississippi, Montana, North Carolina, Oklahoma, South Carolina, and Utah, to name a few. The number of jurisdictions having a similar approach to any single feature of child protection laws does not remain static for long.

Similarly, although two years after passage of the Child Abuse and Neglect Prevention and Treatment Act of 1974 only 28 states were eligible to receive state grants under the terms of the Act,⁵⁰ by 1978, 40 states, American Samoa, Guam, Puerto Rico, and the Virgin Islands qualified for grants from the National Center on Child Abuse

and Neglect.⁵¹ The fiscal year 1978 total of grants, conditional grants, and supplements approached \$5 million. National Center grants to eligible states from 1974 to 1978 have reached a total of \$12,740,639.

Trends noted in earlier surveys have continued. Most prominent among these is the expansion of the categories of mandated reporters and a broadening of the concept of reportable abuse and neglect. Another trend shows the extension of immunity to reporters and the imposition of criminal and civil sanctions for failure to report. A growing number of states now are directing reports of abuse and neglect to social service agencies and mandating the operation of central registries, with specific requirements for access to records and penalties to ensure confidentiality. Another significant trend in this area is the legislative requirement that a guardian ad litem be appointed by a court to independently represent the best interest of the child in abuse and neglect proceedings. States also have begun, through their legislation, to mandate or encourage the use of multidisciplinary child protection teams.

The purpose of the child protection laws is to increase the reporting of children in peril and to institute more comprehensive services on behalf of those children and their families. There are no simple answers, but these steps, identification and treatment, are vital to elimination of child abuse and neglect.

⁴⁷For example: Kansas, Nevada, New Mexico, Oklahoma, and Guam.

⁴⁸See *In the Interest of J.C.*, 251 S.E. 2d 299 (Ga. 1978).

⁴⁹De Francis, *Child Abuse Legislation in the 1970's*, p. 7.

⁵⁰*Ibid.*, p. i.

⁵¹The following states have not yet met all of the eligibility requirements to qualify for a grant under Section 4(b)(2) of P.L. No. 93-247, as amended by P.L. No. 95-266: Alaska, Arizona, Idaho, Indiana, Maryland, Montana, Nevada, Oregon, Pennsylvania, and Wisconsin. New Mexico did not receive a grant in 1978.

Appendix A

FOOTNOTES FOR TABLES

TABLE A — *Who Reports*

1. Jurisdictions requiring reports of child abuse from "Practitioners of the Healing Arts" imply that all medical professionals must report. If a statute enumerates specific medical professionals, in addition to "practitioners," these were checked in the appropriate column as well. Similarly, some states require reports of abuse from "any person, such as...or including, but not limited to...." In such cases, each party listed was checked as well as the "Any Other Person" column.

2. The following have been designated under both the "Teacher" and "Other School Personnel" column because of the statutes' inference: Arizona, Colorado, Delaware, Iowa, Nebraska, and Oregon refer to school personnel or employees; Minnesota refers to "a professional or his delegate who is engaged in the practice of...education."

3. All jurisdictions checked in the "Religious Healing Practitioner" column, except for Alaska, California, and Ohio, refer to Christian Scientists. South Carolina and West Virginia refer to both Christian Scientists and religious healing practitioners.

4. Other specifically named persons not listed by a separate heading in Table A, but required to report include: Alabama — sanitarian; Alaska — health aide, physical therapist, and Officers of the Division of Corrections; Colorado — child health associates; Illinois — truant officer, social services administrator, and Illinois Department of Public Aid; Kentucky — health professional; Maryland — professional employee of a correctional institution and state trooper; Massachusetts — guidance or family counselor; Michigan — audiologist; Missouri — juvenile officer; New Hampshire — therapist; North Carolina — public health worker; Ohio — speech pathologist or audiologist; Oregon — employee of the Department of Human Resources, county health department, community mental health program, and county juvenile department; Vermont — physician's assistant; Washington — employee of the department of social and health services.

TABLE B — *Immunity for Reporters*

1. Michigan's immunity section extends to "assisting in any other requirement of this act," and §

722.626 (1), (2) (Supp. 1978) authorizes physicians to detain endangered children in protective custody and to take X-rays and photographs.

2. West Virginia's immunity extends to "any act permitted or required by this article," and § 49-6A-4 authorizes any person required to report to take photographs and X-rays at public expense.

3. Wyoming's immunity extends to "any act required or permitted" and § 14-3-206(c) allows any person investigating, examining, or treating suspected child abuse or neglect to take photographs and X-rays.

4. The Virgin Islands' immunity extends to "any act permitted or required by this chapter," and § 175 authorizes mandatory reporters to take photographs and X-rays; § 176 (a) authorizes police and physicians to take protective custody of children.

