

Possession Of Child Pornography - Follow-up

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... A reader asked me to comment on a question that she had regarding one aspect of the article I wrote in [last month's Avoiding Liability Bulletin \(May 2011\) entitled "Confidentiality – Possession of Child Pornography."](#) The reader explained that she expected me to say (in the article) that in a case where abuse was clearly shown in a photograph depicting child pornography, that the abuse couldn't be reported because both people in the photograph (an older man and young child – neither having any relationship with the patient in possession of the photo) were unknown. While that position may have merit in some states, I am reluctant to endorse it too quickly or too vigorously.

Some state child abuse reporting laws contain provisions which clarify that the reporter need not know all of the information that is required to be reported, but that a report is nevertheless required when child abuse is known or reasonably suspected and the mandated reporter learned about it in his or her professional capacity or within the scope of his or her employment. Depending upon the particular wording of state law, a position or argument along the lines that the reader suggests might be appropriate – especially when in the example used, no information is known about the identity or location of the child or adult in the photo, the place of production, or the location of anyone associated with the distribution of the photo.

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