



Making and Screening Reports of Child Abuse and Neglect

All 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have laws and policies that specify procedures for making and responding to reports of suspected child abuse or neglect. Mandated reporters are required by States to make an immediate report when they suspect or know of abusive or neglectful situations.¹ In all jurisdictions, the initial report may be made orally to either the child protective services (CPS) agency or a law enforcement agency. In 20 States, American Samoa, Guam, and Puerto Rico, a mandated

¹ See Child Welfare Information Gateway's Mandatory Reporters of Child Abuse and Neglect: www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm

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reporter is required to submit a written report after he or she has made an oral report.² In eight States, the District of Columbia, and the U.S. Virgin Islands, a written report is required only when requested by the department or agency that received the initial report.³

Content of Reports

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

Special Reporting Procedures

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

Specific reporting procedures to be followed in the event of a suspicious child death have been enacted in approximately 31 States, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico.⁴ Typically, the statutes instruct a mandatory reporter to report a suspicious child death to a medical examiner or coroner. For States that do not have specific reporting procedures for suspicious child deaths, standard child abuse reporting procedures apply.

The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires States to have policies and procedures to address the

² Alabama, Arizona, California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New York, Pennsylvania, Rhode Island, and Washington.

³ Georgia, Kansas, Kentucky, Maine, New Hampshire, North Dakota, Ohio, and West Virginia.

⁴ The word approximately is used to stress the fact that States frequently amend their laws. This information is current through January 2009. The 31 States that provide procedures for reporting suspicious child deaths are Arkansas, California, Colorado, Connecticut, Florida, Illinois, Indiana, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

needs of substance-exposed infants.⁵ Approximately 18 States and the District of Columbia have specific reporting procedures for cases of suspected substance-exposed infants.⁶ In general, these statutes make drug exposure or a positive drug test alone the basis for reporting child abuse or neglect. Standard reporting procedures apply in those States that statutorily define infant drug exposure as child abuse and neglect but have no specific reporting procedures for substance-exposed infants.⁷

Screening Reports

The laws and policies in all jurisdictions specify procedures for the initial response required by the agencies receiving the reports. The ultimate purpose of the reporting system is to ensure the child's safety and well-being.⁸ In most States, the agency that receives a report of suspected child abuse or neglect will first screen the report to determine whether it meets the criteria for acceptance. For acceptance, the report must concern actions that meet the statutory definition of child abuse or neglect in that State.⁹ Typically, this will involve situations of harm or threatened harm to a child committed by a parent, guardian, or other person responsible for the child's care. Reports that do not meet the statutory criteria are screened out.

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

The approaches used to screen reports vary from State to State, but nearly all States utilize a type of safety assessment to determine which reports require immediate responses.

⁵ 42 U.S.C. 5106a(b)(2)(A)(ii).

⁶ Arizona, California, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, Oklahoma, Utah, Virginia, and Washington.

⁷ See Child Welfare Information Gateway's Parental Drug Use as Child Abuse: www.childwelfare.gov/systemwide/laws_policies/statutes/drugexposed.cfm

⁸ For an overview of the process, see Child Welfare Information Gateway's How the Child Welfare System Works: www.childwelfare.gov/pubs/factsheets/cpswork.cfm

⁹ See Child Welfare Information Gateway's Definitions of Child Abuse and Neglect: www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Approximately 30 States and the District of Columbia categorize reports based on the level of risk of harm to the child and assign different response times.¹⁰ Eleven States use differential response systems in which more serious cases are assigned to be investigated, and less serious cases are assigned to receive family assessments.¹¹

Investigations may be conducted by the child protective agency (CPS), a law enforcement agency, or cooperatively by both agencies; family assessments are conducted by CPS. In approximately 15 States and the Virgin Islands, cases that involve physical or sexual abuse or possible criminal conduct may be investigated by a law enforcement agency.¹² In nine States, reports are referred to law enforcement agencies when the alleged perpetrator is a person other than the parent or other caregiver.¹³ Most States also require cross-reporting among professional entities. Typically, reports are shared among social services agencies, law enforcement agencies, and prosecutors' offices.¹⁴

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

¹⁰ Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, and Utah.

¹¹ Arizona, Delaware, Kentucky, Louisiana, Minnesota, Nevada, Oklahoma, Texas, Vermont, Virginia, and Wyoming.

¹² Alaska, Florida, Illinois, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, North Carolina, North Dakota, Texas, Washington, and Wyoming.

¹³ Alaska, Connecticut, Florida, Iowa, Kentucky, Louisiana, Michigan, New Mexico, and Texas.

¹⁴ See Child Welfare Information Gateway's Cross-Reporting Among Responders to Child Abuse and Neglect: www.childwelfare.gov/systemwide/laws_policies/statutes/xreporting.cfm