

STATE STATUTES

Current Through
November 2013

Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

Many cases of child abuse and neglect are not reported, even when mandated by law. Therefore, nearly every State and U.S. territory imposes penalties, often in the form of a fine or imprisonment, on mandatory reporters who fail to report suspected child abuse or neglect as required by law.¹ In addition, to prevent malicious or intentional reporting of cases that are not founded, many States and the U.S. Virgin Islands impose penalties against any person who files a report known to be false.

¹ See Child Welfare Information Gateway's *Mandatory Reporters of Child Abuse and Neglect* at https://www.childwelfare.gov/systemwide/laws_policies/statutes/mandatory.

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**Child Welfare
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**Children's
Bureau**

Penalties for Failure to Report

Approximately 48 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands impose penalties on mandatory reporters who knowingly or willfully fail to make a report when they suspect that a child is being abused or neglected.² In Florida, a mandatory reporter who fails to report as required by law can be charged with a felony. Failure to report is classified as a misdemeanor or a similar charge in 39 States and American Samoa, Guam, and the Virgin Islands.³ In Arizona and Minnesota, misdemeanors are upgraded to felonies for failure to report more serious situations, while in Illinois, Kentucky, and Guam, second or subsequent violations are classified as felonies.

Twenty States and the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands specify in the reporting laws the penalties for failure to report.⁴ Upon conviction, a mandated reporter who fails to report can face jail terms ranging from 30 days to 5 years, fines ranging from \$300 to \$10,000, or both jail terms and fines. In six States, harsher penalties may be imposed under certain circumstances.⁵ In seven States and American Samoa, in addition to any criminal penalties, the reporter may be civilly liable for any damages caused by the failure to report.⁶

² The word “approximately” is used to stress the fact that the States frequently amend their laws. This information is current through November 2013. Maryland, Wyoming, and Puerto Rico currently do not have statutes imposing penalties for failure to report.

³ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey (charged as a disorderly person), New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and West Virginia.

⁴ Alabama, California, Connecticut, Delaware, Florida, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Mexico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

⁵ In California and Massachusetts, harsher penalties are imposed when the failure to report results in the child’s death or serious bodily injury. Louisiana imposes harsher penalties when the reporter fails to report sexual abuse or serious bodily injury. Delaware and Virginia impose harsher penalties upon second or subsequent convictions for failure to report. Vermont imposes its fine for failure to report when the reporter willfully failed to report with the intent to conceal the abuse.

⁶ Arkansas, Colorado, Iowa, Michigan, Montana, New York, and Rhode Island.

Florida imposes a fine of up to \$1 million on an institution of higher learning, including any State university and nonpublic college, that fails to report, or prevents any person from reporting, an instance of abuse committed on the property of the institution or at an event sponsored by the institution.

Obstructing Reports of Abuse or Neglect.

Approximately 10 States impose penalties against any employer who discharges, suspends, disciplines, or engages in any action to prevent or prohibit an employee or volunteer from making a report of suspected child maltreatment as required by the reporting laws.⁷ In six States, an action to prevent a report is classified as a misdemeanor.⁸ Four States specify the penalties for that action,⁹ and in four States, the employer is civilly liable for damages for any harm caused to the mandatory reporter.¹⁰

Penalties for False Reporting

Approximately 29 States carry penalties in their civil child protection laws for any person who willfully or intentionally makes a report of child abuse or neglect that the reporter knows to be false.¹¹ In New York, Ohio, Pennsylvania, and the Virgin Islands, making false reports of child maltreatment is made illegal in criminal sections of State code.

Nineteen States and the Virgin Islands classify false reporting as a misdemeanor or similar charge.¹² In Florida, Illinois, Tennessee, and Texas, false reporting is a felony, while in Arkansas, Illinois, Indiana, Missouri, and Virginia, second or subsequent offenses are upgraded to felonies. In Michigan, false reporting can be either a misdemeanor

⁷ Alabama, Arkansas, Connecticut, Maryland, Minnesota, North Dakota, Oklahoma, Pennsylvania, Vermont, and Wyoming.

⁸ Alabama, Arkansas, Maryland, North Dakota, Pennsylvania, and Wyoming.

⁹ Connecticut (\$2,500), Maryland (\$10,000, 5 years in jail, or both), Minnesota (\$10,000), and Wyoming (\$750, 6 months in jail, or both).

¹⁰ Minnesota, North Dakota, Oklahoma, and Vermont.

¹¹ Arizona, Arkansas, California, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wyoming.

¹² Arizona, Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Virginia, Washington, and Wyoming.

or a felony, depending on the seriousness of the alleged abuse in the report. No criminal penalties are imposed in California, Maine, Montana, Minnesota, and Nebraska; however, immunity from civil or criminal action that is provided to reporters of abuse or neglect is not extended to those who make a false report.

Eleven States and the Virgin Islands specify the penalties for making a false report.¹³ Upon conviction, the reporter can face jail terms ranging from 90 days to 5 years or fines ranging from \$500 to \$5,000. Florida imposes the most severe penalties: In addition to a court sentence of 5 years and \$5,000, the Department of Children and Family Services may fine the reporter up to \$10,000. In six States, the reporter may be civilly liable for any damages caused by the report.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 complete, 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.