TABLE D — *Abrogation of Privileged Communications*

1. The thirteen jurisdictions included in the "Other" column are: Arizona and Delaware — "any privilege...provided for by professions such as nursing covered by law or a code of ethics regarding practitioner-client confidences...;" Arkansas, Idaho, Pennsylvania, and American Samoa — "any privilege...between any professional person...including...counselors, hospitals, clinics, day care centers, and schools and their clients;" Louisiana and South Carolina — "any privilege...between any professional person and his client...;" Maryland — "every health practitioner, educator or...law enforcement officer, who contacts, examines, attends, or treats a child and who believes...the child has been abused is required to make a report...notwithstanding any other section...relating to privileged communications...;" Massachusetts — "any privilege established...by court decision or by profession code relating to the exclusion of confidential communications and the competency of witnesses...;" Nevada — "shall not be excluded on the grounds that the matter would be privileged... under chapter 49 of Nevada Revised Statutes (which includes accountant-client, lawyer-client, school counselor and teacher-student)...and the news media privilege...;" Oregon — "the privilege

extended to staff members of schools and to nurses...;" and South Dakota — "school counselor and student."

2. The District of Columbia excludes the physician-patient and husband-wife privileges...provided that the Division determines such privilege should be waived in the interest of public justice."

TABLE E — *Reporting Procedure*

1. Connecticut — In addition to § 17-38a (c), which is reflected in Table E, Connecticut law has several variations in its reporting procedure: § 17-38b states that "Any of the persons...described in subsection (b) of section 17-38a having reasonable cause to believe that any child...is in danger of being abused, but who does not have reasonable cause to suspect any such abuse has actually occurred, shall immediately cause a written report to be made..." And § 17-38c states that "Any person other than those enumerated in subsection (b) of section 17-38a having reasonable cause to suspect or believe that any child...is in danger of being abused or neglected...or has been so abused or neglected shall immediately cause a written or oral report to be made..."

2. Iowa — "...Each report made by a mandatory reporter...shall be made both orally and in writing. Each report made by a permissive reporter...may be oral, written, or both..."

3. Delaware — "...in accordance with the rules and regulations of the Division of Social Services..."

4. Idaho — "...within twenty-four hours..."

5. Puerto Rico — "...by the quickest means of communication, within a period of not more than 48 hours after the minor's condition is known."

6. Alaska — "If the person making a report...cannot reasonably contact the nearest office of the department, and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer..."

7. Georgia — "...to a child welfare agency providing protective services...or, in the absence of such agency, to an appropriate police authority..."

8. Kentucky — "...to the Bureau...If the person making the report has reason to believe that immediate protection for the child is advisable, the person shall also make an oral report to an appropriate law enforcement agency."

9. New York — "...Oral reports...to the statewide central register...unless the...local plan...provides that oral reports should be made to the local child protective service... Written reports shall be made to the appropriate child protective service..."

TABLE F — *Central Registries Mandated by Statutes*

1. The central registry contains "data sufficient to identify children whose names are reported..."

2. The central registry contains only the name, address, and age of each child; the nature of the harm reported; and the name and address of the person responsible for the care of the child.

3. The central registry contains reports of court actions only.

4. The central registry contains reports of physical injury only as well as arrests for, and convictions of, violation of § 273a.

5. The central registry contains the initial reports of "founded" or "indicated" investigations also.

6. The name of any person may not be entered unless he has been adjudicated a child abuser, has unsuccessfully appealed the entry through Department procedures, or has failed to respond to notification that his name would be entered.

7. "Information concerning each case of abuse or neglect" is included.

8. The central registry contains reports "under investigation," "founded," or "closed."

Appendix B

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Appendix C

STATUTE COMPILATION

STATE CHILD ABUSE AND NEGLECT STATUTES*

Alabama — ALA. CODE §§ 26-14-1 to 13 (1975); § 38-1-1 (1975); § 38-2-6 (Supp. 1978); §§ 12-15-1 to -71 (1975); §§ 44-3-1 to -6 (Supp. 1978); § 30-4-51 (1975); § 13-1-113 (1975); § 26-15-1 to -4 (Supp. 1978).

Alaska — ALASKA STAT. ch. 17, §§ 47.17.010 to .070 (1975), amended by ch. 17, §§ 47.17.030 (e), .040(b), .070(1) (Supp. 1978); ch. 10, §§ 47.10.010(a), (c), .050, .080, .142, .290 (1975), amended by ch. 10, §§ 47.10.010(a), .050, .080, .142, .290 (Supp. 1978); ch. 35, §§ 11.35.010 (Supp. 1978); ch. 40, § 11.40.090 (Supp. 1978).

