

Fifty State Survey of Confidentiality and Privilege Statutes
Rape Crisis/ Sexual Assault Counselors

This document provides the laws in each state related to privilege, confidentiality and mandatory reporting for Rape Crisis Counselors. The purpose of this publication is only to provide the law for each state; is not intended to offer legal advice and is limited by our research of statutes and case law for each jurisdiction. Other laws, rules or policies that we have not provided may be applicable in your jurisdiction. For purposes of this chart and where applicable, mental health professionals are bolded to add emphasis.

Alabama	
Definition of Confidentiality <i>(Alabama)</i>	<p>ALA. CODE § 15-23-41</p> <p>As used in this article, unless a contrary meaning is clearly intended from the context in which the term appears, the following terms have the respective meanings hereinafter set forth and indicated:</p> <p>(1) Confidential communication. Any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor's treatment of the victim for any emotional or psychological condition resulting from a sexual assault or family violence.</p> <p>(2) Victim. A person who consults a victim counselor for assistance in overcoming adverse emotional or psychological effects of a sexual assault or family violence.</p> <p>(3) Sexual assault. Any sexual offense enumerated in Sections 13A-6-60 through 13A-6-70.</p> <p>(4) Family violence. The occurrence of one or more of the following acts between family or household members:</p> <ol style="list-style-type: none"> a. Attempting to cause or causing physical harm. b. Placing another in fear of imminent serious physical harm. <p>(5) Family or Household members. Children, spouses, former spouses, persons of the opposite sex living as spouses now or in the past, or persons 60 years of age or older living in the same household and related by blood or marriage.</p> <p>(6) Victim counseling. Assessment, diagnosis, and treatment to alleviate the adverse emotional or psychological impact of a sexual assault or family violence on the victim. Victim counseling includes, but is not limited to, crisis intervention.</p>



Developed by the Project on Addressing Prison Rape
 Current as of December 9, 2013

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<p>Definition of Confidentiality (Alabama)</p>	<p>(7) Victim counseling center. A private organization or unit of a government agency which has as one of its primary purposes the treatment of victims for any emotional or psychological condition resulting from a sexual assault or family violence.</p> <p>(8) Victim counselor. Any employee or supervised volunteer of a victim counseling center or other agency, business, or organization that provides counseling to victims who is not affiliated with a law enforcement agency or a prosecutor's office and whose duties include treating victims for any emotional or psychological condition resulting from a sexual assault or family violence.</p>
<p>Privilege (Alabama)</p>	<p>ALA. CODE 1975 § 15-23-42 (2012)</p> <p>(a) A victim, a victim counselor without the consent of the victim, or a minor or incapacitated victim without the consent of a custodial guardian or a guardian ad litem appointed upon application of either party, cannot be compelled to give testimony or to produce records concerning confidential communications for any purpose in any criminal proceeding.</p> <p>(b) A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.</p> <p>(c) The confidential communication privilege of a victim counselor with respect to communications made between the counselor and the victim shall terminate upon the death of the victim.</p>

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<p>Mandatory Reporting Child (Alabama)</p>	<p>ALA. CODE 1975 § 26-14-3 (2013) [proposed legislation]</p> <p>What has to be reported? (a) When the child is known or suspected to be a victim of child abuse or neglect.</p> <p>Relevant Definitions (1) Abuse means harm or threatened harm to a child’s health or welfare. Harm or threatened harm to a child’s health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. “Sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. “Sexual exploitation” includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.</p> <p>Persons Required to Report (a) All:</p> <ul style="list-style-type: none"> • Law enforcement officials; • Peace officers; • Hospitals; • Clinics; • Sanitariums;
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<p>Mandatory Reporting Child (Alabama)</p>	<ul style="list-style-type: none"> • Doctors; • Physicians; • Surgeons; • Medical examiners; • Coroners; • Dentists; • Osteopaths; • Optometrists; • Chiropractors; • Podiatrists; • Nurses; • School teachers and officials; • Pharmacists; • Social workers; • Day care workers or employees; • Mental health professionals; • Members of the clergy; • Any other person called upon to render aid or medical assistance to any child. <p>NOTE: Private mental health center was not state actor for purposes of 42 U.S.C.A. § 1983 where it reported allegations made by plaintiff's ex-wife that plaintiff had abused his children; center was required by state law to report such allegations. Barber v. Dale County Mental Health Center, 898 F.Supp. 832 (M.D.Ala.1995), affirmed 98 F.3d 1353.</p>
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<p>Mandatory Reporting Adult (Alabama)</p>	<p>ALA. CODE 1975 § 38-9-8 (2013)</p> <p>What has to be reported?</p> <p>(a) Reasonable cause to believe that any protected person has been subjected to physical abuse, neglect, exploitation, sexual abuse, or emotional abuse.</p> <p>(c) The county department of human resources shall not be required to investigate any report of abuse, neglect, exploitation, sexual abuse, or emotional abuse that occurs in any facility owned and operated by the Alabama Department of Corrections or the Alabama Department of Mental Health.</p> <p>Relevant Definitions</p> <p>(17) “Protected person” means any person over 18 years of age subject to protection under this chapter or any person, including, but not limited to, persons who are senile, mentally ill, developmentally disabled, or mentally retarded, or any person over 18 years of age that is mentally or physically incapable of adequately caring for himself or herself and his or her interests without serious consequences to himself or herself or others.</p> <p>(22) “Sexual abuse” means any conduct that is a crime including rape, sexual torture, sexual misconduct, sodomy, and sexual abuse.</p> <p>Persons Required to Report</p> <p>(a) All physicians and other practitioners of the healing arts or any caregiver.</p>
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Alaska	
<p>Definition of Confidentiality (Alaska)</p>	<p>ALASKA STAT. § 18.66.250</p> <p>(1) “confidential communication” means information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and that is disclosed in the course of victim counseling resulting from a sexual assault or domestic violence;</p> <p>(2) “sexual assault” means an offense under AS 11.41.410-11.41.470 or an offense in another jurisdiction whose elements are similar to the elements of an offense under AS 11.41.410-11.41.470;</p> <p>(3) “victim” means a person who consults a victim counselor for assistance in overcoming adverse effects of a sexual assault or domestic violence;</p> <p>(4) “victim counseling” means support, assistance, advice, or treatment to alleviate the adverse effects of a sexual assault or domestic violence on the victim;</p> <p>(5) “victim counseling center” means a private organization, an organization operated by or contracted by a branch of the armed forces of the United States, or a local government agency that</p> <p style="padding-left: 40px;">(A) has, as one of its primary purposes, the provision of direct services to victims for trauma resulting from a sexual assault or domestic violence;</p> <p style="padding-left: 40px;">(B) is not affiliated with a law enforcement agency or a prosecutor's office; and</p> <p style="padding-left: 40px;">(C) is not on contract with the state to provide services under AS 47;</p> <p>(6) “victim counselor” means an employee or supervised volunteer of a victim counseling center that provides counseling to victims</p>

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<p>Definition of Confidentiality (Alaska)</p>	<p>(A) who has undergone a minimum of 40 hours of training in domestic violence or sexual assault, crisis intervention, victim support, treatment and related areas; or (B) whose duties include victim counseling.</p>
<p>Privilege (Alaska)</p>	<p>ALASKA STAT. § 18.66.200 (2013)</p> <p>(a) Except as provided in AS 18.66.210 or 18.66.220, a victim or victim counselor may not be compelled, without appropriate consent, to give testimony or to produce records concerning confidential communications for any purpose in a criminal, civil, legislative, or administrative proceeding. In this subsection, “appropriate consent” means</p> <p style="padding-left: 40px;">(1) the consent of the victim with respect to the testimony of</p> <p style="padding-left: 80px;">(A) an adult victim; and (B) a victim counselor when the victim is an adult;</p> <p style="padding-left: 40px;">(2) the consent of the victim’s parent, legal guardian, or guardian ad litem with respect to the testimony of a</p> <p style="padding-left: 80px;">(A) victim who is a minor or incompetent to testify; and (B) victim counselor when the victim is a minor or incompetent to testify.</p> <p>(b) Either party may apply for appointment of a guardian ad litem for purposes of (a)(2) of this section.</p> <p>(c) A victim or victim counselor may not be compelled to provide testimony in a civil, criminal, or administrative proceeding that would identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding, or the name, address, or telephone number of a victim counselor, unless the court or hearing officer determines that the information is necessary and relevant to the facts of the case.</p>

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<p>Privilege (Alaska)</p>	<p>(d) Notwithstanding (a) of this section, (1) a minor may waive the privilege provided under (a) of this section and testify or give consent for a victim counselor to testify if the court determines that the minor is capable of knowingly waiving the privilege; (2) a parent or legal guardian may not, on behalf of a minor, waive the privilege provided under (a) of this section with respect to the minor’s testimony or the testimony of a victim counselor if (A) the parent or legal guardian has been charged with a crime against the minor; (B) a protective order or restraining order has been entered against the parent or legal guardian on request of or on behalf of the minor; or (C) the parent or legal guardian otherwise has an interest adverse to that of the minor with respect to the waiver of privilege.</p>
<p>Mandatory Reporting Child (Alaska)</p>	<p>ALASKA STAT. § 47.17.020 (2013) What has to be reported? (a) Reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect.</p> <p>Relevant Definitions (16) “sexual exploitation” includes: (A) allowing, permitting, or encouraging a child to engage in prostitution by a person responsible for the child’s welfare</p> <p>ALASKA STAT. § 47.17.020 (2013) Persons Required to Report</p>



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<p>Mandatory Reporting Child (Alaska)</p>	<p>(a)</p> <ol style="list-style-type: none"> (1) Practitioners of the healing arts; (2) School teachers and school administrative staff members of public and private schools; (3) Peace officers and officers of the Department of Corrections; (4) Administrative officers of institutions; (5) Child care providers; (6) Paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs; (7) Paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol; (8) Members of a child fatality review team or the multidisciplinary child protection team. <p>(b) This section does not prohibit the named persons from reporting cases that have come to their attention in their non-occupational capacities, nor does it prohibit any other person from reporting a child’s harm that the person has reasonable cause to suspect is a result of child abuse or neglect. These reports shall be made to the nearest office of the department.</p>
<p>Mandatory Reporting Adult (Alaska)</p>	<p>ALASKA STAT. § 47.24.010 What has to be reported?</p> <p>(a) Reasonable cause to believe that in the performance of their professional duties a vulnerable adult suffers from abandonment, exploitation, abuse, neglect, or self-neglect.</p> <p>ALASKA STAT. § 47.24.900 (2013) Relevant Definitions</p> <p>(2) “Abuse” means:</p> <p style="padding-left: 40px;">(A) the willful, intentional, or reckless non accidental, and nontherapeutic infliction of physical pain, injury, or</p>



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<p>Mandatory Reporting Adult (Alaska)</p>	<p>mental distress; or (B) sexual assault.</p> <p>(8) Incapacitated person means a person whose ability to receive and evaluate information or to communicate decisions is impaired to the extent that the person lacks the ability to provide or arrange for the essential requirements for the person’s physical health or safety without court-ordered assistance.</p> <p>(16) Vulnerable adult means a person 18 years of age or older who, because of physical or mental impairment, is unable to meet the person’s own needs or to seek help without assistance.</p> <p>ALASKA STAT. § 47.24.010 (2013) Persons Required to Report</p> <p>(1) A physician or other licensed health care provider; (2) A mental health professional; (3) A pharmacist; (4) An administrator of a nursing home, residential care or health care facility; (5) A guardian or conservator; (6) A police officer; (7) A village public safety officer; (8) A village health aide; (9) A social worker; (10) A member of the clergy; (11) A staff employee of a project funded by the Department of Administration for the provision of services to older</p>
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<p>Mandatory Reporting Adult (Alaska)</p>	<p>Alaskans, the Department of Health and Social Services, or the Council on Domestic Violence and Sexual Assault; (12) An employee of a personal care or home health aide program; (13) An emergency medical technician or a mobile intensive care paramedic; (14) A caregiver of the vulnerable adult; (15) A certified nurse aide.</p>
<p>Arizona</p>	
<p>Definition of Confidentiality (Arizona)</p>	<p>Arizona does not define confidentiality</p>
<p>Privilege (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 13-4430 (2012): Consultation between crime victim advocate and victim; privileged information; exception [applicable when offender is an adult]</p> <p>A. A crime victim advocate shall not disclose as a witness or otherwise any communication made by or with the victim, including any communication made to or in the presence of others, unless the victim consents in writing to the disclosure.</p> <p>B. Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda that contain opinions, theories or other information made while advising, counseling or assisting the victim or that are based on communications made by or with the victim, including</p>



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<p>Privilege <i>(Arizona)</i></p>	<p>communications made to or in the presence of others.</p> <p>C. The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory evidence.</p> <p>D. A defendant may make a motion for disclosure of privileged information. If the court finds there is reasonable cause to believe the material is exculpatory, the court shall hold a hearing in camera. Material that the court finds is exculpatory shall be disclosed to the defendant.</p> <p>E. If, with the written or verbal consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the crime victim advocate or any records, notes, documents, correspondence, reports or memoranda, the prosecutor or law enforcement agent shall disclose such material to the defendant’s attorney only if such information is otherwise exculpatory.</p> <p>F. Notwithstanding subsections A and B, if a crime victim consents either verbally or in writing, a crime victim advocate may disclose information to other professionals and administrative support persons that the advocate works with for the purpose of assisting the advocate in providing services to the victim and to the court in furtherance of any victim’s right pursuant to this chapter.</p> <p>ARIZ. REV. STAT. ANN. § 8-409 (2012): Consultation between crime victim advocate and victim; privileged information; exception [applicable when offender is a juvenile]</p> <p>A. A crime victim advocate shall not disclose as a witness or otherwise any communication made by or with the victim,</p>
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<p>Privilege (Arizona)</p>	<p>including any communication made to or in the presence of others, unless the victim consents in writing to the disclosure.</p> <p>B. Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda that contain opinions, theories or other information made while advising, counseling or assisting the victim or that are based on communications made by or with the victim, including communications made to or in the presence of others.</p> <p>C. The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory material.</p> <p>D. An accused may make a motion for disclosure of privileged information. If the court finds there is reasonable cause to believe the material is exculpatory, the court shall hold a hearing in camera. Material that the court finds is exculpatory shall be disclosed to the accused.</p> <p>E. If, with the written or verbal consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the crime victim advocate or any records, notes, documents, correspondence, reports or memoranda, the prosecutor or law enforcement agent shall disclose the material to the accused’s attorney only if the information is otherwise exculpatory.</p> <p>F. Notwithstanding subsections A and B, if a crime victim advocate is employed or authorized by a prosecutor’s office, the advocate may disclose information to the prosecutor with the oral consent of the victim.</p>
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<p>Mandatory Reporting Child (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 13-3620 (2013)</p> <p>What has to be reported?</p> <p>(A) Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under § 36-2281.</p> <p>(B) A report is not required under this section for sexual abuse and sexual conduct if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.</p> <p>ARIZ. REV. STAT. ANN. § 8-201 (2013)</p> <p>Relevant Definitions</p> <p>(1) (Child) Abuse is the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual having care, custody and control of a child.</p> <p>Abuse includes:</p> <ul style="list-style-type: none"> (a) Inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest, or child prostitution. (e) Deliberate exposure of a child by a parent, guardian or custodian to sexual conduct, oral sexual contact or sexual intercourse bestiality or explicit sexual materials.
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<p>Mandatory Reporting Child (Arizona)</p>	<p>(f) Any of the following acts committed by the child’s parent, guardian or custodian with reckless disregard as to whether the child is physically present:</p> <ul style="list-style-type: none"> (i) Sexual contact (ii) Oral sexual contact (iii) Sexual intercourse (iv) Bestiality <p>ARIZ. REV. STAT. ANN. § 13-1404 (2013) (A) A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.</p> <p>ARIZ. REV. STAT. ANN. § 13-1405 (2013) (A) Sexual Conduct: A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.</p> <p>ARIZ. REV. STAT. ANN. § 13-1406 (2013) (A) A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.</p> <p>ARIZ. REV. STAT. ANN. § 13-1410 (2013) (A) A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child under fifteen years of age.</p>
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<p>Mandatory Reporting Child (<i>Arizona</i>)</p>	<p>ARIZ. REV. STAT. ANN. § 13-3552 (2013) (A) A person commits commercial sexual exploitation of a minor by knowingly:</p> <ol style="list-style-type: none"> 1. Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct. 2. Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain. 3. Permitting a minor under the person’s custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct. 4. Transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct. <p>ARIZ. REV. STAT. ANN. § 13-3553 (2013) (A) A person commits sexual exploitation of a minor by knowingly</p> <ol style="list-style-type: none"> 1. Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct. 2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct. <p>ARIZ. REV. STAT. ANN. § 13-3212 (2013) (A) A person commits child prostitution by knowingly:</p>
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<p>Mandatory Reporting Child (Arizona)</p>	<ol style="list-style-type: none"> 1. Causing any minor to engage in prostitution. 2. Using any minor for purposes of prostitution. 3. Permitting a minor under such person’s custody or control to engage in prostitution. 4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution. 5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor. 6. Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor. 7. Transporting or financing the transportation of any minor through or across this state with the intent that such minor engage in prostitution. <p>(B) A person who is at least eighteen years of age commits child prostitution by knowingly:</p> <ol style="list-style-type: none"> 1. Engaging in prostitution with a minor who is under fifteen years of age. 2. Engaging in prostitution with a minor who the person knows is fifteen, sixteen or seventeen years of age. 3. Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age. <p>ARIZ. REV. STAT. ANN. § 13-3620 (2013)</p> <p>(P)(4) Reportable Offense means:</p> <ol style="list-style-type: none"> 1. [Sexual Offenses] 2. Surreptitious photographing, videotaping, filming or digitally recording of a minor 3. Child prostitution 4. Incest <p>Persons Required to Report (ARIZ. REV. STAT. ANN. § 13-3620 (2013))</p>
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<p>Mandatory Reporting Child (Arizona)</p>	<p>(A): “Person” means:</p> <ul style="list-style-type: none"> (1) Any physician, physician’s assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient; (2) Any peace officer; member of the clergy, priest or Christian science practitioner (3) The parent, stepparent or guardian of the minor; (4) School personnel or domestic violence victim advocate who develops the reasonable belief in the course of their employment; (5) Any other person who has responsibility for the care or treatment of the minor.
<p>Mandatory Reporting Adult (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 46-451 (2013): What has to be reported? Reasonable basis to believe that abuse or neglect of the adult has occurred. Relevant Definitions ARIZ. REV. STAT. ANN. § 46-454 (2013):</p> <ul style="list-style-type: none"> 1. “Abuse” means: <ul style="list-style-type: none"> (a) Intentional infliction of physical harm. (b) Injury caused by negligent acts or omissions. (c) Unreasonable confinement. (d) Sexual abuse or sexual assault. 9. “Vulnerable adult” means an individual who is eighteen years of age or older and who is unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment. Vulnerable adult includes an incapacitated person.