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¹³ Connecticut, Florida, Louisiana, Massachusetts, Michigan, Oklahoma, Rhode Island, South Carolina, Texas, Washington, and Wyoming.

¹⁴ California, Colorado, Idaho, Indiana, Minnesota, and North Dakota.

Alabama**Failure to Report****Ala. Code §§ 26-14-3(g); 26-14-13**

Commencing on August 1, 2013, a public or private employer who discharges, suspends, disciplines, or penalizes an employee solely for reporting suspected child abuse or neglect pursuant to this section shall be guilty of a Class C misdemeanor.

Any person who knowingly fails to make the report required by the reporting laws shall be guilty of a misdemeanor and shall be punished by a sentence of not more than 6 months imprisonment or a fine of not more than \$500.

False Reporting

This issue is not addressed in the statutes reviewed.

Alaska**Failure to Report****Alaska Stat. § 47.17.068**

A person who fails to comply with the laws requiring reports of child abuse or neglect or child pornography and who knew or should have known that the circumstances gave rise to the need for a report is guilty of a Class A misdemeanor.

False Reporting

This issue is not addressed in the statutes reviewed.

American Samoa**Failure to Report****Ann. Code § 45.2002(d)**

Any person who willfully violates the provisions of subsection (a) [requiring certain persons to report]:

- Commits a Class A misdemeanor
- Is liable for damages proximately caused

False Reporting

This issue is not addressed in the statutes reviewed.

Arizona**Failure to Report****Rev. Stat. § 13-3620(O)**

A person who violates this section requiring the reporting of child abuse or neglect is guilty of a Class 1 misdemeanor, except if the failure to report involves a reportable offense, in which case the person is guilty of a Class 6 felony.

False Reporting**Rev. Stat. § 13-3620.01**

A person acting with malice who knowingly and intentionally makes a false report of child abuse or neglect, or a person acting with malice who coerces another person to make a false report of child abuse or neglect, is guilty of a Class 1 misdemeanor.

A person who knowingly and intentionally makes a false report that another person made a false report is guilty of a Class 1 misdemeanor.

Arkansas

Failure to Report

Ann. Code §§ 12-18-201; 12-18-202; 12-18-206; 12-18-204

A mandated reporter commits the offense of failure to notify by a mandated reporter in the first degree if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment or has died as a result of child maltreatment or observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment, and he or she knowingly fails to notify the Child Abuse Hotline of the child maltreatment or suspected child maltreatment.

Failure to notify by a mandated reporter in the first degree is a Class A misdemeanor.

A mandated reporter commits the offense of failure to notify by a mandated reporter in the second degree if he or she has reasonable cause to suspect that a child has been subjected to or has died as a result of child maltreatment or observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment, and he or she recklessly fails to notify the Child Abuse Hotline of the child maltreatment or suspected child maltreatment.

Failure to notify by a mandated reporter in the second degree is a Class C misdemeanor.

A mandated reporter who purposely fails to report as required is civilly liable for damages proximately caused by that failure.

An employer or supervisor of an employee who is a mandated reporter commits the offense of unlawful restriction of child abuse reporting if he or she:

- Prohibits a mandated reporter from making a report of child maltreatment or suspected child maltreatment
- Requires that a mandated reporter receive permission or notify a person before the mandated reporter makes a report
- Knowingly retaliates against a mandated reporter for reporting child maltreatment or suspected child maltreatment

Unlawful restriction of child abuse reporting is a Class A misdemeanor.

False Reporting

Ann. Code § 12-18-203

A person commits the offense of making a false report under this chapter if he or she purposely makes a report containing a false allegation to the Child Abuse Hotline knowing the allegation to be false.

A first offense of making a false report under this chapter is a Class A misdemeanor. A subsequent offense of making a false report under this chapter is a Class D felony.

California

Failure to Report

Penal Code §§ 11166(c); 11166.01

Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by up to 6 months in a county jail, by a fine of \$1,000, or both. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until an agency specified in § 11165.9 discovers the offense.

Any supervisor or administrator who violates § 11166(1) [that prohibits impeding others from making a report], shall be punished by not more than 6 months in a county jail, by a fine of not more than \$1,000, or both.

Any mandated reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, where that abuse or neglect results in death or great bodily injury, shall be punished by not more than 1 year in a county jail, by a fine of not more than \$5,000, or both.

False Reporting
Penal Code § 11172(a)

Any person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report.

Any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused.

Colorado**Failure to Report**
Rev. Stat. § 19-3-304(4)

Any mandatory reporter who willfully fails to report as required by § 19-3-304(1):

- Commits a Class 3 misdemeanor and shall be punished as provided by law
- Shall be liable for damages proximately caused

False Reporting
Rev. Stat. § 19-3-304(3.5), (4)

No person, including a mandatory reporter, shall knowingly make a false report of abuse or neglect to a county department or local law enforcement agency.

