

## Child Abuse Reporting 4

### Avoiding Liability Bulletin - March 2012

... Are you required to report child abuse if your patient tells you of the abuse and that it has already been reported? The answer to this question necessarily depends upon state law, but my suspicion is that under most state laws, the answer may be "yes." Using California as an example, there is nothing in the Child Abuse and Neglect Reporting Act that says that a report does not need to be made if it has already been reported. I have advised many therapists about this issue, and the easy solution is usually to report the abuse and to inform the agency receiving the report that you believe that this may already have been reported.

It is not uncommon, based upon my experience, for the therapist to find out that the patient's statement to the effect that the child abuse has already been reported is untrue or inaccurate. In such cases, the therapist who does not make a report at the time he or she has knowledge or reasonable suspicion (or under the particular standard in state law) that child abuse has occurred, is vulnerable to being charged with a failure to report child abuse, with all of the attendant negative consequences. What is the law in your state? Does the child abuse reporting law specify that if the mandated reporter reasonably believes that the abuse has already been reported, it does not have to be reported again? What harm or penalty would there be, if any, for making a possibly duplicate report?

Once the report of child abuse is made, does the law in your state allow you, without the patient's authorization, to speak with the child abuse investigator who investigates the report? In California, for example, the law allows the practitioner to provide information to the investigator – but it does not require the sharing of information. Typically, if the therapist is making a report that implicates the patient as the alleged or suspected child abuser, the therapist would not talk with the investigator without a signed authorization from the patient. However, if the therapist in California were treating the abused child, the therapist may choose to cooperate with the investigator and share any other information that is relevant to the incident of child abuse or neglect. In the latter situation, no patient authorization is required, nor is parental authorization required, for such sharing of information by the reporting therapist. How does the law in your state treat this subject?

**Author:**

Richard Leslie