Arizona — ARIZ. REV. STAT. ANN. §§ 8-546 to -546.04 (1974), amended by §§ 8-546.01 (C) (3), (D), -546.04(A) (Supp. 1978); §§ 13-3613, -3619, -3620 (Supp. 1978); §§ 8-201, -201.01, -202, -225, -226, -241, -531 to -544 (1974), amended by §§ 8-241, -535 (Supp. 1978); § 8-223 (Supp. 1978); § 12-2458 (Supp. 1978).

Arkansas — ARK. STAT. ANN. §§ 42-807 to -818 (Repl. 1977); § 83-109(2), (9) (Repl. 1976); § 5-912(6) (Repl. 1976); §§ 45-401 to -444, -448 (Repl. 1977); §§ 41-2405, -2407, -2408 (Repl. 1977).

California — CAL. PENAL CODE §§ 11161.5 to 11161.8, 11110; §§ 270, 273a, 273b, 273d, (West Supp. 1979); § 11162 (West 1970); CAL. WELF. & INST. CODE §§ 300 to 395, 726, 727, 10850, 16500 to 16502, 18275 to 18289, 18950 to 18950.3 (West Supp. 1979); §§ 16504 to 16509; §§ 18250 to 18253 (West 1972); CAL. CIV. CODE §§ 203, 237 (West 1971); §§ 232 to 239 (West Supp. 1979); CAL. HEALTH & SAFETY CODE §§ 306.5, 320.5, 320.7 (West Supp. 1979).

Colorado — COLO. REV. STAT. §§ 19-10-101 to -115 (1978); §§ 19-1-101 to -104, -106, -114 (1978); § 19-2-103 (1978); §§ 19-3-105, -111 (1978); §§ 19-4-101 to -103 (1978).

Connecticut — CONN. GEN. STAT. ANN. §§ 17-38a to -38c, 38f (Supp. 1978); §§ 17-38d, -39, -40 (1975); §§ 17-38e, -32, -32c, -32d, -47a (Supp. 1978); §§ 51-301, -302, -310, -316(b), -317 (Supp. 1978); § 45-54 (Supp. 1978); §§ 53-20, -21, -23 (1960); P.A. 77-577, § 1, 1977 Conn. Legis. Serv. 1154.

Delaware — DEL. CODE ANN. tit. 16, §§ 901 to 909 (Supp. 1978); tit. 31, §§ 301 to 305 (1974); tit. 10, §§ 901, 921 (1)-(9), 922, 924, 925, 932, 933, 936, 937, 940 to 942, 950 (1974), amended by tit. 10, §§ 901, 921, 933, 937, 950 (Supp. 1978); tit. 11, §§ 1101, 1102, 1104 (1974), amended by § 1102 (Supp. 1978); tit. 11 § 1103 (Supp. 1978); Family Court Rules, Rule 60(a) (1974).

District of Columbia — D.C. CODE ANN. §§ 2-161 to -165, -167 (Supp. 1978); § 2-166 (1973); §§ 6-2101 to -2107, -2111 to -2135 (Supp. 1978); § 3-116 (1973); §§ 3-114, -117 (Supp. 1978); §§ 16-1001 to -1006, -2301, -2303 to -2305, -2309 to -2311, -2315, -2320 (1973), amended by §§ 16-2301, -2304, -2305, -2309 to -2311, -2315, -2320 (Supp. 1978); §§ 16-2332, -2336 to -2338 (Supp. 1978); § 11-1101 (13) (1973); §§ 22-901, -902 (1973).

Florida — FLA. STAT. ANN. § 827.07 (1976), amended by § 827.07 (Supp. 1979); § 409.145 (1973), amended by § 409.145 (Supp. 1979); § 828.03 (Supp. 1979); §§ 39.001, .01, .40, .402, .4035, .405, .406, .407, .408, .411 (Supp. 1979); §§ 827.01 to .06 (1976), amended by §§ 827.04, .05, .07 (Supp. 1979); §§ 775.082, .083,

*Statutes include reporting laws, child welfare laws, juvenile court laws and criminal laws in effect on January 1, 1979. State reporting laws also appear on pages 10, 11, and 12.

.084 (1976), amended by §§ 775.082, .083 (Supp. 1979).

Georgia — GA. CODE ANN. § 74-111 (Supp. 1978); §§ 99-4301, -4302 (1976); §§ 99-202, -203, -209, -211, -214(1), (m), (n) (1976); §§ 99-903b to -917b (Supp. 1978); §§ 24A-101, -201, -301, -302, -401, -1301, -1401, -1402, -1403, -2001, -2301, -3201, -3301 (1976), amended by §§ 24A-301, -401, -1402, -1403, -1404, -3201 (Supp. 1978); §§ 74-108(3), (6) to -110 (1974); §§ 74-9902, -9905 (Supp. 1978); § 26-2801 (Supp. 1978).