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<p>Mandatory Reporting Adult (Arizona)</p>	<p>ARIZ. REV. STAT. ANN. § 14-5101 (2013): 1. “Incapacitated person” means any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.</p> <p>ARIZ. REV. STAT. ANN. § 46-454 (2013): Persons Required to Report (A)</p> <ul style="list-style-type: none"> • Peace officer; • Physician; • Registered nurse practitioner; • Hospital intern or resident; • Surgeon; • Dentist; • Psychologist; • Social worker; or • Other person who has the responsibility for the care of an incapacitated or vulnerable adult.
<h3 style="margin: 0;">Arkansas</h3>	



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<p>Definition of Confidentiality (Arkansas)</p>	<p>Arkansas does not define confidential communication</p>
<p>Privilege (Arkansas)</p>	<p>ARK. CODE ANN. § 12-18-803 (2013): Privileged communications as evidence—Exception</p> <p>(a) It is the public policy of the State of Arkansas to protect the health, safety, and the welfare of children within the state.</p> <p>(b) No privilege, except that between a lawyer and client or between a minister, including a Christian Science practitioner, and a person confessing to or being counseled by the minister shall prevent anyone from testifying concerning child maltreatment.</p> <p>(c) When a physician, psychologist, psychiatrist, or licensed counselor or therapist conducts interviews with or provides therapy to a subject of a report of suspected child maltreatment for purposes related to child maltreatment, the physician, psychologist, psychiatrist, or licensed counselor or therapist is deemed to be performing services on behalf of the child.</p> <p>(d) An adult subject of a report of suspected child maltreatment cannot invoke privilege on the child's behalf.</p>
<p>Mandatory Reporting Child (Arkansas)</p>	<p>ARK. CODE ANN. § 12-18-402 (2013)</p> <p>What has to be reported?</p> <p>(a) An individual listed as a mandated reporter under subsection (b) of this section shall immediately notify the Child Abuse Hotline if he or she:</p> <p style="padding-left: 40px;">(1) Has reasonable cause to suspect that a child has:</p>

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<p>Mandatory Reporting Child (Arkansas)</p>	<p>(A) Been subjected to child maltreatment; or (B) Died as a result of child maltreatment; or (2) Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment</p> <p>ARK. CODE ANN. § 12-18-103 (2013)</p> <p>Relevant Definitions</p> <p>(2)(A) “Abuse” means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the juvenile’s care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the child’s welfare,</p> <p>(5) “Child” or “juvenile” means an individual who is from birth to eighteen (18) years of age.</p> <p>(6) “Child maltreatment” means abuse, sexual abuse, neglect, sexual exploitation, or abandonment.</p> <p>(17) “Severe maltreatment” means sexual abuse, sexual exploitation, acts or omissions which may or do result in death, abuse involving the use of a deadly weapon as defined by § 5-1-102, bone fracture, internal injuries, burns, immersions, suffocation, abandonment, medical diagnosis of failure to thrive, or causing a substantial and observable change in the behavior or demeanor of the child.</p> <p>(18) “Sexual abuse” means:</p>
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<p>Mandatory Reporting Child (Arkansas)</p>	<p>(A) By a person thirteen (13) years of age or older to a person younger than eighteen (18) years of age:</p> <ul style="list-style-type: none"> (i) Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion; (ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion; (iii) Indecent exposure; or (iv) Forcing the watching of pornography or live sexual activity; <p>(B) By a person eighteen (18) years of age or older to a person not his or her spouse who is younger than fifteen (15) years of age:</p> <ul style="list-style-type: none"> (i) Sexual intercourse, deviate sexual activity, or sexual contact; or (ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact; (iii) Solicitation of sexual intercourse, deviate sexual activity, or sexual contact <p>(C) By a person twenty (20) years of age or older to a person not his or her spouse who is younger than sixteen (16) years of age:</p> <ul style="list-style-type: none"> (i) Sexual intercourse, deviate sexual activity, or sexual contact; (ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact; or (iii) Solicitation of sexual intercourse, deviate sexual activity, or sexual contact; <p>(D) By a caretaker to a person younger than eighteen (18) years of age:</p> <ul style="list-style-type: none"> (i) Sexual intercourse, deviate sexual activity, or sexual contact; (ii) Attempted sexual intercourse, deviate sexual activity or sexual contact; (iii) Forcing or encouraging the watching of pornography; (iv) Forcing, permitting, or encouraging the watching of live sexual activity; (v) Forcing listening to a phone sex line; (vi) An act of voyeurism
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<p>Mandatory Reporting Child (Arkansas)</p>	<p>(E) By a person younger than thirteen (13) years of age to a person younger than eighteen (18) years of age:</p> <ul style="list-style-type: none"> (i) Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion; or (ii) Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion; <p>(19)(A)(i) “Sexual contact” means any act of sexual gratification involving:</p> <ul style="list-style-type: none"> (a) The touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female; (b) The encouraging of a child to touch the offender in a sexual manner; or (c) The offender requesting to touch a child in a sexual manner. <p>ARK. CODE ANN. § 12-18-402 (2013)</p> <p>Persons Required to Report</p> <p>(b) The following are mandated reporters under this chapter:</p> <ul style="list-style-type: none"> (1) A child care worker or foster care worker; (2) A coroner; (3) A day care center worker; (4) A dentist; (5) A dental hygienist; (6) A domestic abuse advocate; (7) A domestic violence shelter employee; (8) A domestic violence shelter volunteer; (9) An employee of the Department of Human Services; (10) An employee working under contract for the Division of Youth Services of the Department of Human
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<p>Mandatory Reporting Child (Arkansas)</p>	<p>Services;</p> <p>(11) A foster parent;</p> <p>(12) A judge;</p> <p>(13) A law enforcement officials;</p> <p>(14) A licensed nurse;</p> <p>(15) Medical personnel who may be engaged in the admission, examination, care or treatment of persons;</p> <p>(16) A mental health professional;</p> <p>(17) An osteopath;</p> <p>(18) A peace officer;</p> <p>(19) A physician;</p> <p>(20) A prosecuting attorney;</p> <p>(21) A resident intern;</p> <p>(22) A school official;</p> <p>(23) A social worker;</p> <p>(24) A surgeon;</p> <p>(25) A teacher;</p> <p>(26) A court-appointed special advocate program staff member or volunteer;</p> <p>(27) A juvenile intake or probation officer;</p> <p>(28) A court-appointed special advocate program staff member or volunteer;</p> <p>(29) Any clergyman, which includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him or her, except to the extent the clergy member:</p> <p style="padding-left: 40px;">(A) Has acquired knowledge of suspected child maltreatment through communications required to be kept</p>
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Fifty State Survey of Confidentiality, Privilege, and Mandatory Reporting Laws Rape Crisis Counselors

This document provides the laws in each state related to privilege, confidentiality and mandatory reporting for Rape Crisis Counselors. The purpose of this publication is only to provide the law for each state; is not intended to offer legal advice and is limited by our research of statutes and case law for each jurisdiction. Other laws, rules or policies that we have not provided may be applicable in your jurisdiction. For purposes of this chart and where applicable, mental health professionals are bolded to add emphasis.

<p>Mandatory Reporting Child (Arkansas)</p>	<p>confidential pursuant to the religious discipline of the relevant denomination or faith; or (B) Received the knowledge of the suspected child maltreatment from the alleged offender in the context of a statement of admission;</p> <p>(30) An employee of a child advocacy center.</p> <p>(31) An attorney ad litem in the course of his or her duties as an attorney ad litem</p> <p>(32)</p> <p>(A) A sexual abuse advocate or sexual abuse volunteer who works with a victim of sexual abuse as an employee of a community-based victim service or mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families.</p> <p>(B) A sexual abuse advocate or sexual abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;</p> <p>(33) A rape crisis advocate or rape crisis volunteer;</p> <p>(34)</p> <p>(A) A child abuse advocate or child abuse volunteer who works with a child victim of abuse or maltreatment as an employee of a community-based victim services or a mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families.</p> <p>(B) A child abuse advocate or child abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;</p> <p>(35) A victim/witness coordinator</p> <p>(36) A victim assistance professional or victim assistance volunteer; or</p> <p>(37) An employee of the Crimes Against Children Division of the Department of Arkansas State Police</p> <p>(c)</p> <p>(1) No privilege or contract shall prevent anyone from reporting child maltreatment when he or she is a mandated</p>
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<p>Mandatory Reporting Adult (Arkansas)</p>	<p>reporter and required to report under this section.</p> <p>(2) A school, Head Start program, or day care facility shall not prohibit an employee or a volunteer from directly reporting child maltreatment to the Child Abuse Hotline.</p> <p>(3) A school, Head Start program, or day care facility shall not require an employee or a volunteer to obtain permission or notify any person, including an employee or a supervisor, before reporting child maltreatment to the Child Abuse Hotline.</p> <p>ARK. CODE ANN. § 12-12-1708 (2013)</p> <p>What has to be reported?</p> <p>(a)(1) Whenever any [mandatory reporter has] observed or has reasonable cause to suspect that an endangered person or an impaired person has been subjected to conditions or circumstances that constitute adult maltreatment or long-term care facility resident maltreatment.</p> <p>Relevant Definitions</p> <p>ARK. CODE ANN. § 12-12-1703 (2013)</p> <p>(2) Adult maltreatment means abuse, exploitation, neglect, or sexual abuse of an adult.</p> <p>(3) Caregiver means any of the following that has the responsibility for the protection, care, or custody of an endangered person or an impaired person as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of a court:</p> <ul style="list-style-type: none">(A) A related person or an unrelated person;(B) An owner, an agent, or a high managerial agent of a public or private organization; or(C) A public or private organization; <p>ARK. CODE ANN. § 5-28-101 (2013)</p>
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<p>Mandatory Reporting Adult (Arkansas)</p>	<p>(4) “Endangered person” means:</p> <ul style="list-style-type: none"> (A) A person eighteen (18) years of age or older who: <ul style="list-style-type: none"> (i) is found to be in a situation or condition that poses a danger to himself or herself; and (ii) Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition (B) A long—term care facility resident who: <ul style="list-style-type: none"> (i) Is found to be in a situation or condition which poses an imminent risk of death or serious bodily harm to the person; and (ii) Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition. <p>(8) “Imminent danger to health or safety” means a situation in which death or serious bodily harm could reasonably be expected to occur without intervention</p> <p>(9)(A) “Impaired person” means a person eighteen (18) years of age or older who as the result of mental or physical impairment is unable to protect himself or herself from abuse, sexual abuse, neglect or exploitation</p> <p>(19) “Sexual abuse” means deviate sexual activity, sexual contact, or sexual intercourse, with another person who is not the actor’s</p> <p>Persons Required to Report (ARK. CODE ANN. § 12-12-1708 (2013))</p> <p>(a)(1):</p> <ul style="list-style-type: none"> (A) A physician;
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<p>Mandatory Reporting Adult (Arkansas)</p>	<ul style="list-style-type: none"> (B) A surgeon; (C) A coroner; (D) A dentist; (E) A dental hygienist; (F) An osteopath; (G) A resident intern; (H) A nurse; (I) A member of a hospital’s personnel who is engaged in the administration, examination, care, or treatment of persons; (J) A social worker; (K) A case manager; (L) A home health worker; (M) A mental health professional; (N) A peace officer (O) A law enforcement officer (P) A facility administrator or owner; (Q) An employee in a facility; (R) An employee of the Department of Health and Human Services; (S) A firefighter; (T) An emergency medical technician; (U) An employee of a bank or other financial institution; (V) An employee of the United States Postal Service; (W) An employee or volunteer of a program or organization funded partially or wholly by the Department
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<p>Mandatory Reporting Adult (Arkansas)</p>	<p>of Health and Human Services who enters the home of or has contact with an elderly person; (X) A person associated with the care and treatment of animals, such as animal control officers and humane society officials; (Y) An employee who enforces code requirements for a city, township, or municipality; (Z) Any clergyman, including without limitation a minister, a priest, a rabbi, an accredited Christian Science Practitioner, or any other similarly functionary of a religious organization, or an individual believed to be a minister, a priest, a rabbi, an accredited Christina Science Practitioner, or any other similarly functionary of a religious organization (except privilege or where knowledge of suspected maltreatment was received from offender in the context of a statement of admission).</p>
<p>California</p>	
<p>Definition of Confidentiality (California)</p>	<p>CAL. EVID. CODE § 1035.4 (West 2013)</p> <p>As used in this article, “confidential communication between the sexual assault counselor and the victim” means information transmitted between the victim and the sexual assault counselor in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the sexual assault counselor is consulted. The term includes all information regarding the facts and circumstances involving the alleged sexual assault and also includes all information regarding the victim’s prior or subsequent sexual conduct, and opinions</p>



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<p>Definition of Confidentiality (California)</p>	<p>regarding the victim’s sexual conduct or reputation in sexual matters.</p>
<p>Privilege (California)</p>	<p>CAL. EVID. CODE § 1035.4 (West 2013)</p> <p>The court may compel disclosure of information received by the sexual assault counselor which constitutes relevant evidence of the facts and circumstances involving an alleged sexual assault about which the victim is complaining and which is the subject of a criminal proceeding if the court determines that the probative value outweighs the effect on the victim, the treatment relationship, and the treatment services if disclosure is compelled. The court may also compel disclosure in proceedings related to child abuse if the court determines the probative value outweighs the effect on the victim, the treatment relationship, and the treatment services if disclosure is compelled.</p> <p>When a court is ruling on a claim of privilege under this article, the court may require the person from whom disclosure is sought or the person authorized to claim the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the person authorized to claim the privilege and such other persons as the person authorized to claim the privilege is willing to have present. If the judge determines that the information is privileged and must not be disclosed, neither he or she nor any other person may ever disclose, without the consent of a person authorized to permit disclosure, what was disclosed in the course of the proceedings in chambers.</p> <p>If the court determines certain information shall be disclosed, the court shall so order and inform the defendant. If the court finds there is a reasonable likelihood that particular information is subject to disclosure pursuant to the balancing test provided in this section, the following procedure shall be followed:</p>



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<p>Privilege (California)</p>	<p>(1) The court shall inform the defendant of the nature of the information which may be subject to disclosure. (2) The court shall order a hearing out of the presence of the jury, if any, and at the hearing allow the questioning of the sexual assault counselor regarding the information which the court has determined may be subject to disclosure. (3) At the conclusion of the hearing, the court shall rule which items of information, if any, shall be disclosed. The court may make an order stating what evidence may be introduced by the defendant and the nature of questions to be permitted. The defendant may then offer evidence pursuant to the order of the court. Admission of evidence concerning the sexual conduct of the complaining witness is subject to Sections 352, 782, and 1103.</p>
<p>Mandatory Reporting Child (California)</p>	<p>CAL. PENAL CODE § 11166 (West 2013) What has to be reported? (a) Whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.</p> <p>Relevant Definitions “Child” means a person under the age of 18 years.</p> <p>CAL. PENAL CODE § 11165.6 (West 2013) “Child abuse or neglect” includes physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child or the endangering of the person or health of a child, and unlawful corporal punishment or injury as defined in Section 11165.4. “Child abuse or neglect” does not include a mutual affray between minors. “Child abuse or neglect” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.</p>