Any person who violates this provision:

- Commits a Class 3 misdemeanor and shall be punished as provided by law
- Shall be liable for damages proximately caused

Connecticut**Failure to Report**
Gen. Stat. §§ 17a-101a; 17a-101e(c)

Any person who is required to report who fails to make such report shall be:

- Fined not less than \$500 nor more than \$2,500
- Required to participate in an educational and training program pursuant to § 17a-101(d)

An employer who discharges or in any manner discriminates or retaliates against any employee who in good faith makes a report of child abuse or neglect may be assessed a civil penalty of no more than \$2,500 and any other equitable relief as the court deems appropriate.

False Reporting
Gen. Stat. § 17a-101e(c)

Any person who is alleged to have knowingly made a false report of child abuse or neglect shall be referred to the office of the Chief State's Attorney for purposes of a criminal investigation.

Any person who knowingly makes a false report of child abuse or neglect shall be fined not more than \$2,000, imprisoned for not more than 1 year, or both.

Delaware**Failure to Report**
Ann. Code Tit. 16, § 914

Any person who violates § 903 of this title [that requires certain persons to report suspected child abuse or neglect] shall be liable for a civil penalty not to exceed \$10,000 for the first violation and not to exceed \$50,000 for any subsequent violation.

In any action brought under this section, if the court finds a violation, the court may award costs and attorneys' fees.

False Reporting

This issue is not addressed in the statutes reviewed.

District of Columbia

Failure to Report

Ann. Code § 4-1321.07

Any person required to make a report under the reporting laws who willfully fails to make such a report shall be fined no more than the amount set forth in § 22-3571.01 [\$1,000], imprisoned for no more than 180 days, or both.

False Reporting

This issue is not addressed in the statutes reviewed.

Florida

Failure to Report

Ann. Stat. § 39.205(1)-(4)

A person who is required to report known or suspected child abuse and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree, punishable as provided in §§ 775.082, 775.083, or 775.084. Upon conviction, the person may be:

- Imprisoned for a term not to exceed 5 years
- Fined \$5,000

Unless the court finds that the person is a victim of domestic violence or that other mitigating circumstances exist, a person age 18 or older who lives in the same house or living unit as a child who is known or suspected to be a victim of child abuse and knowingly and willfully fails to report the child abuse commits a felony of the third degree.

Any Florida College System institution, State university, or nonpublic college, university, or school, whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, or who knowingly and willfully prevents another person from doing so, shall be subject to fines of \$ 1 million for each such failure.

Any Florida College System institution, State university, or nonpublic college, university, or school, whose law enforcement agency fails to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, shall be subject to fines of \$ 1 million for each such failure.

False Reporting

Ann. Stat. §§ 39.205(9); 39.206(1)

A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree. Upon conviction, the person may be:

- Imprisoned for a term not to exceed 5 years
- Fined \$5,000

In addition to any other penalty authorized by this section or other law, the Department of Children and Family Services may impose a fine, not to exceed \$10,000 for each violation, upon a person who knowingly and willfully makes a false report of abuse, abandonment, or neglect of a child, or a person who counsels another to make a false report.

Georgia

Failure to Report

Ann. Code § 19-7-5(h)

Any person or official required by law to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

False Reporting

This issue is not addressed in the statutes reviewed.

Guam

Failure to Report

Ann. Code Tit. 19, § 13207

Any person required to report who fails to report an instance of child abuse that he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor that is punishable by imprisonment for a term not to exceed 6 months, a fine of no more than \$1,000, or both.

A second or subsequent conviction shall be a felony in the third degree.

False Reporting

This issue is not addressed in the statutes reviewed.

Hawaii

Failure to Report

Rev. Stat. § 350-1.2

Any mandatory reporter who knowingly prevents another person from reporting, or who knowingly fails to provide information as required by the reporting laws, shall be guilty of a petty misdemeanor.

False Reporting

This issue is not addressed in the statutes reviewed.

Idaho

Failure to Report

Idaho Code § 16-1605(4)

Failure to report as required by the reporting laws shall be a misdemeanor.

False Reporting

Idaho Code § 16-1607

Any person who makes a report or allegation of child abuse, abandonment, or neglect knowing the report is false, or who reports or alleges the same in bad faith or with malice, shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of \$2,500, whichever is greater, plus attorney's fees and costs of suit.

If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.

Illinois

Failure to Report

Comp. Stat. Ch. 325, §§ 5/4.02; 5/4

Any physician who willfully fails to report suspected child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report suspected child abuse or neglect shall be referred to the Department of Professional Regulation for action in accordance with the Illinois Dental Practice Act.

Any mandatory reporter who willfully fails to report suspected child abuse or neglect shall be guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

Any person who knowingly and willfully violates any provision of this Section is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

If the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

False Reporting

Comp. Stat. Ch. 325, § 5/4

Any person who knowingly transmits a false report to the department commits the offense of disorderly conduct under Ch. 720, § 5/26.1(a)(7). A violation of this provision is a Class 4 felony.

Indiana

Failure to Report

Ann. Code § 31-33-22-1

A person who knowingly fails to make a report required by law commits a Class B misdemeanor.