Hawaii — HAWAII REV. STAT. §§ 350-1 to -5 (1976), amended by § 350-1 (Supp. 1977); §§ 346-1, -10, -11, -14, -55 (1976), amended by §§ 346-1, -10, -11, Act 105 (1978), ADV. SESS. LAWS REP. (CCH) 411, 417; §§ 571-1, -2, -11, -13, -14, -31, -32, -41, -44, -48, -61 to -63 (1976); §§ 709-903, -904 (1976); § 551-2 (1976); S.R. 404 (1977), ADV. SESS. LAWS REP. (CCH) 67.

Idaho — IDAHO CODE §§ 16-1601 to -1605, -1608 to -1610, -1612 to -1621, -1623 to -1625, -1629, -2007 (Supp. 1978); §§ 56-204A, -204B (1976); § 5-306 (1948); §§ 18-401, -403, -1501 (Supp. 1978).

Illinois — ILL. ANN. STAT. ch. 23, §§ 2051 to 2061, 2359, 2361, 2368, 2370, 5005, 5035.1 (Smith-Hurd Supp. 1978), amended by ch. 23, § 5005, P.A. 80-1124, 1978 Ill. Legis. Serv. (West) 238 and P.A. 80-1364, 1978 Ill. Legis. Serv. (West) 713; ch. 23, § 2360 (Smith-Hurd 1968); ch. 51, § 5.1 (Smith-Hurd Supp. 1978); ch. 37, §§ 702-1, -4, -8; § 703-1; §§ 704-1, -6; §§ 705-7, -9 (Smith-Hurd 1972); § 701-20; § 703-2; §§ 704-2, -5, -8; §§ 705-2, -8, -10 (Smith-Hurd Supp. 1978), amended by ch. 37, § 701-20, P.A. 80-1364, 1978 Ill. Legis. Serv. (West) 722 and ch. 37, § 704-5, P.A. 80-1163, 1978 Ill. Legis. Serv. (West) 321.

Indiana — IND. CODE ANN. §§ 12-3-4.1-2 to -6 (Supp. 1978); § 12-3-2-14 (1976); § 12-3-2-15 (Supp. 1978); §§ 31-5.5-3-1 to -9 (Supp. 1978); § 12-1-1-1, § 12-1-2-3, § 12-1-3-4, § 12-1-8.1 (1976); §§ 12-3-3-1, -2 (1976); §§ 31-5-3-10, 11 (Supp. 1978); §§ 31-5-7-1, -3, -6, -7, -9, -12, -12.2, -15, -21, -23 (1976); §§ 31-3-1-6, -7 (1976); §§ 31-5.5-2-1 (Supp. 1978); § 33-12-2-3 (Supp. 1978); §§ 31-6-4-3 to -6, -8, -10 to -19 (Supp. 1978); §§ 35-46-1-1, -4, -5 (Supp. 1978); Ind. Rules of Trial Procedure, Rule 17C (1973).

Iowa — IOWA CODE ANN. §§ 235A.1 to .24 (Supp. 1978); § 238.32 (Supp. 1978); §§ 232.7, .15, .17, .18, .19, .28, .33 (1969), amended by § 232.33 (3)-(5) (Supp. 1978); §§ 232.2, .11, .29,

.32 (Supp. 1978); §§ 600A.1 to .9 (Supp. 1978); §§ 726.3, .4, .6, 1978 Crim. Laws Pamph.

Kansas — KAN. STAT. ANN. §§ 38-716, -719 (1973), amended by § 38-716, (Supp. 1978); §§ 38-717, -718, -720 to -724, -802, -806, -815, -819 to -825 (Supp. 1978); § 39-713c (Supp. 1978); §§ 75-5322 to -5324 (1977); §§ 21-3604, -3605, -3608, -3609 (1974), amended by § 21-3605 (Supp. 1978).

Kentucky — KY. REV. STAT. §§ 199.011, .335, .460, .603, .990 (7)-(8) (Supp. 1978); § 199.430 (1975); § 194.090 (4), (7) (Supp. 1978); §§ 208.010, .020, .060 (3) (a), .80, .200, .990 (Supp. 1978); § 208.120 (1975); §§ 530.030 to .060 (1975), amended by § 530.050 (Supp. 1978).

Louisiana — LA. REV. STAT. §§ 14:403 A, B (1), B (4), C to I (1974); §§ 14:403 B (2), (3) (Supp. 1979); § 46.65 (Supp. 1979); §§ 13:1569, 1580, 1583, 1600 to 1605 (Supp. 1979); Act 172, Arts. 14, 15, 17, 25, 30, 34, 40, 60, 114 to 121, 1978 La. Sess. Law Serv. (West) 554; § 14:92.1 (1974); §§ 14:74, 93 (Supp. 1979).