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<p>Mandatory Reporting Child (California)</p>	<p>CAL. PENAL CODE § 11165.1 (West 2013)</p> <p>“Sexual Abuse” means sexual assault or sexual exploitation as defined by the following: (a) Sexual assault means one or more of the following: rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, or child molestation.</p> <p>(b) Conduct described as “sexual assault” includes, but is not limited to, all of the following:</p> <ol style="list-style-type: none"> (1) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen. (2) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person. (3) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose. (4) The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose. (5) The intentional masturbation of the perpetrator’s genitals in the presence of a child <p>(c) “Sexual exploitation” refers to any of the following:</p> <ol style="list-style-type: none"> (1) Conduct involving matter depicting a minor engaged in an obscene act (preparing, selling, or distributing obscene matter) or employment of minor to perform obscene acts. (2) Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or
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<p>Mandatory Reporting Child (California)</p>	<p>any person responsible for a child’s welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, “person responsible for a child’s welfare” means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.</p> <p>(3) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies.</p> <p>CAL. PENAL CODE § 11166 (West 2013)</p> <p>(g) For the purposes of this section, “any other person” includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.</p> <p>Persons Required to Report CAL. PENAL CODE § 11165.7 (West 2013)</p> <p>(a) “Mandated Reporter” is defined as any of the following:</p> <ol style="list-style-type: none"> (1) A teacher; (2) An instructional aide; (3) A teacher’s aide or teacher’s assistant employed by any public or private school; (4) A classified employee of any public school; (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school; (6) An administrator of a public or private day camp;
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<p>Mandatory Reporting Child (California)</p>	<ul style="list-style-type: none"> (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization; (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children; (9) Any employee of a county office of education or California Department of Education, whose duties bring the employee into contact with children on a regular basis; (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility; (11) A Head Start program teacher; (12) A licensing worker or licensing evaluator employed by a licensing agency; (13) A public assistance worker; (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; (15) A social worker, probation officer, or parole officer; (16) An employee of a school district police or security department; (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school; (18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor; (19) A peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, who is not otherwise described in this section; (20) A firefighter except for volunteer firefighters; (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed
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<p>Mandatory Reporting Child (California)</p>	<p>nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under the Business and Professions Code;</p> <p>(22) Any emergency medical technician I or II, paramedic, or other person certified under the Health and Safety Code;</p> <p>(23) A psychological assistant;</p> <p>(24) A marriage and family therapist trainee;</p> <p>(25) An unlicensed marriage and family therapist intern;</p> <p>(26) A state or county public health employee who treats a minor for venereal disease or any other condition;</p> <p>(27) A coroner;</p> <p>(28) A medical examiner or any other person who performs autopsies;</p> <p>(29) A commercial film and photographic print processor;</p> <p>(30) A child visitation monitor;</p> <p>(32) A clergy member. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization;</p> <p>(33) Any custodian of records of a clergy member;</p> <p>(34) Any employee of any Police Department, County, Sheriff’s Department, County Probation Department, or County Welfare Department;</p> <p>(35) An employee or volunteer of a Court appointed Special Advocate Program as defined in Rule 1424 of the California Rules of Court;</p> <p>(36) A custodial officer</p> <p>(37) Any person providing services to a minor child.</p> <p>(38) An alcohol and drug counselor.</p> <p>(39) A clinical counselor or trainee;</p>
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<p>Mandatory Reporting Child (California)</p>	<p>(40) A clinical counselor intern;</p>
<p>Mandatory Reporting Adult (California)</p>	<p>CAL. WELF. & INST. CODE § 15630 (West 2013)</p> <p>What has to be reported?</p> <p>(b)(1) Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse.</p> <p>Relevant Definitions</p> <p>(a) Dependent adult means any person between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.</p> <p>“Physical abuse” means any of the following:</p> <p>(a) Assault</p> <p>(b) Battery</p> <p>(c) Assault with a deadly weapon or force likely to produce great bodily injury</p> <p>(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.</p> <p>(e) Sexual assault, that means any of the following:</p> <p style="padding-left: 20px;">(1) Sexual battery</p>



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<p>Mandatory Reporting Adult (California)</p>	<p>(2) Rape (3) Rape in concert (4) Spousal rape (5) Incest (6) Sodomy (7) Oral copulation (8) Sexual penetration (9) Lewd or lascivious acts</p> <p>Persons Required to Report (a) Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency.</p>
<p>Colorado</p>	
<p>Definition of Confidentiality (Colorado)</p>	<p>Colorado does not define confidential communication</p>



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<p>Privilege (Colorado)</p>	<p>COLO. REV. STAT. § 13-90-107 (2013)</p> <p>(B) This paragraph (j) does not apply if the voluntary self-evaluation is subject to an exception allowing admission into evidence or discovery pursuant to the provisions of section 13-25-126.5(3) or (4).</p> <p>(II) This paragraph (j) applies to voluntary self-evaluations that are performed on or after June 1, 1994.</p> <p>(k)(I) A victim’s advocate shall not be examined as to any communication made to such victim’s advocate by a victim of domestic violence, as defined in section 18-6-800.3(1), C.R.S., or a victim of sexual assault, as described in sections 18-3-401 to 18-3-405.5, 18-6-301, and 18-6-302, C.R.S., in person or through the media of written records or reports without the consent of the victim.</p> <p>(II) For purposes of this paragraph (k), a “victim’s advocate” means a person at a battered women’s shelter or rape crisis organization or a comparable community-based advocacy program for victims of domestic violence or sexual assault and does not include an advocate employed by any law enforcement agency:</p> <ul style="list-style-type: none"> (A) Whose primary function is to render advice, counsel, or assist victims of domestic or family violence or sexual assault; and (B) Who has undergone not less than fifteen hours of training as a victim’s advocate or, with respect to an advocate who assists victims of sexual assault, not less than thirty hours of training as a sexual assault victim’s advocate; and (C) Who supervises employees of the program, administers the program, or works under the direction of a supervisor of the program.
<p>Mandatory Reporting Child (Colorado)</p>	<p>COLO. REV. STAT. § 19-3-304 (2013)</p> <p>What has to be reported?</p> <p>(1) Reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child</p>



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<p>Mandatory Reporting Child (Colorado)</p>	<p>being subjected to circumstances or conditions which would reasonably result in abuse or neglect.</p> <p>Relevant Definitions</p> <p>(1)(a) Abuse or child abuse or neglect means an act or omission in one of the following categories that threatens the health or welfare of a child:</p> <ul style="list-style-type: none"> (I) Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence; (II) Any case in which a child is subjected to unlawful sexual behavior; (III) Any case in which a child is a child in need of services because the child’s parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take. (IV) Any case in which a child is subjected to emotional abuse. As used in this subparagraph (IV), “emotional abuse” means an identifiable and substantial impairment of the child’s intellectual or psychological functioning or development or a substantial risk of impairment of the child’s intellectual or psychological functioning or development. (V) Any act or omission described in section 19-3-102(1)(a), (1)(b), or (1)(c); (VI) Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance, is manufactured or attempted to be manufactured; (VII) Any case in which a child tests positive at birth for either a schedule-I controlled substance, or a schedule-II controlled substance, unless the child tests positive for a schedule-II controlled substance as a result of the mother’s
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<p>Mandatory Reporting Child (Colorado)</p>	<p>lawful intake of such substance as prescribed.</p> <p>(18) “Child” means a person under eighteen years of age.</p> <p>(66) “Institutional abuse”, as used in part 3 of article 3 of this title, means any case of abuse, as defined in subsection (1) of this section, that occurs in any public or private facility in the state that provides child care out of the home, supervision, or maintenance. “Facility” includes, but is not limited to, family child care homes, foster care homes, and any other facility subject to the Colorado “Child Care Licensing Act” and described in section 26-6-102, C.R.S. “Institutional abuse” shall not include abuse that occurs in any public, private, or parochial school system, including any preschool operated in connection with said system; except that, to the extent the school system provides extended day services, abuse that occurs while such services are provided shall be institutional abuse.</p> <p>(97) “Sexual conduct”, as used in section 19-3-304 (2.5), means any of the following: (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals; (b) Penetration of the vagina or rectum by any object; (c) Masturbation; (d) Sexual sadomasochistic abuse.</p> <p>COLO. REV. STAT. § 16-22-102 (2013)</p> <p>(9) Unlawful sexual behavior: means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:</p> <ul style="list-style-type: none"> (a)(I) Sexual assault (II) Sexual assault in the first degree (b) Sexual assault in the second degree (c)(I) Unlawful sexual contact, (II) Sexual assault in the third degree;
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<p>Mandatory Reporting Child (Colorado)</p>	<ul style="list-style-type: none"> (d) Sexual assault on a child; (e) Sexual assault on a child by one in a position of trust; (f) Sexual assault on a client by a psychotherapist; (g) Enticement of a child; (h) Incest; (i) Aggravated incest; (j) Trafficking in children; (k) Sexual exploitation of children; (l) Procurement of a child for sexual exploitation; (m) Indecent exposure; (n) Soliciting for child prostitution; (o) Pandering of a child; (p) Procurement of a child; (q) Keeping a place of child prostitution; (r) Pimping of a child; (s) Inducement of child prostitution; (t) Patronizing a prostituted child; (u) Engaging in sexual conduct in a correctional institution, (v) Wholesale promotion of obscenity to a minor, (w) Promotion of obscenity to a minor. (x) Class 4 felony internet luring of a child;(y) Internet sexual exploitation of a child; (z) Public indecency, committed in violation of section 18-7-301 (2) (b), C.R.S., if a second offense is committed within five years of the previous offense or a third or subsequent offense is committed; (aa) Invasion of privacy for sexual gratification, in violation of section 18-3-405.6, C.R.S.; or
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<p>Mandatory Reporting Child (Colorado)</p>	<p>(bb) Second degree kidnapping, if committed in violation of section 18-3-302 (3) (a), C.R.S.</p> <p>Persons Required to Report (COLO. REV. STAT. § 19-3-304 (2013)).</p> <p>(2) A person required to report such abuse or neglect or circumstances or conditions shall include any</p> <ul style="list-style-type: none"> (a) Physician or surgeon, including a physician in training; (b) Child health associate; (c) Medical examiner or coroner; (d) Dentist; (e) Osteopath; (f) Optometrist; (g) Chiropractor; (h) Podiatrist; (i) Registered nurse or licensed practical nurse; (j) Hospital personnel engaged in the admission, care, or treatment of patients; (k) Christian science practitioner; (l) Public or private school official or employee; (m) Social worker or worker in any facility or agency; (n) Mental health professional; (o) Dental hygienist; (p) Psychologist; (q) Physical therapist; (r) Veterinarian; (s) Peace/Law enforcement officer;
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<p>Mandatory Reporting Child (Colorado)</p>	<ul style="list-style-type: none"> (t) Pharmacist; (u) Commercial film and photographic print processor as provided in subsection (2.5) of this section; (v) Firefighters; (w) Victim’s advocate; (x) Licensed professional counselors; (y) Licensed marriage and family therapists; (z) Registered psychotherapists; (aa) (I) Clergy member (except through privilege); (bb) Registered dietician who holds a certificate through the commission on dietetic registration and who is otherwise prohibited by 7 CFR 246.26 from making a report absent a state law requiring the release of this information; (cc) Worker in the state department of human services; (dd) Juvenile parole and probation officers; (ee) Child and family investigators; (ff) Officers and agents of the state bureau of animal protection, and animal control officers; (gg) The child protection ombudsman as created in article 3.3 of this title; (hh) Educator providing services through a federal special supplemental nutrition program for women, infants, and children.
<p>Mandatory Reporting Adult (Colorado)</p>	<p>COLO. REV. STAT. § 26-3.1 (2013)</p> <p>What has to be reported?</p> <p>(1)(a) Observed the mistreatment, self-neglect, or exploitation of an at-risk adult or who has reasonable cause to believe that an at-risk adult has been mistreated, is self-neglected, or has been exploited and is at imminent risk of mistreatment,</p>



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<p>Mandatory Reporting Adult (Colorado)</p>	<p>self-neglect, or exploitation.</p> <p>Relevant Definitions</p> <p>(1) “At-risk adult” means an individual eighteen years of age or older who is susceptible to mistreatment as such term is defined in subsection (4) of this section or self-neglect as such term is defined in subsection (7) of this section because the individual is unable to perform or obtain services necessary for the individual’s health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual’s person or affairs.</p> <p>(4) “Mistreatment” means an act or omission which threatens the health, safety, or welfare of an at-risk adult... or which exposes the adult to a situation or condition that poses an imminent risk of death, serious bodily injury, or bodily injury to the adult. “Mistreatment” includes, but is not limited to:</p> <ul style="list-style-type: none"> (a) Abuse which occurs: <ul style="list-style-type: none"> (I) Where there is infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation; (II) Where unreasonable confinement or restraint is imposed; or (III) Where there is subjection to nonconsensual sexual conduct or contact or contact classified as a crime; (b) Caretaker neglect which occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for the at-risk adult or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise; except that the withholding of artificial nourishment shall not be considered as abuse; (c) Exploitation which is the illegal or improper use of an at-risk adult for another person’s advantage.
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<p>Mandatory Reporting Adult (Colorado)</p>	<p>(7) “Self-neglect” means an act or failure to act whereby an at-risk adult substantially endangers the adult’s health, safety, welfare, or life by not seeking or obtaining services necessary to meet the adult’s essential human needs. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect.</p> <p>Persons Required to Report</p> <p>(b) The following persons are urged to make an oral report within twenty-four hours:</p> <ul style="list-style-type: none"> (I) Physicians, surgeons, physicians’ assistants, osteopaths, physicians in training, podiatrists, and occupational therapists; (II) Medical examiners and coroners; (III) Registered nurses, licensed practical nurses and nurse practitioners; (IV) Hospital and long term care facility personnel engaged in the admission, care, or treatment of patients; (V) Psychologists and other mental health professionals; (VI) Social work practitioners; (VII) Dentists; (VIII) Law enforcement officials and personnel; (IX) Court-appointed guardians and conservators; (X) Fire protection personnel; (XI) Pharmacists; (XII) Community centered board staff; (XIII) Personnel of banks, savings and loan associations, credit unions, and other lending or financial institutions; and (XV) Any caretaker, staff member, or employee of or volunteer or consultant for a licensed or certified care facility, agency, home, or governing board, including but not limited to home health care providers.
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<p>Mandatory Reporting Adult (Colorado)</p>	<p>(c) In addition to those persons urged by this subsection (1) to report known or suspected mistreatment, self-neglect, or exploitation of an at-risk adult and circumstances or conditions which might reasonably result in mistreatment, self-neglect, or exploitation any other person may report such known or suspected mistreatment, self-neglect, or exploitation and circumstances or conditions which might reasonably result in mistreatment, self-neglect, or exploitation of an at-risk adult to the local law enforcement agency or the county department.</p>
<p>Connecticut</p>	
<p>Definition of Confidentiality (Connecticut)</p>	<p>CONN. GEN. STAT. § 52-146k (2013)</p> <p>(a) As used in this section:</p> <p>(1) “Domestic violence agency” means any office, shelter, host home or agency offering assistance to victims of domestic violence through crisis intervention, emergency shelter referral and medical and legal advocacy, and which meets the Department of Social Services criteria of service provision for such agencies.</p> <p>(2) “Domestic violence counselor” means any person engaged in a domestic violence agency (A) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system and information about state and community resources for victims of</p>

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<p>Definition of Confidentiality (Connecticut)</p>	<p>domestic violence (B) who is certified as a counselor by the domestic violence agency that provided such training (C) who is under the control of a direct service supervisor of a domestic violence agency (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.</p> <p>(3) “Confidential communication” means information transmitted between a victim of domestic violence or a victim of a sexual assault and a domestic violence counselor or a sexual assault counselor in the course of that relationship and in confidence by a means which, so far as the victim is aware, does not disclose the information to a third person other than any person who is present to further the interests of the victim in the consultation or any person to whom disclosure is reasonably necessary for the transmission of the information or for the accomplishment of the purposes for which such counselor is consulted, and includes all information received by, and any advice, report or working paper given or made by, such counselor in the course of the relationship with the victim.</p> <p>(4) “Rape crisis center” means any office, institution or center offering assistance to victims of sexual assault and their families through crisis intervention, medical and legal advocacy and follow-up counseling.</p> <p>(5) “Sexual assault counselor” means (A) any person engaged in a rape crisis center who (i) has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of sexual assault and incest, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system, information about hospital and medical systems and information about state and community resources for sexual assault victims,</p>
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<p>Definition of Confidentiality (Connecticut)</p>	<p>(ii) is certified as a counselor by the sexual assault center which has provided such training, (iii) is under the control of a direct services supervisor of a rape crisis center, and (iv) whose primary purpose is the rendering of advice, counseling and assistance to, and the advocacy of the cause of, victims of sexual assault</p> <p>(B) any member of the armed forces of the state or the United States who is trained and certified as a victim advocate or a sexual assault prevention coordinator in accordance with the military’s sexual assault prevention and response program.</p> <p>(6) “Victim” means any person who consults a domestic violence counselor or a sexual assault counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by domestic violence or a sexual assault.</p>
<p>Privilege (Connecticut)</p>	<p>CONN. GEN. STAT. § 52-146k (2013)</p> <p>(b) On or after October 1, 1983, a domestic violence counselor or a sexual assault counselor shall not disclose any confidential communications made to such counselor at any time by a victim in any civil or criminal case or proceeding or in any legislative or administrative proceeding unless the victim making the confidential communications waives the privilege, provided under no circumstances shall the location of the domestic violence agency or rape crisis center or the identity of the domestic violence counselor or sexual assault counselor be disclosed in any civil or criminal proceeding. Any request made on or after October 1, 1983, by the defendant or the state for such confidential communications shall be subject to the provisions of this subsection.</p> <p>(c) When a victim is deceased or has been adjudged incompetent by a court of competent jurisdiction, the guardian of the victim or the executor or administrator of the estate of the victim may waive the privilege established by this section.</p>