A person who, in his or her capacity as a staff member of a medical or other institution, school, facility, or agency, is required to make a report to the individual in charge of the institution, school, facility, or agency, or his or her designated agent, as required by § 31-33-5-2, and who knowingly fails to make a report commits a Class B misdemeanor. This penalty is imposed in addition to the penalty imposed above.

False Reporting

Ann. Code § 31-33-22-3(a)-(b)

Effective July 1, 2014: A person who intentionally communicates to a law enforcement agency or the Department of Child Services a report of child abuse or neglect knowing the report to be false commits a Class A misdemeanor. The offense is a Level 6 felony if the person has a previous unrelated conviction for making a report of child abuse or neglect knowing the report to be false.

A person who intentionally communicates to a law enforcement agency or the department a report of child abuse or neglect knowing the report to be false is liable to the person accused of child abuse or neglect for actual damages. The finder of fact may award punitive damages and attorney's fees in an amount determined by the finder of fact against the person.

Iowa**Failure to Report****Ann. Stat. § 232.75(1)-(2)**

Any person, official, agency, or institution required to report a suspected case of child abuse who knowingly and willfully fails to do so is guilty of a simple misdemeanor.

Any person, official, agency, or institution required by § 232.69 to report a suspected case of child abuse who knowingly fails to do so, or who knowingly interferes with the making of such a report in violation of § 232.70, is civilly liable for the damages proximately caused by such failure or interference.

False Reporting**Ann. Stat. § 232.75(3)**

A person who reports or causes to be reported to the Department of Human Services false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

Kansas**Failure to Report****Ann. Stat. § 38-2223(e)**

Willful and knowing failure to make a report required by this section is a Class B misdemeanor. It is not a defense that another mandatory reporter made a report.

Intentionally preventing or interfering with the making of a report required by this section is a Class B misdemeanor.

False Reporting**Ann. Stat. § 38-2223(e)**

Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a Class B misdemeanor.

Kentucky**Failure to Report****Rev. Stat. § 620.990(5)**

Any person who intentionally violates the provisions of this section shall be guilty of a:

- Class B misdemeanor for the first offense
- Class A misdemeanor for the second offense
- Class D felony for each subsequent offense

False Reporting**Rev. Stat. § 620.050(1)**

Any person who knowingly makes a false report and does so with malice shall be guilty of a Class A misdemeanor.

Louisiana

Failure to Report

Children's Code art. 609; Rev. Stat. 14:403(A)(1)

Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution.

Any person who is required to report the abuse or neglect of a child and knowingly and willfully fails to do so shall be fined no more than \$500, imprisoned for no more than 6 months, or both.

Any person who is required to report the sexual abuse of a child or the abuse or neglect of a child that results in the serious bodily injury, neurological impairment, or death of the child and knowingly and willfully fails to report shall be fined no more than \$3,000, imprisoned, with or without hard labor, for no more than 3 years, or both. The term 'serious bodily injury' means injury involving protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or substantial risk of death.

Notwithstanding the provisions above, any person who is age 18 or older who witnesses the sexual abuse of a child and knowingly and willfully fails to report the sexual abuse to law enforcement or to the Department of Children and Family Services as required by law shall be fined no more than \$10,000, imprisoned with or without hard labor for no more than 5 years, or both.

False Reporting

Children's Code art. 609; Rev. Stat. 14:403(A)(3)

The filing of a report that is known to be false may subject the offender to criminal prosecution.

Any person who reports a child as abused or neglected or sexually abused to the department or to any law enforcement agency knowing that such information is false shall be fined no more than \$500, imprisoned for no more than 6 months, or both.

Maine

Failure to Report

Rev. Stat. Tit. 22, § 4009

A person who knowingly violates a provision of this chapter commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

False Reporting

Rev. Stat. Tit. 22, § 4014(1)

Immunity from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding is not extended in instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury.

Maryland

Failure to Report

Fam. Law § 5-705.2

An individual may not intentionally prevent or interfere with the making of a report of suspected abuse or neglect as required by law. A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

False Reporting

This issue is not addressed in the statutes reviewed.

Massachusetts**Failure to Report****Gen. Laws Ch. 119, § 51A**

Any mandatory reporter who fails to report shall be punished by a fine of not more than \$1,000.

Any mandated reporter who has knowledge of child abuse or neglect that resulted in serious bodily injury to or death of a child and willfully fails to report the abuse or neglect shall be punished by a fine of up to \$5,000 or imprisonment for no more than 2 1/2 years or by both, and, upon a guilty finding or a continuance without a finding, the court shall notify any appropriate professional licensing authority of the mandated reporter's violation of this paragraph.

False Reporting**Gen. Laws Ch. 119, § 51A**

Whoever knowingly and willfully files a frivolous report of child abuse or neglect under this section shall be punished by:

- A fine of no more than \$2,000 for the first offense
- Imprisonment for no more than 6 months and a fine of no more than \$2,000 for the second offense
- Imprisonment for no more than 2 1/2 years and a fine of no more than \$2,000 for the third and subsequent offenses

Michigan**Failure to Report****Comp. Laws § 722.633(1), (2)**

A mandatory reporter who fails to report as required is civilly liable for the damages proximately caused by the failure.