Maine — ME. REV. STAT. tit. 22, §§ 3701, 3703, 3713, 3792, 3793, 3803, 3851 to 3860, 3891-A to -F (Supp. 1978); tit. 17A, §§ 106, 552 to 554 (Supp. 1978); tit. 19 §§ 218, 481 (Supp. 1978).

Maryland — MD. CODE ANN. Art. 27, § 35A (1976 Repl. Vol.), amended by Art. 27, § 35A (Cum. Supp. 1978); Art. 27, § 88 (Cum. Supp. 1978); Art. 27, § 96 (1976 Repl. Vol.); Art. 72A, §§ 4 to 11 (Cum. Supp. 1978); Art. 88A, §§ 1, 3, 6 (1976 Repl. Vol.), amended by Art. 88A § 3 (Cum. Supp. 1978); MD. CTS. & JUD. PRO. CODE ANN. §§ 3-801, -802, -804, -814, -815(e), -818, -820 to -822, -831, -834 (Cum. Supp. 1978).

Massachusetts — MASS. GEN. LAW ANN. ch. 119, §§ 1, 22 to 26, 29, 39, 51A to 51G (1975) amended by §§ 23, 24, 26, 29, 51A to 51F (Supp. 1979); ch. 233, §§ 20, 20B (1975) amended by ch. 233, § 20B (Supp. 1979); ch. 273, § (Supp. 1979); ch. 28A, §§ 1, 4 (1973); ch. 209A, §§ 1 to 6 (Supp. 1979).

Michigan — MICH. COMP. LAWS ANN. §§ 722.621 to .636 (Supp. 1978), amended by §§ 722.622, .623, .628, .633, P.A. 252, 1978 Mich. Legis. Serv. (West) 759; § 400.1 (Supp. 1978); § 400.14, P.A. 87, 1978 Mich. Legis. Serv. (West) 321; §§ 722.532, .561 to .565 (1968); §§ 712A.1, .14, .17 (1968); §§ 712A.2 (b) (1), (2), .15, .18, .19a (Supp. 1978); §§ 750.135, .136, .136a (1968).

Minnesota — MINN. STAT. ANN. § 626.556 (Supp. 1979); § 245.813 (Supp. 1979); §§ 256.01, .12 (9), (14) (1971) amended by §§ 256.01, (2), (6), (8), .12 (10), (15) (Supp. 1979); § 257.175 (1971), § 393.07 (1), (2) (Supp. 1979); §§ 260.011, .015 (1), (2), (4), (6)-(14), .111, .151, .155 (2), .165, .191, .221, .231, .241, .255 (1971), amended by §§ 260.015 (9), (10), .111, .151 (1), .191, .221, .231, .241 (4) (Supp. 1979); §§ 260.235, .155 (4), (7) (Supp. 1979); § 609.375 (Supp. 1979); § 15.165 (1979).

Mississippi — MISS. CODE ANN. §§ 43-21-3, -5, -11, -17, -27 (Supp. 1978); §§ 43-21-7, -13, -19, -23, -25 (Supp. 1978); §§ 43-24-1 to -9 (Supp. 1978); §§ 43-15-1 to -11 (1973) amended by §§ 43-15-3, -5, -13 to -17 (Supp. 1978); §§ 43-23-3, -9, -15, -41 (Supp. 1978); §§ 43-23-1, -5, -11, -17, -21, -23, -25 (1973).

Missouri — MO. REV. STAT. §§ 210.110 to .165 (Supp. 1979); §§ 207.010, .020 (Supp. 1979); §§ 211.011, .021, .131, .451 to .501 (1962); §§ 211.031, .181, .442, .447, .452, .457, .467, .472, .477, .482, .487, .492 (Supp. 1979); §§ 568.030, .040, .050, .060 (Supp. 1979).

Montana — MONT. REV. CODES ANN. §§ 10-1300 to -1315, -1317, -1318, -1320, -1322 (Supp. 1977); §§ 10-1202, -1203, -1206 (1), -1211 (Supp. 1977); § 94-5-607 (Supp. 1977); § 94-3-107, 1977 Mont. Crim. Code Pamph.

Nebraska — NEB. REV. STAT. §§ 28-1501 to -1508 (1975); §§ 43-201, -201.01, -202, -205.06, -208, -209, -210.04 (Supp. 1978); §§ 43-205.01 to .03 (1974); § 38-114 (1974); §§ 28-115 to -117, -477 (1975).

Nevada — NEV. REV. STAT. §§ 200.501 to .508 (1977); §§ 432.100 to .130 (1977); §§ 49.185 to .275 (1977); §§ 422.030, .270 (1977); 424.105 (1975); §§ 200.504, .508 (1977); §§ 62.010, .020, .030, .040, .043, .085, .170, .200 (1977); §§ 128.010 to .140 (1975); §§ 201.020, .090 to .110 (1975).