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<p>Privilege (Connecticut)</p>	<p>(d) A minor may knowingly waive the privilege established by this section. In any instance where the minor is, in the opinion of the court, incapable of knowingly waiving the privilege, the parent or guardian of the minor may waive the privilege on behalf of the minor, provided the parent or guardian is not the defendant and does not have a relationship with the defendant such that the parent or guardian has an interest in the outcome of the proceeding.</p> <p>(e) The privilege established by this section shall not apply:</p> <ol style="list-style-type: none"> (1) In matters of proof concerning chain of custody of evidence; (2) in matters of proof concerning the physical appearance of the victim at the time of the injury; or (3) where the domestic violence counselor or sexual assault counselor has knowledge that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed by the victim. <p>(f) The failure of any party to testify as a witness pursuant to the provisions of this section shall not result in an inference unfavorable to the state’s cause or to the cause of the defendant.</p>
<p>Mandatory Reporting Child (Connecticut)</p>	<p>CONN. GEN. STAT. § 17a-101a (2013)</p> <p>What has to be reported?</p> <p>In the ordinary course of such person’s employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (1) has been abused or neglected, (2) has had non-accidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (3) is placed at imminent risk of serious harm, shall report or cause a report to be made.</p>



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<p>Mandatory Reporting Child (Connecticut)</p>	<p>Relevant Definitions</p> <p>CONN. GEN. STAT.. § 46b-120 (2013)</p> <p>(1) “Child” means any person under eighteen years of age who has not been legally emancipated;</p> <p>(2) (A) “Youth” means any person sixteen or seventeen years of age who has not been legally emancipated;</p> <p>CONN. GEN. STAT. § 52-146K (2013)</p> <p>(2) “Battered women’s counselor” means any person engaged in a battered women’s center (A) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of battering, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system and information about state and community resources for battered women, (B) who is certified as a counselor by the battered women’s center which provided such training, (C) who is under the control of a direct service supervisor of a battered women’s center, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, battered women.</p> <p>(5) “Sexual assault counselor” means any person engaged in a rape crisis center who (A) has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of sexual assault and incest, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system, information about hospital and medical systems and information about state and community resources for sexual assault victims, (B) is certified as a counselor by the sexual assault center which has provided such training, (C) is under the control of a direct services supervisor of a rape crisis center, and (D) whose primary purpose is the rendering of advice, counseling and assistance to, and the advocacy of the cause of, victims of sexual assault.</p>
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<p>Mandatory Reporting Child (Connecticut)</p>	<p>Persons Required to Report CONN. GEN. STAT. § 17a-101(b) (2013) (b) The following persons shall be mandated reporters:</p> <ul style="list-style-type: none"> • Police Officer; • Juvenile or adult parole officer; • Any physician or surgeon licensed under the provisions of chapter 370; • Any resident physician or intern in any hospital in this state, whether or not so licensed; • Any registered nurse; • Licensed practical nurse medical examiner; • Dentist; • Dental hygienist; • Psychologist; • School employee; • Coach of intramural or interscholastic athletics; • Social worker; • Member of the clergy; • Pharmacist; • Physical therapist; • Optometrist; • Chiropractor; • Podiatrist; • Clergyman,
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<p>Mandatory Reporting Child (Connecticut)</p>	<ul style="list-style-type: none"> • Psychologist; • Mental health professional or physician assistant; • Any person who is a licensed or certified emergency medical services provider; • Any person who is a licensed or certified alcohol and drug counselor; • Any person who is a licensed marital and family therapist; • Any person who is a sexual assault counselor or a battered women’s counselor; • Any person who is a licensed professional counselor; • Any person paid to care for a child in any public or private facility; • A child day care center, group day care home or family day care home licensed by the state; • Any employee of the Department of Children and Families; • Any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps, the Child Advocate; • Any employee of the Office of Child Advocate; • Any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department.
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Mandatory Reporting Child <i>(Connecticut)</i>	
Mandatory Reporting Adult <i>(Connecticut)</i>	<p>CONN. GEN. STAT. § 17b-451 (2013)</p> <p>What has to be reported?</p> <p>(a) Reasonable cause to suspect or believe that any elderly person has been abused, neglected, exploited or abandoned, or is in a condition which is the result of such abuse, neglect, exploitation or abandonment, or is in need of protective services.</p> <p>Relevant Definitions</p> <p>CONN. GEN. STAT. § 17b-450 (2013)</p> <p>(1) The term “elderly person” means any resident of Connecticut who is sixty years of age or older.</p> <p>(2) An elderly person shall be deemed to be “in need of protective services” if such person is unable to perform or obtain services which are necessary to maintain physical and mental health.</p> <p>(5) The term “caretaker” means a person who has the responsibility for the care of an elderly person as a result of family relationship or who has assumed the responsibility for the care of the elderly voluntarily, by contract or by order of a court of competent jurisdiction.</p> <p>Persons Required to Report</p> <p>CONN. GEN. STAT. § 17b-451(a) (2013)</p> <ul style="list-style-type: none"> • Police officer; • Any physician or surgeon licensed under the provisions of chapter 370;



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<p>Mandatory Reporting Adult (Connecticut)</p>	<ul style="list-style-type: none"> • Any resident physician or intern in any hospital in this state, whether or not so licensed; • Any registered nurse; • Any nursing home administrator, nurse’s aide or orderly in a nursing home facility; • Any person paid for caring for a patient in a nursing home facility; • Any staff person employed by a nursing home facility; • Any patients’ advocate; • Any licensed practical nurse; • Medical examiner; • Dentist; • Optometrist; • Chiropractor; • Podiatrist; • Social worker; • Clergyman; • Pharmacist; • Psychologist; or • Physical therapist.
<p>Delaware</p>	



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<p>Definition of Confidentiality (Delaware)</p>	<p>Delaware does not have an applicable statute</p>
<p>Privilege (Delaware)</p>	<p>Delaware does not have an applicable statute</p>
<p>Mandatory Reporting Child (Delaware)</p>	<p>DEL CODE ANN. tit. 16, § 903 (2013) What has to be reported? Knowledge or good faith suspicion of child abuse or neglect.</p> <p>Relevant Definitions DEL CODE ANN. tit 16, § 902 (2013) a. (1) “Abuse” or “abused child” means that a person: Causes or inflicts sexual abuse on a child; or</p> <p>b. Has care, custody or control of a child, and causes or inflicts:</p> <ol style="list-style-type: none"> 1. Physical injury through unjustified force; 2. Emotional abuse; 3. Torture; 4. Exploitation; or 5. Maltreatment or mistreatment <p>(3) “Care, custody and control” or “those responsible for care custody and control” shall mean a person or persons in a</p>

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<p>Mandatory Reporting Child (Delaware)</p>	<p>position of trust, authority, supervision or control over a child. It may include:</p> <ul style="list-style-type: none"> a. A parent, guardian, or custodian; b. Other members of the child’s family or household, meaning persons living together permanently or temporarily without regard to whether they are related to each other and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the child’s household; c. Any person who, regardless of whether a member of the child’s household, is defined as family or relatives in this section or as an adult individual defined in § 1009(b)(3)a. of this title; d. Persons temporarily responsible for the child’s well-being or care such as a healthcare provider, aide, teacher, instructor, coach, sitter, day care or child care provider, or any other person having regular direct contact with children through affiliation with a school, church, or religious institution, health care facility, athletic or charitable organization or any other organization whether such a person is compensated or acting as a volunteer; or e. Any person who has assumed control of or responsibility for the child. <p>(6) “Custodian” means any person who is charged by law with or who has assumed responsibility for a child’s care.</p> <p>(21) “Sexual abuse” means any act against a child that is described as a sex offense in § 761(g) of Title 11.</p> <p>DEL CODE ANN. tit 16, § 761 (2013)</p> <p>(b) “Cunnilingus” means any oral contact with the female genitalia.</p> <p>(c) “Fellatio” means any oral contact with the male genitalia.</p>
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<p>Mandatory Reporting Child (Delaware)</p>	<p>(d) “Object” means any item, device, instrument, substance or any part of the body. It does not mean a medical instrument used by a licensed medical doctor or nurse for the purpose of diagnosis or treatment.</p> <p>(e) “Position of trust, authority or supervision over a child” includes, but is not limited to:</p> <ol style="list-style-type: none"> (1) Familial, guardianship or custodial authority or supervision; or (2) A teacher, coach, counselor, advisor, mentor or any other person providing instruction or educational services to a child or children, whether such person is compensated or acting as a volunteer; or (3) A babysitter, child care provider, or child care aide, whether such person is compensated or acting as a volunteer; or (4) A health professional, meaning any person who is licensed or who holds himself or herself out to be licensed or who otherwise provides professional physical or mental health services, diagnosis, treatment or counseling which shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists, whether such person is compensated or acting as a volunteer; or (5) Clergy, including but not limited to any minister, pastor, rabbi, lay religious leader, pastoral counselor or any other person having regular direct contact with children through affiliation with a church or religious institution, whether such person is compensated or acting as a volunteer; or (6) Any law-enforcement officer, as that term is defined in § 222 of this title, and including any person acting as an officer or counselor at a correctional or counseling institution, facility or organization, whether such person is compensated or acting as a volunteer; or (7) Any other person who because of that person’s familial relationship, profession, employment, vocation, avocation or volunteer service has regular direct contact with a child or children and in the course thereof assumes
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<p>Mandatory Reporting Child (Delaware)</p>	<p>responsibility, whether temporarily or permanently, for the care or supervision of a child or children.</p> <p>(f) “Sexual contact” means:</p> <ol style="list-style-type: none"> (1) Any intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person; or (2) Any intentional touching of another person with the defendant’s anus, breast, buttocks or genitalia; or (3) Intentionally causing or allowing another person to touch the defendant’s anus, breast, buttocks or genitalia which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature. Sexual contact shall also include touching when covered by clothing. <p>(g) “Sexual intercourse” means:</p> <ol style="list-style-type: none"> (1) Any act of physical union of the genitalia or anus of one person with the mouth, anus or genitalia of another person. It occurs upon any penetration, however slight. Ejaculation is not required. This offense encompasses the crimes commonly known as rape and sodomy; or (2) Any act of cunnilingus or fellatio regardless of whether penetration occurs. Ejaculation is not required. <p>(h) “Sexual offense” means any offense defined by §§ 763-780 and §§ 1108-1112A, 1352(2) and 1353(2) of this title.</p> <p>(i) “Sexual penetration” means:</p> <ol style="list-style-type: none"> (1) The unlawful placement of an object, as defined in subsection (d) of this section, inside the anus or vagina of another person; or (2) The unlawful placement of the genitalia or any sexual device inside the mouth of another person. <p>(j) “Without consent” means:</p>
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<p>Mandatory Reporting Child (Delaware)</p>	<p>(1) The defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title, or by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim’s refusal to consent known to the defendant; or</p> <p>(2) The defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or</p> <p>(3) The defendant knew that the victim suffered from a cognitive disability, mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct or incapable of consenting; or</p> <p>(4) Where the defendant is a health professional, as defined herein, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, “health professional” includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or</p> <p>(5) The defendant had substantially impaired the victim’s power to appraise or control the victim’s own conduct by administering or employing without the other person’s knowledge or against the other person’s will, drugs,</p>
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<p>Mandatory Reporting Child (Delaware)</p>	<p>intoxicants or other means for the purpose of preventing resistance.</p> <p>(k) A child who has not yet reached that child’s sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child. Children who have not yet reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances.</p> <p>Persons Required to Report DEL CODE ANN. tit. 16, § 903 (2013):</p> <ul style="list-style-type: none"> • Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect • Any physician • Any other person in the healing arts including any person licensed to render services in medicine, osteopathy, dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law enforcement agency.
<p>Mandatory Reporting Adult (Delaware)</p>	<p>DEL CODE ANN. tit. 31, § 3910 (2013)</p> <p>What has to be reported? (a) Reasonable cause to believe that an adult person is impaired or incapacitated as defined in § 3902 of this title and is in need of protective services as defined in § 3904 of this title</p> <p>Relevant Definitions DEL CODE ANN. tit. 31, § 3902 (2013)</p> <p>(1) “Abuse” means:</p> <p style="padding-left: 40px;">a. Physical abuse by unnecessarily inflicting pain or injury on an infirm adult; or</p>



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<p>Mandatory Reporting Adult (Delaware)</p>	<p>b. A pattern of emotional abuse, which includes, but is not limited to, ridiculing or demeaning an infirm adult making derogatory remarks to an infirm adult or cursing or threatening to inflict physical or emotional harm on an infirm adult.</p> <p>(2) “Adult who is impaired” shall mean any person 18 years of age or over who, because of physical or mental disability, is substantially impaired in the ability to provide adequately for the person’s own care and custody.</p> <p>(3) “Caregiver” means any adult who has assumed the permanent or temporary care, custody or responsibility for the supervision of an adult who is impaired.</p> <p>(15) “Person who is incapacitated” means a person for whom a guardian of person or property, or both, shall be appointed, under § 3901 of Title 12. (16) “Physical or mental disability” shall include any physical or mental disability and shall include, but not be limited to, intellectual and developmental disabilities, brain damage, physical degeneration, deterioration, senility, disease, habitual drunkenness or addiction to drugs, and mental or physical impairment.</p> <p>(19) “Substantially impaired in the ability to provide adequately for the person’s own care and custody” means the person who is impaired is unable to perform or obtain for himself or herself essential services.</p> <p>Persons Required to Report DEL CODE ANN. tit. 31, § 3910 (2013)</p> <p>(a) Any person having reasonable cause to believe that an adult person is infirm or incapacitated and is in need of protective services.</p>
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District of Columbia	
<p>Definition of Confidentiality <i>(District of Columbia)</i></p>	<p>D.C. CODE § 7-1201 (2013)</p> <p>(a) Except as specifically authorized by subchapter II, III, or IV of this chapter, no mental health professional, mental health facility, data collector or employee or agent of a mental health professional, mental health facility or data collector shall disclose or permit the disclosure of mental health information to any person, including an employer.</p> <p>(b) Except as specifically authorized by subchapter II or IV of this chapter, no client in a group session shall disclose or permit the disclosure of mental health information relating to another client in the group session to any person.</p> <p>(c) No violation of subsection (a) or (b) of this section occurs until a single act or series of acts taken together amount to a disclosure of mental health information.</p> <p>Except as provided in § 7-1202.06, a mental health professional, mental health facility, data collector or employee or agent of a mental health professional, mental health facility or data collector shall disclose mental health information and a client in a group session may disclose mental health information upon the voluntary written authorization of the person or persons who have the power to authorize disclosure under § 7-1202.05.</p>
<p>Privilege <i>(District of Columbia)</i></p>	<p>D.C. CODE § 14-307</p> <p>(a) In the Federal courts in the District of Columbia and District of Columbia courts a physician or surgeon or mental health professional as defined by § 7-1201.01(11) or a domestic violence counselor as defined in § 14-310(a)(2), or a human trafficking counselor as defined in § 14-311(a)(2) may not be permitted, without the consent of the client, or of his</p>

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<p>Privilege (District of Columbia)</p>	<p>legal representative, to disclose any information, confidential in its nature, that he has acquired in attending a client in a professional capacity and that was necessary to enable him to act in that capacity, whether the information was obtained from the client or from his family or from the person or persons in charge of him.</p> <p>(b) This section does not apply to:</p> <ol style="list-style-type: none"> (1) evidence in a grand jury, criminal, delinquency, family, or domestic violence proceeding where a person is targeted for or charged with causing the death of or injuring a human being, or with attempting or threatening to kill or injure a human being, or a report has been filed with the police pursuant to § 7-2601, and the disclosure is required in the interests of public justice; (2) evidence relating to the mental competency or sanity of an accused in criminal trials where the accused raises the defense of insanity or where the court is required under prevailing law to raise the defense sua sponte, or in the pretrial or post-trial proceedings involving a criminal case where a question arises concerning the mental condition of an accused or convicted person; (3) evidence relating to the mental competency or sanity of a child alleged to be delinquent, neglected, or in need of supervision in any proceeding before the Family Division of the Superior Court; (4) evidence in a grand jury, criminal, delinquency, or civil proceeding where a person is alleged to have defrauded the District of Columbia or federal government in relation to receiving or providing services under the District of Columbia medical assistance program authorized by title 19 of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 <i>et seq.</i>), or where a person is alleged to have defrauded a health care benefit program; or (5) evidence in a criminal or delinquency proceeding where a person is charged with an impaired driving offense and where the person caused the death of or injury to a human being, and the disclosure is required in the interest of public justice.
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<p>Privilege (District of Columbia)</p>	<p>(c) For the purposes of this section, the term:</p> <p>(1) “Health care benefit program” means any public or private plan or contract under which a medical benefit, item, or service is or may be provided to an individual, and includes an individual or entity who provides a medical benefit, item, or service for which payment may be made under the plan or contract.</p> <p>(2) “Injury” includes, in addition to physical damage to the body, a sexual act or sexual contact prohibited by Chapter 30 of Title 22.</p> <p>D.C. CODE § 7-1201.01</p> <p>Definitions</p> <p>(11) “Mental health professional” means any of the following persons engaged in the provision of professional services:</p> <p>(A) A person licensed to practice medicine;</p> <p>(B) A person licensed to practice psychology;</p> <p>(C) A licensed social worker;</p> <p>(D) A professional marriage, family, or child counselor;</p> <p>(E) A rape crisis or sexual abuse counselor who has undergone at least 40 hours of training and is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist;</p> <p>(F) A licensed nurse who is a professional psychiatric nurse; or</p> <p>(G) Any person reasonably believed by the client to be a mental health professional within the meaning of subparagraphs (A) through (F) of this paragraph.</p>
<p>Mandatory Reporting Child (District of Columbia)</p>	<p>D.C. CODE § 4-1321 (2013)</p> <p>What has to be reported?</p> <p>(a) Knowledge or reasonable cause to suspect that a child known to him or her in his or her professional or official</p>