A mandatory reporter who knowingly fails to report as required is guilty of a misdemeanor punishable by one or both of the following:

- Imprisonment for not more than 93 days
- A fine of not more than \$500

False Reporting**Comp. Laws § 722.633(5)**

Any person who intentionally makes a false report of child abuse or neglect knowing that the report is false is guilty of a crime as follows:

- If the child abuse or neglect would not constitute a crime but would constitute a misdemeanor if the report were true, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both.
- If the child abuse or neglect reported would constitute a felony if the report were true, the person is guilty of a felony punishable by the lesser of the following:
 - » The penalty for the child abuse or neglect falsely reported
 - » Imprisonment for not more than 4 years or a fine of not more than \$2,000, or both

Minnesota

Failure to Report

Ann. Stat. § 626.556, Subd. 4a; 6

An employer of any person required to make reports shall not retaliate against the person for reporting in good faith abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report. The employer of any person required to report who retaliates against the person because of a report of abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$10,000.

A mandatory reporter who knows or has reason to believe that a child is neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding 3 years, and fails to report the abuse is guilty of a misdemeanor.

A mandatory reporter who knows or has reason to believe that two or more children not related to the perpetrator have been physically or sexually abused by the same perpetrator within the preceding 10 years and fails to report is guilty of a gross misdemeanor.

A parent, guardian, or caregiver who knows or reasonably should know that the child's health is in serious danger and who fails to report:

- Is guilty of a gross misdemeanor if the child suffers substantial or great bodily harm because of the lack of medical care
- Is guilty of a felony if the child dies because of the lack of medical care and may be subject to one or both of the following:
 - » Imprisonment for not more than 2 years
 - » A fine of not more than \$4,000

The law providing that a parent, guardian, or caregiver may, in good faith, select and depend on spiritual means or prayer for treatment or care of a child does not exempt a parent, guardian, or caregiver from the duty to report under this provision.

False Reporting

Ann. Stat. § 626.556, Subd. 5

Any person who knowingly or recklessly makes a false report under the reporting laws shall be liable in a civil suit for any actual damages suffered by the person(s) so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees.

Mississippi

Failure to Report

Ann. Code. § 43-21-353(7)

Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed \$5,000, by imprisonment in jail not to exceed 1 year, or both.

False Reporting

This issue is not addressed in the statutes reviewed.

Missouri

Failure to Report

Ann. Stat. § 210.165(1)

Any person violating any provision of the reporting laws is guilty of a Class A misdemeanor.

False Reporting

Ann. Stat. § 210.165(2)-(3)

Any person who intentionally files a false report of child abuse or neglect shall be guilty of a Class A misdemeanor.

Every person who has been previously convicted of making a false report to the Division of Family Services and who is subsequently convicted of making a false report is guilty of a Class D felony and shall be punished as provided by law.

Montana**Failure to Report****Ann. Code § 41-3-207**

Any mandatory reporter who fails to report known or suspected child abuse or neglect or who prevents another person from reasonably doing so is civilly liable for the damages proximately caused by such failure or prevention.

Any mandatory reporter who purposely or knowingly fails to report when required or purposely or knowingly prevents another person from doing so is guilty of a misdemeanor.

False Reporting**Ann. Code § 41-3-203(1)**

Anyone reporting any incident of child abuse or neglect as required by law is immune from any liability, civil or criminal, that might otherwise be incurred or imposed unless the person was grossly negligent, acted in bad faith or with malicious purpose, or provided information knowing the information to be false.

Nebraska**Failure to Report****Rev. Stat. § 28-717**

Any person who willfully fails to make any report of child abuse or neglect required by § 28-711 shall be guilty of a Class III misdemeanor.

False Reporting**Rev. Stat. § 28-716**

Any person participating in an investigation, making a report of child abuse or neglect, or participating in a judicial proceeding resulting from a report shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

Nevada**Failure to Report****Rev. Stat. § 432B.240**

Any person who knowingly and willfully violates the provisions of § 432B.220 is guilty of:

- For the first violation, a misdemeanor
- For each subsequent violation, a gross misdemeanor

False Reporting

This issue is not addressed in the statutes reviewed.

New Hampshire**Failure to Report****Rev. Stat. § 169-C:39**

Anyone who knowingly violates any provision of the reporting laws shall be guilty of a misdemeanor.

False Reporting

This issue is not addressed in the statutes reviewed.

New Jersey

Failure to Report

Ann. Stat. § 9:6-8.14

Any person knowingly violating the reporting laws, including the failure to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

False Reporting

This issue is not addressed in the statutes reviewed.

New Mexico

Failure to Report

Ann. Stat. § 32A-4-3(F)

Any person who violates the provisions of this section pertaining to the duty to report is guilty of a misdemeanor and shall be sentenced pursuant to § 31-19-1.

Upon conviction, the person shall be imprisoned in the county jail for a definite term that is less than 1 year, be fined not more than \$1,000, or both at the discretion of the judge.

False Reporting

This issue is not addressed in the statutes reviewed.