New Hampshire — N.H. REV. STAT. ANN. §§ 169:37 to 45 (Repl. 1977); §§ 169:1, 2, 7, 8, 10 (I), (IV), 10a (Supp. 1977); § 161:2 (Repl. 1977), amended by § 161:2 (Supp. 1977); § 604-A:1-a (Repl. 1974); § 462:1 (1968).

New Jersey — N.J. STAT. ANN. §§ 9:6-8.8 to .73 (1976), amended by §§ 9:6-8.10a, 10b, .21, .22, .24, .26 to .40, .42, .43, .46, .47, .50 to .52, .54, .56, .59, .61, .65, .70 (Supp. 1978); §§ 9:6-4, -5, -8 (1976); §§ 9:6-1, -1.1, -2, -3, -6, -7 (1976);

ch. 95, § 2C:24-4 (a), 1978 N.J. Sess. Law Serv. 383; §§ 9:12-1, -2 (1976).

New Mexico — N.M. STAT. ANN. §§ 32-1-1, -2, -3, -4, -9, -10, -13, -15 to -18, -22 to -24, -26, -27 (E to H), -31, -34, -37, -38, -41, -42, -44 (1978); § 32-1-25 (Supp. 1978); §§ 27-1 to -3 (1978); § 30-6-1 (Supp. 1978); Children's Court Rules, Rules 1, 40 to 47 (1978).

New York — N.Y. SOC. SERV. LAW §§ 371, 397, 398, 411 to 428 (McKinney 1976), amended by §§ 371 (1), (4-b), 398 (1), (2), (6f), (6m), 412 (1), 422 (4), 423 (3) (McKinney Supp. 1978); N.Y. FAM. CT. ACT §§ 113, 115, 617 (a), (b), 626, 632, 633, 1011 to 1074 (McKinney 1975), amended by §§ § 1012 (e), (f), 1024 (b), 1027 (b), 1031 (d), 1034, 1048 (c), 1051 (d), 1055 (d) (McKinney Supp. 1978); §§ 249, 611, 614, 616, 617 (c), (d), 622 to 625, 631, 634 (McKinney Supp. 1978); N.Y. PENAL LAW §§ 260.00, .15 (McKinney 1967); §§ 260.05, .10, .11 (McKinney Supp. 1978).

North Carolina — N.C. GEN. STAT. §§ 110-116 to -123 (1978); §§ 108-19 (14), (15), -45 (1978), amended by § 108-45 (Interim Supp. 1978); § 110-119 (1978), amended by § 110-119 (Interim Supp. 1978); §§ 7A-278, -284, -288 (1969), amended by §§ 7A-278 (1), -284 (Supp. 1977); §§ 7A-277, -279, -283, -285, -286 (Supp. 1977); § 7A-451 (Interim Supp. 1978); §§ 14-316.1, -318.2 (Supp. 1977); §§ 14-322, -322.1 (1969).

North Dakota — N.D. CENT. CODE §§ 50-25.1-01 to -14 (Supp. 1977); §§ 27-20-01, -02, -03, -13, -14, -16, -26, -30, -44, -48 (1974), amended by § 27-20-02 (1) (Supp. 1977); § 14-09-22 (Supp. 1977).

Ohio — OHIO REV. CODE ANN. §§ 2151.03, .031, .04, .05, .07, .23, .27, .281, .31, .311, .312, .35, .352, .353, .359, .36, .41, .421, .99 (Page Repl. Vol. 1976); § 5153.16 (Page Repl. Vol. 1976); § 5153.18 (Page 1970); § 2919.21 (Page 1975); § 2919.22 (Page Supp. 1977).

Oklahoma — OKLA. STAT. ANN. tit. 21, §§ 843 to 848 (Supp. 1978); tit. 10, §§ 24, 1101, 1102, 1104, 1105, 1107 to 1109, 1116, 1117, 1120, 1128, 1130, 1135, 1136, 1204, 1404 (f) (Supp. 1978).

Oregon — OR. REV. STAT. §§ 418.005, .010, .015, .740 to .775, .990 (6), (7) (Repl. Part 1977); §§ 419.472, 476, 494, 498 (2), .507, .509, .511, .513, .515, .523, .525, .527 (Repl. Part 1977); §§ 163.535, .545, .555 (Repl. Part 1977).

Pennsylvania — PA. STAT. ANN. tit. 11, §§ 2201 to 2224, 50-101 to -321 (Supp. 1978); tit. 71, § 1473 (1) (d) (1962); tit. 42, §§ 6301 to 6304, 6321, 6324, 6325, 6327, 6336, 6337, 6351 (Supp. 1978); tit. 18, §§ 4304, 4321 (1973).