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<p>Mandatory Reporting Child (District of Columbia)</p>	<p>capacity has been or is in immediate danger of being a mentally or physically abused or neglected child.</p> <p>Relevant Definitions D.C. CODE § 4-1341 (2013)</p> <p>(1) “Child” means a person under 18 years of age.</p> <p>(2) “Child abuse” means harm or threatened harm to a child’s health or welfare by a person responsible for the child’s health or welfare, which occurs through the intentional infliction of physical or emotional injury or an act of sexual abuse, which includes a violation of any provision of subchapter of this chapter.</p> <p>(3) “Child neglect” means harm to a child’s health or welfare which occurs through the failure to provide adequate food, clothing, shelter, education, or medical care.</p> <p>D.C. CODE § 14-310 (2013)</p> <p>(2) “Domestic violence counselor” means an employee, contractor, or volunteer of a domestic violence program who:</p> <p style="margin-left: 20px;">(A) Is rendering support, counseling, or assistance to a victim;</p> <p style="margin-left: 20px;">(B) Has undergone not less than 40 hours of domestic violence counselor training conducted by a domestic violence program that includes dynamics of domestic violence, trauma resulting from domestic violence, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; an</p> <p style="margin-left: 20px;">(C) (i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or</p> <p style="margin-left: 20px;">(ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves victims.</p>
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<p>Mandatory Reporting Child (District of Columbia)</p>	<p>D.C. CODE § 7-1201.01 (2013) (11) Mental health professional means any of the following persons engaged in the provision of professional services: (A) A person licensed to practice medicine; (B) A person licensed to practice psychology; (C) A licensed social worker; (D) A professional marriage, family, or child counselor; (E) A rape crisis or sexual abuse counselor who has undergone at least 40 hours of training and is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist; (F) A licensed nurse who is a professional psychiatric nurse; or (G) Any person reasonably believed by the client to be a mental health professional within the meaning of subparagraphs (A) through (F) of this paragraph.</p> <p>Persons Required to Report D.C. CODE § 4-1321.02 (2013) (b) Every:</p> <ul style="list-style-type: none"> • Law enforcement officer; • Child and Family Services Agency employees, agents and contractors; • Physician; • Psychologist; • Medical examiner; • Dentist;
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<p>Mandatory Reporting Child (District of Columbia)</p>	<ul style="list-style-type: none"> • Chiropractor; • Registered nurse; • Licensed practical nurse; • Person involved in the care and treatment of patients; • Humane officer of any agency charged with the enforcement of animal cruelty laws; • School official; • Teacher; • Athletic coach; • Department of Parks and Recreation employee; • Public housing resident manager; • Social service worker; • Day care worker; • Human trafficking counselor • Mental health professional; and • Domestic violence counselor.
<p>Mandatory Reporting Adults (District of Columbia)</p>	<p>D.C. CODE § 7-1903 (2013)</p> <p>What has to be reported?</p> <p>(a)(1) A mandatory reporter who as a result of his or her appointment, employment, or practice has substantial cause to believe that an adult is in need of protective services because of abuse, neglect or exploitation by another.</p> <p>Relevant Definitions</p>



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<p>Mandatory Reporting Adults <i>(District of Columbia)</i></p>	<p>D.C. CODE § 7-1901 (2013)</p> <p>(1)(A) “Abuse” means:</p> <ul style="list-style-type: none"> (i) The intentional or reckless infliction of serious physical pain or injury; (ii) The use or threatened use of violence to force participation in “sexual conduct,” (iii) The repeated, intentional imposition of unreasonable confinement or threats to impose unreasonable confinement, resulting in severe mental distress; (iv) The repeated use of threats or violence, resulting in shock or an intense, expressed fear for one’s life or of serious physical injury; or (v) The intentional or deliberately indifferent deprivation of essential food, shelter, or health care in violation of a caregiver’s responsibilities, when that deprivation constitutes a serious threat to one’s life or physical health. <p>(1)(a) “Adult” means an individual 18 years of age or older.</p> <p>(2)(a) “Adult in need of protective services” means an individual 18 years of age or older who:</p> <ul style="list-style-type: none"> (i) Is highly vulnerable to abuse, neglect, self-neglect, or exploitation because of a physical or mental impairment, self-neglect, or incapacity; (ii) Has recently been or is being abused, neglected, or exploited by another or meets the criteria for self-neglect; and (iii) Has no one willing and able to provide adequate protection. <p>(4) “Caregiver” means a person that, by law, contract, court order, or voluntary action, is charged with or has assumed the responsibility for an adult’s essential food, shelter, or health-care needs.</p> <p>D.C. CODE § 22-3101 (2013)</p> <p>(5) Sexual conduct means:</p>
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<p>Mandatory Reporting Adults (District of Columbia)</p>	<p>(A) Actual or simulated sexual intercourse: (i) Between the penis and the vulva, anus, or mouth; (ii) Between the mouth and the vulva or anus; or (iii) Between an artificial sexual organ or other object or instrument used in the manner of an artificial sexual organ and the anus or vulva;</p> <p>(B) Masturbation; (C) Sexual bestiality; (D) Sadomasochistic sexual activity for the purpose of sexual stimulation; or (E) Lewd exhibition of the genitals.</p> <p>Persons Required to Report D.C. CODE § 7-1903 (2013) (a)(1)</p> <ul style="list-style-type: none"> • Police officer; • Conservator; • Court-appointed mental retardation advocate; • Guardian; • Health-care administrator; • Licensed health professional; • Humane officer of any agency charged with the enforcement of animal cruelty laws; • Bank manager; • Financial manager; or • Social worker.
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Florida	
Definition of Confidentiality <i>(Florida)</i>	<p>FLA. STAT. ANN. § 90.5035 (West 2013)</p> <p>(e) A communication between a sexual assault counselor or trained volunteer and a victim is “confidential” if it is not intended to be disclosed to third persons other than:</p> <ol style="list-style-type: none"> 1. Those persons present to further the interest of the victim in the consultation, examination, or interview. 2. Those persons necessary for the transmission of the communication. 3. Those persons to whom disclosure is reasonably necessary to accomplish the purposes for which the sexual assault counselor or the trained volunteer is consulted.
Privilege <i>(Florida)</i>	<p>FLA. STAT. ANN. § 90.5035 (West 2013)</p> <p>(2) A victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the victim to a sexual assault counselor or trained volunteer or any record made in the course of advising, counseling, or assisting the victim. Such confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege includes any advice given by the sexual assault counselor or trained volunteer in the course of that relationship.</p> <p>(3) The privilege may be claimed by:</p> <ol style="list-style-type: none"> (a) The victim or the victim’s attorney on his or her behalf.

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<p>Privilege (Florida)</p>	<p>(b) A guardian or conservator of the victim. (c) The personal representative of a deceased victim. (d) The sexual assault counselor or trained volunteer, but only on behalf of the victim. The authority of a sexual assault counselor or trained volunteer to claim the privilege is presumed in the absence of evidence to the contrary.</p>
<p>Mandatory Reporting Child (Florida)</p>	<p>FLA. STAT. ANN. § 39.201 (West 2013) What has to be reported? (1)(a) Any person who knows, has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care. (b) Any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child’s welfare, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2). (c) Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2). Relevant Definitions FLA. STAT. ANN. § 39.01 (West 2013) (2) “Abuse” means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child</p>



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<p>Mandatory Reporting Child (Florida)</p>	<p>includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.</p> <p>(10) “Caregiver” means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child’s welfare as defined in subsection (47).</p> <p>(12) “Child” or “youth” means any unmarried person under the age of 18 years who has not been emancipated by order of the court.</p> <p>(32) “Harm” to a child’s health or welfare can occur when any person:</p> <ol style="list-style-type: none"> 2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child’s behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term “drugs” means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03. 3. Leaving a child without adult supervision or arrangement appropriate for the child’s age or mental or physical condition, so that the child is unable to care for the child’s own needs or another’s basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis. <p>(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.</p> <p>(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:</p> <ol style="list-style-type: none"> 1. Solicit for or engage in prostitution; or 2. Engage in a sexual performance, as defined by chapter 827.
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<p>Mandatory Reporting Child (Florida)</p>	<p>(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.</p> <p>(j) Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.</p> <p>(67) “Sexual abuse of a child” means one or more of the following acts:</p> <p>(a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.</p> <p>(b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.</p> <p>(c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.</p> <p>(d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:</p> <ol style="list-style-type: none"> 1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or 2. Any act intended for a valid medical purpose. <p>(e) The intentional masturbation of the perpetrator’s genitals in the presence of a child.</p> <p>(f) The intentional exposure of the perpetrator’s genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.</p> <p>(g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:</p> <ol style="list-style-type: none"> 1. Solicit for or engage in prostitution; or 2. Engage in a sexual performance, as defined by chapter 827.
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<p>Mandatory Reporting Child (Florida)</p>	<p>Persons Required to Report FLA. STAT. ANN. § 39.201 (West 2013) (b): Reporters in the following occupation categories:</p> <ul style="list-style-type: none"> (1) Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons; (2) Health or mental health professional other than one listed in the preceding paragraph; (3) Practitioner who relies solely on spiritual means for healing; (4) School teacher or other school official or personnel; (5) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker; (6) Law enforcement officer; or (7) Judge. <p>FLA. STAT. ANN. § 944.35 (West 2013) What has to be reported? (4)(d) Witnessing, or reasonable cause to suspect, that an inmate or an offender under the supervision of the department [of corrections] in the community has been unlawfully abused or is the subject of sexual misconduct.</p> <p>Relevant Definitions (3)(b)(1) “Sexual misconduct” means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee’s duty.</p> <p>Persons Required to Report</p>
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<p>Mandatory Reporting Adult (Florida)</p>	<p>(3)(d) Each employee who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct.</p> <p>FLA. STAT. ANN. § 415.1034 (West 2013)</p> <p>What has to be reported?</p> <p>(1)(a) Any [mandated reporter] who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline.</p> <p>Persons Required to Report</p> <p>FLA. STAT. ANN. § 415.1034 (West 2013)</p> <p>(1)(a) Any person, including, but not limited to, any:</p> <ol style="list-style-type: none"> 1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in the admission, examination, care, or treatment of vulnerable adults; 2. Health professional or mental health professional other than one listed in subparagraph 1; 3. Practitioner who relies solely on spiritual means for healing; 4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff; 5. State, county, or municipal criminal justice employee or law enforcement officer; 6. An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032; 7. Florida advocacy council member or long-term care ombudsman council member; or 8. Bank, savings and loan, or credit union officer, trustee, or employee.
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Georgia	
<p>Definition of Confidentiality (Georgia)</p>	<p>GA. CODE ANN. § 24-5-501 (2013)</p> <p>(a) There are certain admissions and communications excluded from evidence on grounds of public policy, including, but not limited to, the following:</p> <ul style="list-style-type: none"> (6) Communications between licensed psychologist and patient as provided in Code Section 43-39-16; (7) Communications between a licensed clinical social worker, clinical nurse specialist in psychiatric/mental health, licensed marriage and family therapist, or licensed professional counselor and patient; (8) Communications between or among any psychiatrist, psychologist, licensed clinical social worker, clinical nurse specialist in psychiatric/mental health, licensed marriage and family therapist, and licensed professional counselor who are rendering psychotherapy or have rendered psychotherapy to a patient, regarding that patient's communications which are otherwise privileged by paragraph (5), (6), or (7) of this subsection; and
<p>Mandatory Reporting Child (Georgia)</p>	<p>GA. CODE ANN. § 19-7-5 (2013)</p> <p>What has to be reported?</p> <p>(C)(1) Reasonable cause to believe that a child has been abused.</p> <p>(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law.</p>

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<p>Mandatory Reporting Child (Georgia)</p>	<p>Relevant Definitions</p> <p>(1) “Abused” means subjected to child abuse</p> <p>(2) “Child” means any person under 18 years of age.</p> <p>(3) Child abuse:</p> <ul style="list-style-type: none"> (A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, physical forms of discipline may be used as long as there is no physical injury to the child; (B) Neglect or exploitation of a child by a parent or caretaker thereof; (C) Sexual abuse of a child; or (D) Sexual exploitation of a child. <p>(3.1) “Sexual abuse” means a person’s employing, using, persuading, inducing, enticing, or coercing any minor who is not that person’s spouse to engage in any act which involves:</p> <ul style="list-style-type: none"> (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (B) Bestiality; (C) Masturbation; (D) Lewd exhibition of the genitals or pubic area of any person; (E) Flagellation or torture by or upon a person who is nude; (F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude; (G) Physical contact in an act of apparent sexual stimulation or gratification with any person’s clothed or unclothed genitals, pubic area, or buttocks or with a female’s clothed or unclothed breasts; (H) Defecation or urination for the purpose of sexual stimulation; or (I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.
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<p>Mandatory Reporting Child (Georgia)</p>	<p>Sexual abuse shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.</p> <p>(b)(4) “Sexual exploitation” means conduct by a child’s parent or caretaker who allows, permits, encourages, or requires that child to engage in:</p> <ul style="list-style-type: none"> (A) Prostitution, or (B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, <p>Persons Required to Report</p> <p>(C)(1)</p> <ul style="list-style-type: none"> (A) Physicians licensed to practice medicine, interns, or residents; (B) Hospital or medical personnel; (C) Dentists; (D) Licensed psychologists and persons participating in internships to obtain licensing; (E) Podiatrists; (F) Registered professional nurses, licensed practical nurses, and nurses aides; (G) Professional counselors, social workers, or marriage and family therapists; (H) School teachers; (I) School administrators; (J) School guidance counselors, visiting teachers, school social workers, or school psychologists; (K) Child welfare agency personnel; (L) Child-counseling personnel; (M) Child service organization personnel;
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<p>Mandatory Reporting Child (Georgia)</p>	<p>(N) Law enforcement personnel; (O) Reproductive health care facility or pregnancy resource center personnel and volunteers.</p>
<p>Mandatory Reporting Adult (Georgia)</p>	<p>GA. CODE ANN. § 30-5-4 (2013) What has to be reported? (a)(1)(A) Reasonable cause to believe that a disabled adult or elder person has had a physical injury or injuries inflicted upon such disabled adult or elder person, other than by accidental means, or has been neglected or exploited.</p> <p>Relevant Definitions GA. CODE ANN. § 30-5-3 (2013): (1) “Abuse” means the willful infliction of physical pain, physical injury, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person. (6) “Disabled adult” means a person 18 years of age or older who is not a resident of a long-term care facility, but who is mentally or physically incapacitated or has Alzheimer’s disease. (7) “Disabled adult in need of protective services” means a disabled adult who is subject to abuse, neglect, or exploitation as a result of that adult’s mental or physical incapacity. (7.1) Elder person means a person 65 years of age or older who is not a resident of a long-term care facility.</p> <p>Persons Required to Report (a)(1)(A) Any</p> <ul style="list-style-type: none"> • Law enforcement personnel; • Physician;



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<p>Mandatory Reporting Adult (Georgia)</p>	<ul style="list-style-type: none"> • Osteopath; • Intern; • Resident; • Other hospital or medical personnel; • Dentist; • Psychologist; • Chiropractor; • Podiatrist; • Pharmacist; • Physical therapist; • Occupational therapist; • Licensed professional counselor; • Nursing personnel; • Social work personnel; • Day-care personnel; • Coroner, • Medical examiner; • Employee of a public or private agency engaged in professional health related services to elder persons or disabled adults.
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Hawaii	
Definition of Confidentiality <i>(Hawaii)</i>	Does not define confidential communications.
Privilege <i>(Hawaii)</i>	HAW. REV. STAT. § 626-1, Rule 505.5 (West 2013): Victim-counselor privilege (b) General rule of privilege. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to a victim counselor for the purpose of counseling or treatment of the victim for the emotional or psychological effects of sexual assault, domestic violence, or child abuse or neglect, and to refuse to provide evidence that would identify the name, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim.
Mandatory Reporting Child <i>(Hawaii)</i>	HAW. REV. STAT. § 350-1 (West 2013) What has to be reported? (a) Persons who, in their professional or official capacity, have reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future. Relevant Definitions “Child abuse or Neglect” means the acts or omissions of any person who, or legal entity which, is in any manner or degree