New York

Failure to Report

Soc. Serv. Law § 420

Any mandatory reporter who willfully fails to report as required shall be guilty of a Class A misdemeanor.

Any mandatory reporter who knowingly and willfully fails to report as required shall be civilly liable for the damages proximately caused by such failure.

False Reporting

Penal Law § 240.50(4)

A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed, or circulated to be false or baseless, he or she reports, by word or action, an alleged occurrence or condition of child abuse or maltreatment that did not in fact occur or exist to:

- The statewide central register of child abuse and maltreatment
- Any person required to report cases of suspected child abuse or maltreatment, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the statewide central register

Falsely reporting an incident in the third degree is a Class A misdemeanor.

North Carolina

Failure to Report

Gen. Stat. § 7B-301

Any person or institution who knowingly or wantonly fails to report the case of a juvenile as required, or who knowingly or wantonly prevents another person from making a report as required, is guilty of a Class 1 misdemeanor.

A director of social services who receives a report of sexual abuse of a juvenile in a child care facility and who knowingly fails to notify the State Bureau of Investigation of the report as required is guilty of a Class 1 misdemeanor.

False Reporting

This issue is not addressed in the statutes reviewed.

North Dakota

Failure to Report

Cent. Code §§ 50-25.1-13; 50-25.1-09.1

Any person required by this chapter to report or to supply information concerning a case of known or suspected child abuse, neglect, or death resulting from abuse or neglect who willfully fails to do so is guilty of a Class B misdemeanor.

An employer who retaliates against an employee solely because the employee in good faith reported having reasonable cause to suspect that a child was abused or neglected, or died as a result of abuse or neglect, or because the employee is a child with respect to whom a report was made, is guilty of a class B misdemeanor. It is a defense to any charge brought under this section that the presumption of good faith, described in § 50-25.1-09, has been rebutted.

The employer of a person required or permitted to report pursuant to § 50-25.1-03 who retaliates against the person because of a report of abuse or neglect, or a report of a death resulting from child abuse or neglect, is liable to that person in a civil action for all damages, including exemplary damages, costs of the litigation, and reasonable attorney's fees.

False Reporting

Cent. Code § 50-25.1-13

Any person who willfully makes a false report, or provides false information that causes a report to be made, is guilty of a Class B misdemeanor unless the false report is made to a law enforcement official, in which case the person who causes the report to be made is guilty of a Class A misdemeanor.

A person who willfully makes a false report, or willfully provides false information that causes a report to be made, also is liable in a civil action for all damages suffered by the person reported, including exemplary damages.

Northern Mariana Islands

Failure to Report

Commonwealth Code Tit. 6, § 5315

Knowing or willful failure of any person to make a report pursuant to § 5313 shall, upon conviction, be punished by one or both of the following:

- Imprisonment for up to 1 year
- A fine of not more than \$1,000

False Reporting

This issue is not addressed in the statutes reviewed.

Ohio

Failure to Report

Rev. Code § 2151.99

Any person who fails to report suspected child abuse or neglect, as required by § 2151.421, is guilty of a misdemeanor of the fourth degree.

Any person required to report by § 2151.421(A)(4) [requiring reports by clergy] who fails to report when knowing that a child has been abused or neglected and knowing that the person who committed the abuse or neglect was a cleric or another person other than a volunteer, designated by a church, religious society, or faith to act as a leader, official, or delegate on behalf of the church, religious society, or faith, is guilty of a misdemeanor of the first degree if the person who has failed to report and the person who committed the abuse or neglect belong to the same church, religious society, or faith.

The person who fails to report is guilty of a misdemeanor of the first degree if the child suffers or faces the threat of suffering the physical or mental wound, injury, disability, or condition that would be the basis of the required report when the child is under the direct care or supervision of another person over whom the offender has supervisory control.

False Reporting**Rev. Code § 2921.14**

No person shall knowingly make or cause another person to make a false report alleging that any person has committed an act or omission that resulted in a child being abused or neglected.

Whoever violates this section is guilty of making or causing a false report of child abuse or child neglect, a misdemeanor of the first degree.

Oklahoma**Failure to Report****Ann. Stat. Tit. 10A, § 1-2-101(B)(4); (C)**

Any employer, supervisor, or administrator who discharges, discriminates, or retaliates against the employee or other person shall be liable for damages, costs, and attorney fees.

Any person who knowingly and willfully fails to promptly report suspected child abuse or neglect or who interferes with the prompt reporting of suspected child abuse or neglect may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

False Reporting**Ann. Stat. Tit. 10A, § 1-2-101(D)**

Any person who knowingly and willfully makes a false report pursuant to the provisions of this section or a report that the person knows lacks factual foundation may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

If a court determines that an accusation of child abuse or neglect made during a child custody proceeding is false and the person making the accusation knew it to be false at the time the accusation was made, the court may impose a fine, not to exceed \$5,000 and reasonable attorney fees incurred in recovering the sanctions, against the person making the accusation. The remedy provided by this paragraph is in addition to the first paragraph above or to any other remedy provided by law.