Rhode Island — R.I. GEN. LAWS §§ 40-11-1 to -16 (1977); § 15-7-7 (Supp. 1978); §§ 14-1-1, -2, -3, -5, -8, -9, -22, -58, -59 (1970), amended by §§ 14-1-3 (H), -34, -35 (Supp. 1978); § 11-9-5 (Supp. 1978).

South Carolina — S.C. CODE ANN. ch. 10, §§ 20-10-10 to -190 (Supp. 1978); ch. 11, §§ 43-11-10 to -100 (1976), amended by § 42-11-20 (Supp. 1978); ch. 15, §§ 43-15-80, -90 (1976); ch. 17, §§ 43-17-10 to -50 (1976); ch. 21, §§ 14-21-10 to -20, -30, -510, -550, -560, -590, -610, -620, -810, -820, -830, -840 (1976), amended by § 14-21-510 (Supp. 1978); ch. 11, §§ 20-11-10 to -60 (1976), amended by § 20-11-30 (Supp. 1978); ch. 7, §§ 20-7-10 to -40 (1976).

South Dakota — S.D. COMP. LAWS ANN. §§ 26-10-1, -1.1, -10 to -12.3, -14 (1976); § 26-10-15 (Supp. 1978); §§ 19-2-1, -3 (1967); §§ 19-2-3, -3.1, -5.1 (Supp. 1978); §§ 26-4-7, -9 (1976); §§ 26-8-1, -1.1, -6, -19.1, -19.2, -19.3, -22.10, -22.12, -22.2, -22.4, -30, -35, -36, -40.6, -48, -59 (1976), amended by § 26-8-1.1 (Supp. 1978); §§ 26-9-1 to -17 (1976).

Tennessee — TENN. CODE ANN. §§ 37-101, -201, -202, -203, -213, -216, -228, -230, -248, -1201, -1202, -1204 (1977 Repl. Vol.), amended by §§ 37-202, -213 (a) (3), -230 (c) (Supp. 1978); §§ 37-1203, -1205 to -1213 (Supp. 1978); § 14-105 (1973) amended by § 14-105 (F) (Supp. 1978); § 14-110 (Supp. 1978); §§ 39-202, -204, -217 (1975); § 39-1012 (Supp. 1978).

Texas — TEX. FAM. CODE ANN. §§ 34.01 to .06 (1975), amended by §§ 34.02, .05, .07, .08 (Supp. 1978); § 35.04 (Supp. 1978); §§ 11.01, .02, .11 (1975), amended by §§ 11.01, .11 (Supp. 1978); § 11.10 (Supp. 1978); § 15.02 (Supp. 1978); § 15.05 (1975); §§ 17.01, .05 (Supp. 1978); § 51.11 (1975); TEX. REV. CIV. STAT. ANN. Art. 695a (1964), amended by Art. 695a (Supp. 1978); Art. 695c, § 4 (Supp. 1978); Art. 1926a, §§ 1.01 to .08 (b), 2.01 to .31, 3.01 to .04, 4.00 (Supp. 1978) TEX. PENAL CODE ANN. § 9.61 (1974); § 22.04 (Supp. 1978).

Utah — UTAH CODE ANN. §§ 78-3b-1 to 13 (Supp. 1978); §§ 55-15a-26; § 55-15b-19 (Repl. Vol. 1974); §§ 55-15b-2 to -6 (1973), amended by §§ 55-15b-2 (4), (17), -6(5), (10), -7 (Supp. 1977); §§ 78-3a-2, -16, -19 to -21, -28 to -30,

-35, -36, -38, -39, -48 (1977), amended by §§ 78-3a-19.5, -20 (Supp. 1978).

Vermont — VT. STAT. ANN. tit. 13, §§ 1351 to 1356 (Supp. 1978); tit. 13, §§ 1304, 1305 (1974); tit. 33, §§ 631, 632, 633, 639, 642, 643, 653, 656, 2592 to 2595, 2751, 2801, 2851 (Supp. 1978).

Virginia — VA. CODE §§ 63.1-248.1 to .17 (Supp. 1978); § 63.1-53 (Supp. 1978); § 63.1-126 (Repl. Vol. 1973); §§ 16.1-228, -241, -251, -266, -279, -283 (Supp. 1978); § 40.1-103 (1976); § 20-61 (Supp. 1978).

Washington — WASH. REV. CODE ANN. §§ 26.44.010 to .900 (Supp. 1977); § 5.60.060 (3), (4) (Supp. 1977); § 18.83.110 (Supp. 1977); §§ 74.13.020, .031 (Supp. 1977); §§ 13.34.010, .030, .040, .050, .90, .100, .110, .130, .140, .160, .180 to .210 (Supp. 1977); § 26.20.030 (Supp. 1977).