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<p>Mandatory Reporting Child (Hawaii)</p>	<p>related to the child, is residing with the child, or is otherwise responsible for the child’s care, that have resulted in the physical or psychological health or welfare of the child, who is under the age of eighteen, to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed. The acts or omissions are indicated for the purposes of reports by circumstances that include but are not limited to:</p> <ul style="list-style-type: none"> (1) When the child exhibits evidence of: <ul style="list-style-type: none"> (A) Substantial or multiple skin bruising or any other internal bleeding; (B) Any injury to skin causing substantial bleeding; (C) Malnutrition; (D) Failure to thrive; (E) Burn or burns; (F) Poisoning; (G) Fracture of any bone; (H) Subdural hematoma; (I) Soft tissue swelling; (J) Extreme pain; (K) Extreme mental distress; (L) Gross degradation; (M) Death; <p>and such injury is not justifiably explained, or when the history given concerning such condition or death is at variance with the degree or type of such condition or death, or circumstances indicates that such condition or death may not be the product of an accidental occurrence; or</p> <ul style="list-style-type: none"> (2) When the child has been the victim of sexual contact or conduct, including, but not limited to, sexual assault as defined in the penal code, molestation, sexual fondling, incest, or prostitution; obscene or pornographic
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<p>Mandatory Reporting Child (Hawaii)</p>	<p>photographing, filming, or depiction; or other similar forms of sexual exploitation; or</p> <p>(3) When there exists injury to the psychological capacity of a child as is evidenced by an observable and substantial impairment in the child’s ability to function; or</p> <p>(4) When the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision; or</p> <p>(5) When the child is provided with dangerous, harmful, or detrimental drugs; provided that this paragraph shall not apply when such drugs are provided to the child pursuant to the direction or prescription of a practitioner.</p> <p>Persons Required to Report</p> <p>(a) The following persons in their professional or official capacity:</p> <p>(1) Licensed or registered professional of the healing arts or any health-related occupation who examines, attends, treats, or provides other professional or specialized services, including but not limited to physicians, including physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals;</p> <p>(3) Employees or officers of any public or private school;</p> <p>(4) Employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or mental health services, including financial assistance;</p> <p>(5) Employees or officers of any law enforcement agency, including but not limited to the courts, police departments, department of public safety correctional institutions, and parole or probation offices;</p> <p>(6) Individual providers of child care, or employees or officers of any licensed or registered child care facility, foster home, or similar institution;</p> <p>(7) Medical examiners or coroners; and</p>
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<p>Mandatory Reporting Child (Hawaii)</p>	<p>(8) Employees of any public or private agency providing recreational or sports activities.</p>
<p>Mandatory Reporting Adult (Hawaii)</p>	<p>HAW. REV. STAT. § 346-224 (West 2013)</p> <p>What has to be reported?</p> <p>(a) A mandatory reporter in the performance of their professional or official duties who has reason to believe that a vulnerable adult has incurred abuse or is in danger of abuse if immediate action is not taken.</p> <p>Relevant Definitions</p> <p>“Abuse” means any of the following, separately or in combination:</p> <ul style="list-style-type: none"> (1) Physical abuse; (2) Psychological abuse; (3) Sexual abuse; (4) Financial exploitation; (5) Caregiver neglect; or (6) Self-neglect; <p>each as further defined in this chapter. Abuse does not include, and a determination of abuse shall not be based solely on, physical, psychological, or financial conditions that result when a vulnerable adult seeks, or when a caregiver provides or permits to be provided, treatment with the express consent of the vulnerable adult or in accordance with the vulnerable adult’s religious or spiritual practices.</p>



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<p>Mandatory Reporting Adult (Hawaii)</p>	<p>“Capacity” means the ability to understand and appreciate the nature and consequences of making decisions concerning one’s person or to communicate these decisions.</p> <p>“Physical abuse” means:</p> <ul style="list-style-type: none"> (1) The non-accidental infliction of physical or bodily injury, pain, or impairment, including but not limited to hitting, slapping, causing burns or bruises, poisoning, or improper physical restraint; or (2) Causing physical injuries that are not justifiably explained or where the history given for an injury is at variance with the degree or type of injury. <p>“Psychological abuse” means the infliction of mental or emotional distress by use of threats, insults, harassment, humiliation, provocation, intimidation, or other means that profoundly confuse or frighten a vulnerable adult.</p> <p>“Sexual abuse” means nonconsensual sexual contact or conduct caused by another person, including but not limited to:</p> <ul style="list-style-type: none"> (1) Sexual assault, molestation, sexual fondling, incest, or prostitution; or (2) Pornographic photographing, filming, or depiction. <p>“Vulnerable adult” means a person eighteen years of age or older who, because of mental, developmental, or physical impairment, is unable to:</p> <ul style="list-style-type: none"> (1) Communicate or make responsible decisions to manage the person’s own care or resources; (2) Carry out or arrange for essential activities of daily living; or (3) Protect oneself from abuse, as defined in this part. <p>Persons Required to Report</p>
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<p>Mandatory Reporting Adult (Hawaii)</p>	<p>(a) The following persons in the performance of their professional or official duties:</p> <ol style="list-style-type: none"> (1) Any licensed or registered professional of the healing arts and any health-related occupation who examines, treats, or provides other professional or specialized services to a vulnerable adult, including, physicians, physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals; (2) Employees or officers of any public or private agency or institution providing social, medical, hospital or mental health services, including financial assistance; (3) Employees or officers of any law enforcement agency including, but not limited to, the courts, police departments, correctional institutions, and parole or probation offices; (4) Employees or officers of any adult residential care home, adult day care center, or similar institution; and (5) Medical examiners or coroners. (6) Social workers licensed pursuant to chapter 467E and non-licensed person employed in a social worker position pursuant to section 467E-6(2).
<p>Idaho</p>	
<p>Definition of Confidentiality (Idaho)</p>	<p>Idaho has no applicable statute</p>
<p>Privilege (Idaho)</p>	<p>Idaho has no applicable statute</p>



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<p>Mandatory Reporting Child (Idaho)</p>	<p>IDAHO CODE ANN. § 16-1605 (2013)</p> <p>What has to be reported?</p> <p>(1) Reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect.</p> <p>Relevant Definitions</p> <p>IDAHO CODE ANN. § 16-1602 (2013)</p> <p>(1) “Abused” means any case in which a child has been the victim of:</p> <ul style="list-style-type: none"> (a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or (b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child’s health or welfare or mental injury to the child. <p>(7) “Child” means an individual who is under the age of eighteen (18) years.</p> <p>Persons Required to Report</p> <p>IDAHO CODE ANN. § 16-1605 (2013)</p> <p>(1) Any:</p>
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<p>Mandatory Reporting Child (Idaho)</p>	<ul style="list-style-type: none"> • Physician, resident on a hospital staff, intern, nurse, coroner; • School teacher; • Day care personnel; • Social worker; or • Other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect.
<p>Mandatory Reporting Adult (Idaho)</p>	<p>IDAHO CODE ANN. § 39-5303 (2011) What has to be reported? (1) Reasonable cause to believe that a vulnerable adult is being or has been abused, neglected or exploited.</p> <p>Relevant Definitions IDAHO CODE ANN. § 39-5302 (2011) (1) Abuse means the intentional or negligent infliction of physical pain, injury or mental injury.</p> <p>(10) Vulnerable adult means a person eighteen (18) years of age or older who is unable to protect himself from abuse, neglect or exploitation due to physical or mental impairment which affects the person’s judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person.</p> <p>Persons Required to Report (1) Any:</p> <ul style="list-style-type: none"> • Police officer;



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<p>Mandatory Reporting Adult (Idaho)</p>	<ul style="list-style-type: none"> • Physician; • Nurse; • Employee of a public or private health facility, or a state licensed or certified residential facility serving vulnerable adults; • Medical examiner; • Dentist; • Ombudsman for the elderly; • Osteopath; • Optometrist; • Chiropractor; • Podiatrist; • Social worker; • Pharmacist; • Physical therapist; or • Home care worker.
<p>Illinois</p>	
<p>Definition of Confidentiality (Illinois)</p>	<p>Illinois does not define confidential communications</p>



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<p>Privilege <i>(Illinois)</i></p>	<p>735 ILL. COMP. STAT. ANN. 5/8-802.1 (West 2013)</p> <p>(d) Confidentiality. Except as provided in this Act, no rape crisis counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal proceeding as to any confidential communication without the written consent of the victim or a representative of the victim as provided in subparagraph (C).</p> <p>(e) A rape crisis counselor may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any rape crisis counselor or rape crisis organization participating in good faith in the disclosing of records and communications under this Act shall have immunity from any liability, civil, criminal, or otherwise that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this Section, the good faith of any rape crisis counselor or rape crisis organization who disclosed the confidential communication shall be presumed.</p>
<p>Mandatory Reporting Child <i>(Illinois)</i></p>	<p>325 ILL. COMP. STAT. ANN. 5/4 (West 2013)</p> <p>What has to be reported? Reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child.</p> <p>The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.</p> <p>Relevant Definitions “Child” means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a</p>



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<p>Mandatory Reporting Child (Illinois)</p>	<p>branch of the United States armed services.</p> <p>“Abused child” means a child whose parent or immediate family member, or any person responsible for the child’s welfare, or any individual residing in the same home as the child, or a paramour of the child’s parent:</p> <ul style="list-style-type: none"> (a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function; (b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function; (c) commits or allows to be committed any sex offense against such child and extending those Definitions of sex offenses to include children under 18 years of age; (d) commits or allows to be committed an act or acts of torture upon such child; (e) inflicts excessive corporal punishment; (f) commits or allows to be committed the offense of female genital mutilation, against the child; or (g) causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance except for controlled substances that are prescribed and are dispensed to such child in a manner that substantially complies with the prescription; (h) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude or a minor, or trafficking in persons for forced labor or services. <p>Persons Required to Report</p> <ul style="list-style-type: none"> • Law enforcement officer; • Probation officer;
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<p>Mandatory Reporting Child (Illinois)</p>	<ul style="list-style-type: none"> • Field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, Juvenile Justice; • Physician; • Resident; • Intern; • Hospital; • Hospital administrator and personnel engaged in examination, care and treatment of persons; • Surgeon; • Dentist; • Dentist hygienist; • Osteopath; • Chiropractor; • Podiatrist; • Physician assistant; • Substance abuse treatment personnel; • Funeral home director or employee; • Coroner; • Medical examiner; • Emergency medical technician; • Acupuncturist; • Crisis line or hotline personnel;
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<p>Mandatory Reporting Child (Illinois)</p>	<ul style="list-style-type: none"> • School personnel (including administrators and both certified and non-certified school employees); • Educational advocate assigned to a child pursuant to the School Code; • Member of a school board or the Chicago Board of Education of the governing body of a private school (but only to the extent required in accordance with other provisions of this Section expressly concerning the duty of school board members to report suspected child abuse); • Truant officers; • Social worker • Social services administrator; • Domestic violence program personnel; • Registered nurse; • Licensed practical nurse; • Genetic counselor; • Respiratory care practitioner; • Advanced practice nurse; • Home health aide; • Director or staff assistant of a nursery school or a child day care center; • Recreational program or facility personnel; • Licensed professional counselor; • Licensed clinical professional counselor; • Registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist; • Supervisor and administrator of general assistance under the Illinois Public Aid Code; • Or any other foster parent, homemaker or child care worker.
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<p>Mandatory Reporting Adult (Illinois)</p>	<p>320 ILL. COMP. STAT. ANN. 20/4 (West 2013)</p> <p>What has to be reported? (a) Suspicion of abuse, neglect, financial exploitation, or self-neglect of an eligible adult.</p> <p>Relevant Definitions 320 ILL. COMP. STAT. ANN. 20/2 (West 2013) (a) “Abuse” means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult’s financial resources.</p> <p>Persons Required to Report 320 ILL. COMP. STAT. ANN. 20/4 (West 2013): (a) Any person who suspects the abuse, neglect, financial exploitation, or self-neglect of an eligible adult. (f-5) “Mandated reporter” means any of the following persons while engaged in carrying out their professional duties: (1) A professional or professional’s delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and</p>
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<p>Mandatory Reporting Adult (Illinois)</p>	<p>Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act</p> <p>(2) An employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;</p> <p>(3) An administrator, employee, or person providing services in or through an unlicensed community based facility;</p> <p>(5) Field personnel of the Department of Public Health, and Department of Human Services, Department of Public Aid, and any county or municipal health department;</p> <p>(6) Personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;</p> <p>(7) Any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services to all other persons having direct contact with eligible adults;</p> <p>(8) A person who performs the duties of a coroner or medical examiner; or</p> <p>(9) A person who performs the duties of a paramedic or an emergency medical technician.</p>
<p>Indiana</p>	



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<p>Definition of Confidentiality (Indiana)</p>	<p>Indiana does not define confidential communications</p>
<p>Privilege (Indiana)</p>	<p>IND. CODE ANN. § 35-37-6-9 (West 2013)</p> <p>(a) The following persons or entities may not be compelled to give testimony, to produce records, or to disclose any information concerning confidential communications and confidential information to anyone or in any judicial, legislative, or administrative proceeding:</p> <ul style="list-style-type: none"> (1) A victim. (2) A victim advocate or victim service provider unless the victim specifically consents to the disclosure in a written authorization that contains the date the consent expires. <p>(b) A victim advocate, victim service provider, or victim may not be compelled to provide testimony in any judicial, legislative, or administrative proceeding that would identify the name, address, location, or telephone number of any facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.</p> <p>(c) A victim service provider or victim advocate may not require a victim to consent to the disclosure of information concerning confidential communications and confidential information as a condition of the victim receiving services.</p> <p>(d) This section does not prohibit a victim from providing testimony concerning an offense.</p> <p>(e) The consent to disclose information on behalf of:</p> <ul style="list-style-type: none"> (1) a child who is less than eighteen (18) years of age and is un-emancipated; or

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<p>Privilege (Indiana)</p>	<p>(2) an incapacitated victim; may be made by a custodial parent, custodian, guardian, or guardian ad litem in a written authorization that contains the date the consent expires.</p> <p>(f) A consent under subsection (e) may not be given by a custodial parent, custodian, guardian, or guardian ad litem of the victim if the custodial parent, custodian, guardian, or guardian ad litem:</p> <p>(1) committed; or</p> <p>(2) is alleged to have committed; an offense against the victim</p>
<p>Mandatory Reporting Child (Indiana)</p>	<p>IND. CODE ANN § 31-33-5-1 (West 2013) What has to be reported? Sec. 1 Reason to believe that a child is a victim of child abuse or neglect.</p> <p>Relevant Definitions IND. CODE ANN § 31-9-2-14 (West 2013) Sec. 14 (a) Child abuse or neglect...refers to a child who is alleged to be a child in need of services.</p> <p>IND. CODE ANN § 31-34-1-1 (West 2013) Sec. 1. A child is a child in need of services if before the child becomes eighteen (18) years of age:</p> <p>(1) The child’s physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision; and</p> <p>(2) The child needs care, treatment, or rehabilitation that:</p> <p>(A) the child is not receiving; and</p> <p>(B) is unlikely to be provided or accepted without the coercive intervention of the court.</p>



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<p>Mandatory Reporting Child (Indiana)</p>	<p>IND. CODE ANN § 31-34-1-3 (West 2013)</p> <p>(a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:</p> <p style="padding-left: 40px;">(1) the child is the victim of a sex offense under:</p> <p style="padding-left: 80px;">(A) rape;</p> <p style="padding-left: 80px;">(B) criminal deviate conduct;</p> <p style="padding-left: 80px;">(C) child molesting;</p> <p style="padding-left: 80px;">(D) child exploitation;</p> <p style="padding-left: 80px;">(E) child seduction;</p> <p style="padding-left: 80px;">(F) sexual misconduct with a minor;</p> <p style="padding-left: 80px;">(G) public indecency; indecent exposure;</p> <p style="padding-left: 80px;">(H) prostitution;</p> <p style="padding-left: 80px;">(I) incest;</p> <p style="padding-left: 80px;">(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I).</p> <p>Persons Required to Report</p> <p>IND. CODE ANN § 31-33-5-1 (West 2013)</p> <p>An individual who has reason to believe that a child is a victim of child abuse or neglect.</p>
<p>Mandatory Reporting Adult (Indiana)</p>	<p>IND. CODE ANN § 35-46-1-13 (West 2013)</p> <p>What has to be reported?</p> <p>(a)(1) Believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation</p>



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<p>Mandatory Reporting Adult (Indiana)</p>	<p>Relevant Definitions IND. CODE ANN § 12-10-3-2 (West 2013) (b) “Endangered Adult” means an individual who is: (1) at least eighteen (18) years of age; (2) incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of managing or directing the management of the individual’s property or providing or directing the provision of self-care; and (3) harmed or threatened with harm as a result of: (A) neglect; or (B) battery (C) An individual is not an endangered adult solely: (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or (2) on the basis of being physically unable to provide self-care when appropriate care is being provided.</p> <p>Persons Required to Report IND. CODE ANN § 35-46-1-13 (West 2013) (a)(1) A person who believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation.</p>
<p>Iowa</p>	



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<p>Definition of Confidentiality (Iowa)</p>	<p>Iowa does not define confidential communications</p>
<p>Privilege (Iowa)</p>	<p>IOWA CODE ANN. § 915.20A (West 2013)</p> <p>2. A victim counselor shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by a victim to the counselor, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of a victim counselor be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 7. Under no circumstances shall the location of a crime victim center or the identity of the victim counselor be disclosed in any civil or criminal proceeding.</p> <p>7. Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:</p> <ul style="list-style-type: none"> a. The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding. b. The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the counseling relationship, and the treatment services. c. The information cannot be obtained by reasonable means from any other source