Oregon**Failure to Report****Rev. Stat. § 419B.010(3)**

A person who violates the reporting laws commits a Class A violation. Prosecution under this law shall be commenced at any time within 18 months after the commission of the offense.

False Reporting**Rev. Stat. § 419B.016**

A person commits the offense of making a false report of child abuse if, with the intent to influence a custody, parenting time, visitation, or child support decision, the person:

- Makes a false report of child abuse to the Department of Human Services or a law enforcement agency, knowing that the report is false
- Makes a false report of child abuse to a public or private official, knowing that the report is false and with the intent that the public or private official make a report of child abuse to the Department of Human Services or a law enforcement agency

Making a false report of child abuse is a Class A violation.

Pennsylvania

Failure to Report

Cons. Stat. Ch. 23, § 6319; Ch. 18, § 4958

A mandatory reporter who willfully fails to report as required commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.

A person commits an offense if the person intimidates or attempts to intimidate any reporter, victim, or witness to engage in any of the following actions:

- Refrain from making a report of suspected child abuse or not cause a report of suspected child abuse to be made
- Refrain from providing or withholding information, documentation, testimony, or evidence to any person regarding a child abuse investigation or proceeding
- Give false or misleading information, documentation, testimony, or evidence to any person regarding a child abuse investigation or proceeding
- Elude, evade, or ignore any request or legal process summoning the reporter, victim, or witness to appear to testify or supply evidence regarding a child abuse investigation or proceeding
- Fail to appear at or participate in a child abuse proceeding or meeting involving a child abuse investigation to which the reporter, victim, or witness has been legally summoned

A person commits an offense if the person harms another person by any unlawful act or engages in a course of conduct or repeatedly commits acts which threaten another person in retaliation for anything that the other person has lawfully done in the capacity of a reporter, witness, or victim of child abuse.

False Reporting

Cons. Stat. Ch. 18, § 4906.1

A person commits a misdemeanor of the second degree if the person intentionally or knowingly makes a false report of child abuse under Chapter 23 (relating to child protective services) or intentionally or knowingly induces a child to make a false claim of child abuse.

Puerto Rico

Failure to Report

This issue is not addressed in the statutes reviewed.

False Reporting

This issue is not addressed in the statutes reviewed.

Rhode Island

Failure to Report

Gen. Laws § 40-11-6.1

Any mandatory reporter who knowingly fails to report as required or who knowingly prevents any person acting reasonably from doing so shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500, imprisonment for not more than 1 year, or both.

In addition, any mandatory reporter who knowingly fails to perform any act required by the reporting laws or who knowingly prevents another person from performing a required act shall be civilly liable for the damages proximately caused by that failure.

False Reporting

Gen. Laws § 40-11-3.2

Any person who knowingly and willingly makes or causes to be made to the department a false report of child abuse or neglect shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

South Carolina

Failure to Report

Ann. Code § 63-7-410

Any mandatory reporter or any person required to perform any other function under the reporting laws who knowingly fails to do so, or a person who threatens or attempts to intimidate a witness, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500, be imprisoned for not more than 6 months, or both.

False Reporting

Ann. Code § 63-7-440

It is unlawful to knowingly make a false report of abuse or neglect. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$5,000, imprisoned for not more than 90 days, or both.

South Dakota

Failure to Report

Ann. Stat. §§ 26-8A-3; 26-8A-4; 26-8A-6; 26-8A-7

Any mandatory reporter who knowingly and intentionally fails to make the required report is guilty of a Class 1 misdemeanor. This provision includes:

- Reports that must be made to the coroner when the reporter suspects that a child has died as a result of abuse or neglect
- Reports required of hospital staff
- Reports that are required of staff of public or private schools

False Reporting

This issue is not addressed in the statutes reviewed.

Tennessee

Failure to Report

Ann. Code § 37-1-412

Any person who knowingly fails to make a report required by § 37-1-403 commits a Class A misdemeanor.

A person believed to have violated this section shall be brought before the court. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury. If the defendant pleads guilty, the juvenile court judge shall sentence the defendant under this section with a fine not to exceed \$2,500.

False Reporting

Ann. Code Ann. § 37-1-413

Any person who either verbally or by written or printed communication knowingly and maliciously reports or causes, encourages, aids, counsels, or procures another to report a false accusation of child sexual abuse, or false accusation that a child has sustained any wound, injury, disability, or physical or mental condition caused by brutality, abuse, or neglect, commits a Class E felony.

Texas

Failure to Report

Fam. Code § 261.109

A person commits an offense if the person is required to make a report under § 261.101 and knowingly fails to make a report as required.

A person who is a professional as defined by § 261.101 commits an offense if the person is required to make a report and knowingly fails to make a report as provided in this chapter.

An offense by a person is a Class A misdemeanor, except that the offense is a State jail felony if it is shown on the trial of the offense that the child was a person with an intellectual disability who resided in a State-supported living center, the medical assistance program for persons with intellectual disabilities component of the Rio Grande State Center, or a facility licensed under Chapter 252, Health and Safety Code, and the actor knew that the child had suffered serious bodily injury as a result of the abuse or neglect.

