

Domestic Violence – Mandatory Reports(?)

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... If one spouse, partner, or cohabitant intentionally strikes and injures the other, causing a physical injury, does the law in your state require that any kind of report be made? The answer is likely “yes,” if the injured spouse, partner, or cohabitant is under the age of eighteen (likely, child abuse), or if he or she is an “elder” under the elder abuse reporting law in your state. Likewise, a report may be required if the injured person is considered a “dependent adult” (or similarly titled protected person) under the law in your state of practice. But, what about those spouses, partners, or cohabitants who are not in any of those categories?

In California, for example, the law does not require a report by the psychotherapist because of the injury inflicted by one spouse, partner, or cohabitant against the other. Several of the mental health professional associations successfully fought a legislator’s effort to require such reports of domestic violence and other abuse or injury inflicted upon an adult. The mandatory reporting law regarding such abuse applies only to those practitioners who provide medical services for a physical condition. Additionally, there are other limitations in the law regarding who has to make such reports, based primarily upon the setting in which the practitioner works.

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