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<p>Mandatory Reporting Child (Iowa)</p>	<p>IOWA CODE ANN. § 232.69 (West 2013)</p> <p>What has to be reported?</p> <p>(1)The classes of persons enumerated in this section shall make a report within twenty-four hours of cases of child abuse. In addition, the classes of persons enumerated in this subsection shall make a report of abuse of a child who is under twelve years of age and may make a report of abuse of a child who is twelve years of age or older which would be defined as child abuse under section 232.68, subsection 2, paragraph “c” or “e,” except that the abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child.</p> <p>Relevant Definitions</p> <p>IOWA CODE ANN. § 232.68 (West 2013):</p> <p>(1) “Child” means any person under the age of eighteen years.</p> <p>(2) “Child Abuse” or “Abuse” means:</p> <ol style="list-style-type: none"> a. Any non-accidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child. b. Any mental injury to a child’s intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child’s ability to function within the child’s normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional. c. The commission of a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the care of the child. The commission of a sexual offense under this paragraph includes any sexual offense referred to in this paragraph with or to a person under the age of eighteen years. d. The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child’s health and welfare when financially able to do so or when offered financial or other reasonable means to do so. A parent or guardian legitimately practicing religious beliefs who
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<p>Mandatory Reporting Child (Iowa)</p>	<p>does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child, however this provision shall not preclude a court from ordering that medical service be provided to the child where the child’s health requires it.</p> <p>e. The acts or omissions of a person responsible for the care of a child which allow, permit, or encourage the child to engage in acts prohibited. Acts or omissions under this paragraph include an act or omission referred to in this paragraph with or to a person under the age of eighteen years.</p> <p>h. The commission of bestiality in the presence of a minor by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.</p> <p>i. Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry under chapter 692A for a violation of section 726.6.</p> <p>j. The person responsible for the care of the child has knowingly allowed the child access to obscene material as defined in section 728.1 or has knowingly disseminated or exhibited such material to the child.</p> <p>7. “Person responsible for the care of a child” means:</p> <p>a. A parent, guardian, or foster parent.</p> <p>b. A relative or any other person with whom the child resides and who assumes care or supervision of the child, without reference to the length of time or continuity of such residence.</p> <p>c. An employee or agent of any public or private facility providing care for a child, including an institution, hospital, health care facility, group home, mental health center, residential treatment center, shelter care facility, detention center, or child care facility.</p> <p>Persons Required to Report</p>
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<p>Mandatory Reporting Child (Iowa)</p>	<p>IOWA CODE ANN. § 232.69 (West 2013):</p> <p>(1)(a) Every health practitioner who in the scope of professional practice examines, attends, or treats a child.</p> <p>(1)(b) Any of the following persons who, in the scope of professional practice or in their employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes a child has suffered abuse:</p> <ol style="list-style-type: none"> (1) A social worker; (2) An employee or operator of a public or private health care facility; (3) A certified psychologist; (4) A licensed school employee, certified para-educator, holder of a coaching authorization, or an instructor employed by a community college; (5) An employee or operator of a licensed child care center, registered child development home, head start program, family development and self-sufficiency grant program or healthy opportunities for parents to experience success-healthy families Iowa program; (6) An employee or operator of a substance abuse program or facility; (7) An employee of a department of human services institution; (8) An employee or operator of a juvenile detention or juvenile shelter care facility; (9) An employee or operator of a foster care facility; (10) An employee or operator of a mental health center; (11) A peace officer; (12) A counselor or mental health professional; (13) An employee or operator of a provider of services to children funded under a federally approved medical assistance home and community-based services waiver. <p>2. Any other person who believes that a child has been abused may make a report.</p>
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<p>Mandatory Reporting Adult (Iowa)</p>	<p>IOWA CODE ANN. § 235B (West 2013)</p> <p>What has to be reported?</p> <p>2. A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse.</p> <p>Relevant Definitions</p> <p>1. “Caretaker” means a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.</p> <p>4. “Dependent adult” means a person eighteen years of age or older who is unable to protect the person’s own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule.</p> <p>5. a. “Dependent adult abuse” means:</p> <p style="margin-left: 20px;">(1) Any of the following as a result of the willful or negligent acts or omissions of a caretaker:</p> <p style="margin-left: 40px;">(a) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult.</p> <p style="margin-left: 40px;">(b) The commission of a sexual offense with or against a dependent adult.</p> <p style="margin-left: 40px;">(c) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult’s physical or financial resources for one’s own personal or pecuniary profit, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.</p> <p style="margin-left: 40px;">(d) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult’s life or health.</p>
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<p>Mandatory Reporting Adult (Iowa)</p>	<p>(3)(a) Sexual exploitation of a dependent adult by a caretaker.</p> <p>(3)(b) “Sexual exploitation” means any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to the treatment or diagnosis or as part of an ongoing assessment, evaluation or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.</p> <p>Persons Required to Report</p> <p>(2) Persons required to report include all of the following:</p> <ol style="list-style-type: none"> a. A member of the staff of a community mental health center. b. A peace officer. c. An in-home homemaker-home health aide. d. An individual employed as an outreach person. e. A health practitioner. f. A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center. g. A social worker. h. A certified psychologist.
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Kansas	
Definition of Confidentiality <i>(Kansas)</i>	KAN. STAT. ANN. § 38-2223 (2013) (a) The confidential relations and communications between a licensed professional counselor and such counselor’s client are placed on the same basis as provided by law for those between an attorney and an attorney’s client. (b) The confidential relations and communications between a licensed clinical professional counselor and such counselor’s client are placed on the same basis as provided by law for those between an attorney and an attorney’s client.
Privilege <i>(Kansas)</i>	Kansas has no applicable statute
Mandatory Reporting Child <i>(Kansas)</i>	KAN. STAT. ANN. § 38-2223 (2013) What has to be reported? (a) Reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse Relevant Definitions KAN. STAT. ANN. § 38-2202 (2013) (c) “Aggravated circumstances” means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.



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<p>Mandatory Reporting Child (Kansas)</p>	<p>(d) “Child in need of care” means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to KAN. STAT. ANN. 38-2242, and amendments thereto, who:</p> <ol style="list-style-type: none"> (1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child’s parents or other custodian; (2) is without the care or control necessary for the child’s physical, mental or emotional health; (3) has been physically, mentally or emotionally abused or neglected or sexually abused; (4) has been placed for care or adoption in violation of law; (5) has been abandoned or does not have a known living parent; (6) is not attending school as required by KAN. STAT. ANN. § 72-977 or 72-1111, and amendments thereto; (7) except in the case of a violation of KAN. STAT. ANN. § 21-4204a, 41-727, subsection (j) of KAN. STAT. ANN. § 74-8810 or subsection (m) or (n) of KAN. STAT. ANN. § 79-3321, and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult; (8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by KAN. STAT. ANN. § 21-3105, and amendments thereto (9) is willfully and voluntarily absent from the child’s home without the consent of the child’s parent or other custodian (10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person’s designee; (11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been
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<p>Mandatory Reporting Child (Kansas)</p>	<p>physically, mentally or emotionally abused or neglected, or sexually abused (12) while less than 10 years of age commits the offense defined in KAN. STAT. ANN. § 21-4204a, and amendments thereto; or (13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve. (dd) “Sexual abuse” means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.</p> <p>Persons Required to Report KAN. STAT. ANN. § 38-2223 (2013): (a) Persons making reports. (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c) (A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed professional or practical nurses; and chief administrative officers of medical care facilities; (B) The following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors; (C) Teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of</p>
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<p>Mandatory Reporting Child (Kansas)</p>	<p>persons so licensed at the place where the child care services are being provided to the child; and (D) Firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers and community corrections officers, case managers appointed under KAN. STAT. ANN. 23-1001 et seq., and amendments thereto, and mediators appointed under KAN. STAT. ANN. § 23- 602, and amendments thereto.</p> <p>(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).</p>
<p>Mandatory Reporting Adult (Kansas)</p>	<p>KAN. STAT. ANN. § 39-1431 (2013)</p> <p>What has to be reported?</p> <p>(a) Reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services;</p> <p>Relevant Definitions</p> <p>(a) “Adult” means an individual 18 years of age or older alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by either another individual or through their own action or inaction when (1) such person is residing in such person’s own home, the home of a family member or the home of a friend, (2) such person resides in an adult family home, or (3) such person is receiving services through a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services or the department on aging or a residential facility.</p> <p>(b) “Abuse” means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:</p>

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<p>Mandatory Reporting Adult (<i>Kansas</i>)</p>	<ol style="list-style-type: none"> (1) Infliction of physical or mental injury; (2) any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship; (3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult; (4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician’s orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult; (5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult; (6) fiduciary abuse; or (7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness. <p>Persons Required to Report</p> <ul style="list-style-type: none"> • A law enforcement officer; • Any person who is licensed to practice any branch of the healing arts; • a licensed psychologist; • A licensed master level psychologist; • A licensed clinical psychotherapist; • The chief administrative officer of a medical care facility; • A teacher;
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<p>Mandatory Reporting Adult (Kansas)</p>	<ul style="list-style-type: none"> • A licensed social worker; • A licensed professional nurse; • A licensed practical nurse; • A licensed dentist; • A licensed marriage and family therapist; • A licensed clinical marriage and family therapist; • Licensed professional counselor; • Licensed clinical professional counselor; • Registered alcohol and drug abuse counselor; • A case manager; • A rehabilitation counselor; • A bank trust officer or any other officers of financial institutions; • A legal representative; • A governmental assistance provider; • An owner or operator of a residential care facility; • An independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services.
<h3 style="margin: 0;">Kentucky</h3>	



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<p>Definition of Confidentiality (Kentucky)</p>	<p>KY. REV. STAT. ANN. § 211.608 (West 2013)</p> <p>All client records, requests for services, and reports that directly or indirectly identify a client or former client of a rape crisis center are confidential and shall not be disclosed by any person except as provided by law. The cabinet shall have access to client records, requests for services, and reports relating to any rape crisis center for the limited purpose of monitoring the center, and the cabinet shall promulgate an administrative regulation in accordance with KRS Chapter 13A that will set forth the process by which access to these documents will be gained, the nature of the monitoring that will take place, and the measures to be used to ensure confidentiality of the people identified in the records.</p>
<p>Privilege (Kentucky)</p>	<p>KY. R. EVID. 506 (West 2013)</p> <p>(b) General rule of privilege. A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of counseling the client, between himself, his counselor, and persons present at the direction of the counselor, including members of the client’s family.</p>
<p>Mandatory Reporting Child (Kentucky)</p>	<p>KY. REV. STAT. ANN. § 620.030 (West 2013)</p> <p>What has to be reported?</p> <p>(1) Knowledge or reasonable cause to believe that a child is dependent, neglected, or abused.</p> <p>Relevant Definitions</p> <p>KY. REV. STAT. ANN. § 620.020 (West 2013)</p> <p>(1)“Abused or neglected child” means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:</p> <p style="padding-left: 40px;">(e) Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;</p>



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<p>Mandatory Reporting Child (Kentucky)</p>	<p>(f) Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;</p> <p>(g) Abandons or exploits the child;</p> <p>Persons Required to Report KY. REV. STAT. ANN. § 620.030 (West 2013) (2) Any person, including but not limited to:</p> <ul style="list-style-type: none"> • Peace officer; • Physician; • Osteopathic physician; • Nurse; • Teacher; • School personnel; • Social worker; • Coroner; • Medical examiner; • Child-caring personnel; • Resident; • Intern; • Chiropractor; • Dentist; • Optometrist; • Emergency medical technician;
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<p>Mandatory Reporting Child (Kentucky)</p>	<ul style="list-style-type: none"> • Paramedic; • Health professional; • Mental health professional; or • Any organization or agency for any of the above.
<p>Mandatory Reporting Adult (Kentucky)</p>	<p>KY. REV. STAT. ANN. § 209.030 (West 2013)</p> <p>What has to be reported?</p> <p>(2) Reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation.</p> <p>Relevant Definitions</p> <p>KY. REV. STAT. ANN. § 209.020 (West 2013)</p> <p>(4) “Adult” means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services.</p> <p>(8) “Abuse” means the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury.</p> <p>Persons Required to Report</p> <p>KY. REV. STAT. ANN. § 209.030 (West 2013)</p> <p>(2) Any person including, but not limited to:</p>

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<p>Mandatory Reporting Adult (Kentucky)</p>	<ul style="list-style-type: none"> • Law enforcement officer; • Physician; • Nurse; • Social worker; • Cabinet personnel; • Coroner; • Medical examiner; • Alternate care facility employee; or • Caretaker.
<p>Louisiana</p>	
<p>Definition of Confidentiality (Louisiana)</p>	<p>LA. CODE EVID. ANN. art. 510 (2012)</p> <p>... made for the purpose of advice, diagnosis or treatment of his health condition between or among himself or his representative, his health care provider, or their representatives.</p>
<p>Privilege (Louisiana)</p>	<p>LA. CODE EVID. ANN. art. 510 (2012)</p> <p>B. (1) General rule of privilege in civil proceedings. In a non-criminal proceeding, a patient has a privilege to refuse to disclose and to prevent another person from disclosing a confidential communication made for the purpose of advice,</p>

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<p>Privilege (Louisiana)</p>	<p>diagnosis or treatment of his health condition between or among himself or his representative, his health care provider, or their representatives.</p> <p>C. (1) General rule of privilege in criminal proceedings. In a criminal proceeding, a patient has a privilege to refuse to disclose and to prevent another person from disclosing a confidential communication made for the purpose of advice, diagnosis or treatment of his health condition between or among himself, his representative, and his physician or psychotherapist, and their representatives.</p>
<p>Mandatory Reporting Child (Louisiana)</p>	<p>LA. CHILD CODE ANN. art. 609 (2013)</p> <p>What has to be reported?</p> <p>(A)(1) Cause to believe that a child’s physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child’s death.</p> <p>Relevant Definitions</p> <p>LA. CHILD CODE ANN. art. 603 (2013):</p> <p>(5) “Child” means a person under eighteen years of age who, prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage.</p> <p>(1) “Abuse”: any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:</p> <ul style="list-style-type: none"> (a) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person. (b) The exploitation or overwork of a child by a parent or any other person.



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<p>Mandatory Reporting Child (Louisiana)</p>	<p>(c) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child’s sexual involvement with any other person or of the child’s involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.</p> <p>(10) “Crime against the child” shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes:</p> <ul style="list-style-type: none"> (a) Homicide. (b) Battery. (C) Assault. (d) Rape. (e) Sexual battery. (f) Kidnapping. (g) Criminal neglect. (h) Criminal abandonment. (i) Incest. (j) Carnal knowledge of a juvenile. (k) Indecent behavior with juveniles. (l) Pornography involving juveniles. (m) Molestation of a juvenile. (n) Crime against nature. (o) Cruelty to juveniles. (p) Contributing to the delinquency or dependency of children.
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<p>Mandatory Reporting Child (Louisiana)</p>	<p>(q) Sale of minor children.</p> <p>(14) “Institutional abuse or neglect” means any case of child abuse or neglect that occurs in any public or private facility that provides residential child care, treatment, or education.</p> <p>Persons Required to Report</p> <p>(15) “Mandatory Reporter” is any of the following individuals performing their occupational duties:</p> <p>(a) Health practitioner is any individual who provides health care services, including a physician, surgeon, physical therapist, dentist, resident, intern, hospital staff member, podiatrist, chiropractor, licensed nurse, nursing aide, dental hygienist, any emergency medical technician, a paramedic, optometrist, medical examiner, or coroner, who diagnoses, examines, or treats a child or his family;</p> <p>(b) “Mental health/social service practitioner” is any individual who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other individual who provides counseling services to a child or his family;</p> <p>(c) “Member of the clergy” any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization, except that he is not required to report a confidential communication from a person to a member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, he shall encourage that person to report the allegations to the appropriate authorities;</p> <p>(d) Teaching or child care provider is any person who provides training and supervision of a child, including any</p>
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<p>Mandatory Reporting Child (Louisiana)</p>	<p>public or private teacher, teacher’s aide, instructional aide, school principal, school staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child;</p> <p>(e) Police officers or law enforcement officials;</p> <p>(f) Commercial film and photographic print processor;</p> <p>(g) Mediators appointed pursuant to Chapter 6 of Title IV;</p> <p>(h) A parenting coordinator appointed pursuant to R.S. 9:358.1 et seq.;</p> <p>(i) Court appointed special advocates (CASA) volunteers under the supervision of a (CASA) program appointed pursuant to Chapter 4 of Title IV.</p>
<p>Mandatory Reporting Adult (Louisiana)</p>	<p>LA. REV. STAT. ANN. § 15:1504 (2013)</p> <p>What has to be reported?</p> <p>(A) Having cause to believe that an adult’s physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation.</p> <p>Relevant Definitions</p> <p>LA. REV. STAT. ANN. § 15:1503 (2013)</p> <p>(2) “Abuse” means the infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value.</p> <p>(3) “Adult” means any individual eighteen years of age or older, or an emancipated minor who, due to a physical, mental,</p>