An offense by a professional is a Class A misdemeanor, except that the offense is a State jail felony if it is shown on the trial of the offense that the actor intended to conceal the abuse or neglect.

False Reporting

Fam. Code § 261.107

A person commits an offense if, with the intent to deceive, he or she knowingly makes a report of child abuse or neglect that is false. An offense under this subsection is:

- A State jail felony
- A felony of the third degree if the person has previously been convicted under this section

A person who is convicted of an offense under this section shall:

- Pay any reasonable attorney's fees incurred by the person who was falsely accused of abuse or neglect
- Be liable to the State for a civil penalty of \$1,000

Utah

Failure to Report

Ann. Code § 62A-4a-411

Any person, official, or institution required to report a case of suspected child abuse, child sexual abuse, neglect, fetal alcohol syndrome, or fetal drug dependency who willfully fails to do so is guilty of a Class B misdemeanor.

Action for failure to report must be commenced within 4 years from the date of knowledge of the offense and the willful failure to report.

False Reporting

This issue is not addressed in the statutes reviewed.

Vermont

Failure to Report

Ann. Stat. Tit. 33, § 4913(d)(2); (f)

An employer or supervisor shall not discharge; demote; transfer; reduce pay, benefits, or work privileges; prepare a negative work performance evaluation; or take any other action detrimental to any employee because that employee filed a good faith report in accordance with the provisions of this subchapter. Any person making a report under this subchapter shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the reporting party by reason of his or her making a report.

A person who violates the law requiring mandated reporters to report suspected child abuse or neglect shall be fined no more than \$500.

A person who violates the reporting laws with the intent to conceal abuse or neglect of a child shall be imprisoned no more than 6 months, fined for no more than \$1,000, or both.

False Reporting

This issue is not addressed in the statutes reviewed.

Virgin Islands

Failure to Report

Ann. Code Tit. 5, § 2539

Any person, official, or institution required by this subchapter to report a case of alleged child abuse, sexual abuse, or neglect, or to perform any other act, who knowingly fails to do so, shall be guilty of a misdemeanor and shall be fined no more than \$500, imprisoned for no more than 1 year, or both.

False Reporting

Ann. Code Tit. 14, §§ 2146(c); 2144(a)

A person is guilty of falsely reporting an incident in the second degree when, knowing the information reported, conveyed, or circulated to be false or baseless, he or she reports, by word or action, to the Department of Human Services or Department of Health an alleged occurrence of child abuse or maltreatment that did not, in fact, occur or exist. A person who is found guilty of reporting an incident in the second degree shall be:

- Fined \$5,000
- Imprisoned for no less than 5 years

Virginia

Failure to Report

Ann. Code § 63.2-1509(D)-(E)

Any person required to file a report pursuant to this section who fails to do so as soon as possible, but no longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined no more than \$500 for the first failure and, for any subsequent failures, no less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration, § 18.2-61, et seq., a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the department's toll-free child abuse and neglect hotline.

False Reporting

Ann. Code § 63.2-1513(A)

Any person age 14 or older who makes or causes to be made a report of child abuse or neglect that he or she knows to be false shall be guilty of a Class 1 misdemeanor.

Any person age 14 or older who has been previously convicted under this subsection and who is subsequently convicted of making a false report of child abuse or neglect shall be guilty of a Class 6 felony.

Washington

Failure to Report

Rev. Code §§ 26.44.080; 9A.20.021

Every person who is required to make a report pursuant to the reporting laws and who knowingly fails to make such a report, shall be guilty of a gross misdemeanor.

Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for up to 364 days, a fine of no more than \$5,000, or both.

False Reporting**Rev. Code §§ 26.44.060(4); 9A.20.021**

A person who intentionally and in bad faith knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor.

Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for no more than 90 days, a fine of no more than \$1,000, or both.

West Virginia**Failure to Report****Ann. Code § 49-6A-8**

Any person, official, or institution required by this article to report a case involving a child known or suspected to be abused or neglected who knowingly fails to report as required, or knowingly prevents another person acting reasonably from doing so, shall be guilty of a misdemeanor and, upon conviction, shall be subject to confinement in the county jail for no more than 30 days, a fine of no more than \$1,000, or both.

False Reporting

This issue is not addressed in the statutes reviewed.

Wisconsin**Failure to Report****Ann. Stat. § 48.981(6)**

Whoever intentionally violates the reporting laws by failure to report as required may be fined no more than \$1,000, imprisoned for no more than 6 months, or both.

False Reporting

This issue is not addressed in the statutes reviewed.

Wyoming**Failure to Report****Ann. Stat. § 14-3-205**

Any employer, public or private, who discharges, suspends, disciplines, or penalizes an employee solely for making a report of neglect or abuse is guilty of a misdemeanor punishable by imprisonment for no more than 6 months, a fine of no more than \$750, or both.

False Reporting**Ann. Stat. § 14-3-205(d)**

Any person who knowingly and intentionally makes a false report of child abuse or neglect, or who encourages or coerces another person to make a false report, is guilty of a misdemeanor that is punishable by imprisonment for no more than 6 months, a fine of no more than \$750, or both.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