West Virginia — W. VA. CODE §§ 49-6A-1 to -10 (Supp. 1978); § 49-7-1 (Supp. 1978); §§ 49-2-1 to -3, -16 (Repl. Vol. 1976); §§ 49-1-1 to -5 (Supp. 1978); § 49-2-14 (Supp. 1978); § 49-5-4 (1975); §§ 49-5-2, -8 (a), (b), -13 (b) (4) (Supp. 1978); §§ 49-6-1 to -8 (Supp. 1978); § 61-8-24 (Repl. Vol. 1977).

Wisconsin — WIS. STAT. ANN. §§ 905.04 (4) (e), .05 (1), (2), (3) (b) (1975); §§ 48.25 (5), .981, ch. 355, 1977-78 Wis. Legis. Serv. 1708; §§ 46.001, .011, .03 (7), .22 (4), (5) (g) (Supp. 1978), amended by §§ 46.001, .03 (7), ch. 354, 1977-78 Wis. Legis. Serv. 1662; §§ 48.06, .07, .57 (Supp. 1978), amended by §§ 48.06, .07, ch. 354, 1977-78 Wis. Legis. Serv. 1662 and §§ 48.06, .07, .57, ch. 205, 1977-78 Wis. Legis. Serv. 1428; §§ 48.25 (6), .56, .78 (1957), amended by §§ 48.25 (6), .56 (Supp. 1978) and ch. 271, 1977-78 Wis. Legis. Serv. 1429; §§ 48.01, .02, .13, .14, .35, .40 to .45 (1973), amended by §§ 48.13, .35, .41, .44 (Supp. 1978), and § 48.02, chs. 205, 299, 354, 1977-78 Wis. Legis. Serv. 1346, 1533 and 1664, and §§ 48.01, .13, .14, .35, .42, .44, .45, ch. 354, 1977-78 Wis. Legis. Serv. 1662, and § 48.43, ch. 271, 1977-78 Wis. Legis. Serv. 1429; §§ 977.01 to .09 (Supp. 1978), amended by § 977.08, ch. 354, 1977-78 Wis. Legis. Serv. 1708; §§ 52.05, .055 (1973), amended by § 52.055 (2m) (Supp. 1978) and §§ 52.05 (5), .055 (3), ch. 271, 1977-78 Wis. Legis. Serv. 1433; § 940.201, ch. 355, 1977-78 Wis. Legis. Serv. 1714; § 48.02 (8), ch. 299, 1977-78 Wis. Legis. Serv. 1533.

Wyoming — WYO. STAT. §§ 14-3-201 to -215 (1978); §§ 42-1-102, -116 (1977); §§ 14-7-101 to -104 (1978); § 42-3-102 (a) (iii) (1977); §§ 14-6-201, -203, -205 to -210, -212, -216, -219, -220, -222, -224, -226, -228, -229, -230, -241 (1978); §§ 14-3-101, -103 (1978); §§ 6-4-504, -505 (1978).

American Samoa — A.S. CODE tit. 21, ch. 29, §§ 2901 to 2914 (Supp. 1978); tit. 15, ch. 13, § 203 (1973); tit. 15, ch. 95, § 1022 (1973).

Guam — GUAM PENAL CODE § 273 (d), (e) (Supp. 1974); §§ 270 to 273a (1970); GUAM GOV'T. CODE §§ 9115, 9118, 9119 (1970), amended by § 9115 (b), (c) (Supp. 1974); § 9120, 1978 P.L. 14-137, 14th Legislature; GUAM CODE CIV. PRO. §§ 250, 251, 252, 254, 258 to 263, 265 to 269 (1970); GUAM CIV.

CODE §§ 203, 204 (1970); GUAM PENAL CODE §§ 270 to 273a (1970).

Puerto Rico — P.R. LAWS ANN. tit. 3, §§ 211 b, d, m-s (Supp. 1977); tit. 34, §§ 2001, 2002, 2005, 2007, 2010, 2013, App. I R8.2 to 8.4 (1971); § tit. 34, §§ 2101 to 2106 (Supp. 1977); tit. 8, § 24 (1971); tit. 33, §§ 4241, 4242 (Supp. 1977); tit. 32, § 634 (Supp. 1977).

Virgin Islands — V.I. CODE ANN. tit. 19, §§ 171 to 176 (1976), amended by §§ 171 to 183 (Supp. 1977); tit. 3, §§ 371, 384 (1967); tit. 3, § 533 (Supp. 1977); tit. 34 §§ 1, 2, 101, 102 (1967); tit. 4, §§ 171 to 173 (1967); tit. 5, §§ 2501 to 2513 (1967), amended by §§ 2503, 2505, 2506, 2511 (Supp. 1977); tit. 14, § 481 (a) (1964), tit. 14, § 481 (b) (Supp. 1977); tit. 15, § 827 (1964); tit. 19, § 183 (Supp. 1977).

END