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<p>Mandatory Reporting Adult (Louisiana)</p>	<p>or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or exploitation.</p> <p>(13) “Sexual abuse” means abuse of an adult, as defined in this Section, when any of the following occur:</p> <ul style="list-style-type: none"> (a) The adult is forced, threatened, or otherwise coerced by a person into sexual activity or contact. (b) The adult is involuntarily exposed to sexually explicit material, sexually explicit language, or sexual activity or contact. (c) The adult lacks the capacity to consent, and a person engages in sexual activity or contact with that adult. <p>Persons Required to Report</p> <p>LA. REV. STAT. ANN. § 15:1504 (2013)</p> <p>(A) Any person, including but not limited to a health, mental health, and social service practitioner.</p> <p>LA. REV. STAT. ANN. § 15:1505 (2013)</p> <p>A. Reports reflecting the reporter’s belief that an adult has been abused or neglected shall be made to any adult protection agency or to any local or state law enforcement agency. These reports need not name the persons suspected of the alleged abuse or neglect.</p> <p>B. All reports shall contain the name and address of the adult, the name and address of the person responsible for the care of the adult, if available, and any other pertinent information.</p> <p>LA. REV. STAT. ANN. § 15:1506 (2013)</p> <p>A. All reports received by a local or state law enforcement agency shall be referred to the appropriate adult protection agency.</p> <p>B. When the appropriate adult protection agency receives a report of sexual or physical abuse, whether directly or by</p>
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<p>Mandatory Reporting Adult (Louisiana)</p>	<p>referral, the agency shall notify the chief law enforcement agency of the parish in which the incident is alleged to have occurred of such report. Such notification shall be made prior to the end of the business day subsequent to the day on which the adult protection agency received the report. For the purposes of this Paragraph, the chief law enforcement agency of Orleans Parish shall be the New Orleans Police Department.</p>
<p>Maine</p>	
<p>Definition of Confidentiality (Maine)</p>	<p>ME. REV. STAT. ANN. tit. 17, § 1177 (2013)</p> <p>The following communications are privileged from disclosure.</p> <ol style="list-style-type: none"> 1. Communications by a victim, as described in Title 16, section 53-A, subsection 2, to a sexual assault counselor, as defined in Title 16, section 53-A, subsection 1, paragraph B, are privileged from disclosure as provided in Title 16, section 53-A, subsection 2. 2. Communications by a victim, as defined in Title 16, section 53-B, subsection 1, paragraph B, to an advocate, as defined in Title 16, section 53-B, subsection 1, paragraph A, are privileged from disclosure as provided in Title 16, section 53-B, subsection 2, subject to exceptions in Title 16, section 53-B, subsection 3. 3. Communications by a victim, as defined in Title 16, section 53-C, subsection 1, paragraph B, to a victim witness advocate or a victim witness coordinator, as defined in Title 16, section 53-C, subsection 1, paragraph C, are privileged from disclosure as provided in Title 16, section 53-C, subsection 2, subject to exceptions in Title 16, section 53-C, subsection 3.



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<p>Privilege (Maine)</p>	<p>ME. REV. STAT. ANN. tit. 16, § 53-A (2013)</p> <p>2. Privileged communications. Except with regard to reporting, cooperating in an investigation or giving evidence pursuant to Title 22, chapter 958-A or 1071, or except at the request, or with the consent of, the victim of sexual assault, a sexual assault counselor may not be required to testify in any civil or criminal action, suit or proceeding at law or in equity about any information that the sexual assault counselor may have acquired in providing sexual assault counseling services. A sexual assault counselor or a rape crisis center may not be required to disclose to the court any records, notes, memoranda or documents containing confidential communications. When a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, information communicated to, or otherwise learned by, that sexual assault counselor in connection with the provision of sexual assault counseling services is not privileged and disclosure may be required.</p>
<p>Mandatory Reporting Child (Maine)</p>	<p>ME. REV. STAT. ANN. tit. 22 § 4011-A (2013)</p> <p>What has to be reported?</p> <p>(1) When the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred.</p> <p>Relevant Definitions</p> <p>ME. REV. STAT. ANN. tit. 22 § 4002 (2013):</p> <p>1. “Abuse” or “neglect” means a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements a person responsible for the child.</p> <p>2. “Child” means any person who is less than 18 years of age.</p>



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<p>Mandatory Reporting Child (Maine)</p>	<p>10. Serious harm. “Serious harm” means: A. Serious injury; B. Serious mental or emotional injury or impairment which now or in the future is likely to be evidenced by serious mental, behavioral or personality disorder, including severe anxiety, depression or withdrawal, untoward aggressive behavior, seriously delayed development or similar serious dysfunctional behavior; or C. Sexual abuse or exploitation.</p> <p>11. Serious injury. “Serious injury” means serious physical injury or impairment.</p> <p>Persons Required to Report ME. REV. STAT. ANN. tit. 22 § 4011-A (2013): 1.A. When acting in a professional capacity: (1) An allopathic or osteopathic physician, resident or intern; (2) An emergency medical services person; (3) A medical examiner; (4) A physician’s assistant; (5) A dentist; (6) A dental hygienist; (7) A dental assistant; (8) A chiropractor; (9) A podiatrist; (10) A registered or licensed practical nurse; (11) A teacher; (12) A guidance counselor;</p>
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<p>Mandatory Reporting Child (Maine)</p>	<ul style="list-style-type: none"> (13) A school official; (14) A youth camp administrator or counselor; (15) A social worker; (16) A court-appointed special advocate or guardian ad litem for the child; (17) A homemaker; (18) A home health aide; (19) A medical or social service worker; (20) A psychologist; (21) Child care personnel; (22) A mental health professional; (23) A law enforcement official; (24) A state or municipal fire inspector; (25) A municipal code enforcement official; (26) A commercial film and photographic print processor; (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications; (28) A chair of a professional licensing board that has jurisdiction over mandated reporters; and (29) A humane agent employed by the Department of Agriculture, Food and Rural Resources; (30) Sexual assault counselor; (31) A family or domestic violence victim advocate; and (32) A school bus driver or school bus attendant; <p>(B) Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the child,</p>
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<p>Mandatory Reporting Child (Maine)</p>	<p>regardless of whether the person receives compensation; and</p> <p>(C) Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.</p>
<p>Mandatory Reporting Adult (Maine)</p>	<p>ME. REV. STAT. ANN. tit. 22 § 3477 (2013)</p> <p>What has to be reported?</p> <p>1. [Mandatory Reporter] knows or has reasonable cause to suspect that an incapacitated or dependent adult has been or is likely to be abused, neglected or exploited.</p> <p>Relevant Definitions</p> <p>ME. REV. STAT. ANN. tit. 22 § 3472 (2013):</p> <p>1. “Abuse” means the infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or sexual exploitation; or the intentional, knowing or reckless deprivation of essential needs. “Abuse” includes acts and omissions.</p> <p>2. “Adult” means any person who has attained 18 years of age or who is a legally emancipated minor.</p> <p>6. “Dependent adult” means an adult who has a physical or mental condition that substantially impairs the adult’s ability to adequately provide for that adult’s daily needs. “Dependent adult” includes, but is not limited to, any of the following:</p> <p style="padding-left: 40px;">A. A resident of a nursing home licensed or required to be licensed under section 1817;</p> <p style="padding-left: 40px;">B. A resident of a facility providing assisted living services licensed or required to be licensed pursuant to section 7801; or</p>



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<p>Mandatory Reporting Adult (Maine)</p>	<p>C. A person considered a dependent person under Title 17-A, section 555.</p> <p>(10) Incapacitated adult means any adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that that individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual's person, or to the extent the adult cannot effectively manage or apply that individual's estate to necessary ends.</p> <p>(15) Sexual abuse or sexual exploitation means contact or interaction of a sexual nature involving an incapacitated or dependent adult without that adult's informed consent.</p> <p>Persons Required to Report ME. REV. STAT. ANN. tit. 22 § 3477 (2013): (1)(A) While acting in a professional capacity:</p> <ul style="list-style-type: none"> (1) An allopathic or osteopathic physician; (2) A medical intern; (3) A medical examiner; (4) A physician's assistant; (5) A dentist; (6) A chiropractor; (7) A podiatrist; (8) A registered or licensed practical nurse; (9) A certified nursing assistant; (10) A social worker;
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<p>Mandatory Reporting Adult (Maine)</p>	<p>(11) A psychologist; (12) A pharmacist; (13) A physical therapist; (14) A speech therapist; (15) An occupational therapist; (16) A mental health professional; (17) A law enforcement official; (18) Emergency room personnel; (19) An ambulance attendant; (20) An emergency medical technician; (21) Unlicensed assistive personnel; (22) A humane agent employed by the Department of Agriculture, Food and Rural Resources; or (23) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;</p> <p>(B) Any person who has assumed full, intermittent or occasional -responsibility for the care or custody of the incapacitated or dependent adult, regardless of whether the person receives compensation; or (C) Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.</p>
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Maryland	
Definition of Confidentiality <i>(Maryland)</i>	Maryland has no applicable statute
Privilege <i>(Maryland)</i>	Maryland has no applicable statute
Mandatory Reporting Child <i>(Maryland)</i>	<p>MD. CODE ANN., Family Law § 5-704 (West 2013)</p> <p>What has to be reported?</p> <p>(a)(1)(i) Reason to believe that a child has been subjected to abuse.</p> <p>Relevant Definitions</p> <p>(b) “Abuse” means:</p> <ul style="list-style-type: none"> (1) the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed; or (2) sexual abuse of a child, whether physical injuries are sustained or not. <p>(e) “Child” means any individual under the age of 18 years.</p> <p>(x)(1) “Sexual abuse” means any act that involves sexual molestation or exploitation of a child by a parent or other person</p>



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<p>Mandatory Reporting Child (Maryland)</p>	<p>who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.</p> <p>(x)(2) “Sexual abuse” includes: (i) incest, rape, or sexual offense in any degree; (ii) sodomy; and (iii) unnatural or perverted sexual practices.</p> <p>(g)(1) Educator or human service worker means any provisional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.</p> <p>(g)(2) Educator or human service worker includes:</p> <ul style="list-style-type: none"> (i) any teacher; (ii) any counselor; (iii) any social worker; (iv) any caseworker; and (v) any probation or parole officer. <p>Persons Required to Report</p> <p>(a) Each of the following acting in a professional capacity:</p> <ul style="list-style-type: none"> • Police officer; • health practitioner; • educator; • human service worker. <p>(a)(2) If acting as a staff member of a:</p> <ul style="list-style-type: none"> • Juvenile detention center;
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<p>Mandatory Reporting Child (Maryland)</p>	<ul style="list-style-type: none"> • Hospital; • Public health agency; • Child care institution; • School or similar institution <p>MD. CODE ANN., Family Law § 5-705 (West 2013): (a)(1) A person in this state other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall report.</p>
<p>Mandatory Reporting Adult (Maryland)</p>	<p>MD. CODE ANN., Family Law § 14-302 (West 2013) What has to be reported? (a) Each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation.</p> <p>Relevant Definitions MD. CODE ANN., Family Law § 14-101 (West 2013) (b) Abuse means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person. (h)(1) Human service worker means any professional employee of any public or private health or social services agency or provider. (2) “Human service worker” includes: (i) any social worker; and</p>



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<p>Mandatory Reporting Adult (Maryland)</p>	<p>(ii) any caseworker. (q) Vulnerable adult means an adult who lacks the physical or mental capacity to provide for the adult’s daily needs.</p> <p>Persons Required to Report MD. CODE ANN., Family Law § 14-302 (West 2013): (a) Health practitioner, police officer, or human service worker.</p>
<p>Massachusetts</p>	
<p>Definition of Confidentiality (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 233, § 20J (West 2013)</p> <p>A sexual assault counsellor shall not disclose such confidential communication, without the prior written consent of the victim; provided, however, that nothing in this chapter shall be construed to limit the defendant’s right of cross-examination of such counsellor in a civil or criminal proceeding if such counsellor testifies with such written consent.</p> <p>Such confidential communications shall not be subject to discovery and shall be inadmissible in any criminal or civil proceeding without the prior written consent of the victim to whom the report, record, working paper or memorandum relates.</p>
<p>Privilege (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 233, § 20J (West 2013)</p> <p>A sexual assault counsellor shall not disclose such confidential communication, without the prior written consent of the</p>



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<p>Privilege (Massachusetts)</p>	<p>victim; provided, however, that nothing in this chapter shall be construed to limit the defendant’s right of cross-examination of such counsellor in a civil or criminal proceeding if such counsellor testifies with such written consent.</p> <p>Such confidential communications shall not be subject to discovery and shall be inadmissible in any criminal or civil proceeding without the prior written consent of the victim to whom the report, record, working paper or memorandum relates.</p>
<p>Mandatory Reporting Child (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 119 § 51A (West 2013)</p> <p>What has to be reported? Reasonable cause to believe that a child is suffering physical or emotional injury resulting from:</p> <ul style="list-style-type: none"> (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child’s health or welfare, including sexual abuse; (ii) neglect, including malnutrition; (iii) physical dependence upon an addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect; or (iv) being a sexually exploited child; or (v) being a human trafficking victim as defined by section 20M of chapter 233. <p>Relevant Definitions “Child” means under the age of eighteen years. “Abuse” means causing harm or substantial risk of harm including sexual abuse caused by physical or emotional injury.</p> <p>Persons Required to Report</p>



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<p>Mandatory Reporting Child (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 119 § 21 (West 2013): “Mandated reporter”, a person who is:</p> <ul style="list-style-type: none"> (i) a physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, allied mental health and human services professional licensed under section 165 of chapter 112, drug and alcoholism counselor, psychiatrist or clinical social worker; (ii) a public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed under chapter 15D that provides child care or residential services to children or that provides the services of child care resource and referral agencies, voucher management agencies or family child care systems or child care food programs, licenser of the department of early education and care or school attendance officer; (iii) a probation officer, clerk-magistrate of a district court, parole officer, social worker, foster parent, firefighter, police officer; (iv) a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis; (v) in charge of a medical or other public or private institution, school or facility or that person’s designated agent; or (vi) the child advocate.
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<p>Mandatory Reporting Adult (Massachusetts)</p>	<p>MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013)</p> <p>What has to be reported?</p> <p>(a) Reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse.</p> <p>Relevant Definitions</p> <p>MASS. GEN. LAWS ANN. ch. 19A, § 14 (West 2013)</p> <p>Abuse, an Act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; or the failure, inability or resistance of an elderly person to provide for him one or more of the necessities essential for physical and emotional well-being without which the elderly person would be unable to safely remain in the community; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.</p> <p>Elderly person, an individual who is sixty years of age or over.</p> <p>Persons Required to Report</p> <p>MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013):</p> <ul style="list-style-type: none"> • Policeman; • Physician, physician assistant, medical intern, dentist, nurse; • Family counselor; • Probation officer; • Social worker;
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<p>Mandatory Reporting Adult (Massachusetts)</p>	<ul style="list-style-type: none"> • Firefighter; • Emergency medical technician; • Licensed psychologist; • Coroner; • Registered physical therapist; • Registered occupational therapist; • Osteopath; • Podiatrist; • Director of a council on aging; • Outreach worker employed by a council on aging; • Executive director of a licensed home health agency or executive director of a homemaker service agency or manager of an assisted living residence. <p>MASS. GEN. LAWS ANN. ch. 19C, § 1 (West 2013)</p> <p>“Mandated reporter”, any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, police officer or person employed by a state agency within the executive office of health and human services as defined by section sixteen of chapter six A, or employed by a private agency providing services to disabled persons who, in his professional capacity shall have reasonable cause to believe that a disabled person is suffering from a reportable condition.</p>
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Michigan	
<p>Definition of Confidentiality <i>(Michigan)</i></p>	<p>MICH. COMP. LAWS ANN. § 600.2157a (West 2013): Consultation between victim and sexual assault or domestic violence counselor; admissibility</p> <p>(2) Except as provided by section 11 of the child protection law, Act No. 238 of the Public Acts of 1975, being section 722.631 of the Michigan Compiled Laws, a confidential communication, or any report, working paper, or statement contained in a report or working paper, given or made in connection with a consultation between a victim and a sexual assault or domestic violence counselor, shall not be admissible as evidence in any civil or criminal proceeding without the prior written consent of the victim.</p>
<p>Privilege <i>(Michigan)</i></p>	<p>MICH. COMP. LAWS ANN. § 600.2157a (West 2013): Consultation between victim and sexual assault or domestic violence counselor; admissibility</p> <p>(2) Except as provided by section 11 of the child protection law, Act No. 238 of the Public Acts of 1975, being section 722.631 of the Michigan Compiled Laws, a confidential communication, or any report, working paper, or statement contained in a report or working paper, given or made in connection with a consultation between a victim and a sexual assault or domestic violence counselor, shall not be admissible as evidence in any civil or criminal proceeding without the prior written consent of the victim.</p>

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<p>Mandatory Reporting Child (Michigan)</p>	<p>MICH. COMP. LAWS ANN. § 722.623 (West 2013)</p> <p>What has to be reported? (1)(a) Reasonable cause to suspect child abuse or neglect.</p> <p>Relevant Definitions MICH. COMP. LAWS ANN. § 722.622 (West 2013): (e) Child means a person under 18 years of age. (f) Child abuse: harm or threatened harm to a child’s health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy. (w) Sexual abuse means engaging in sexual contact or sexual penetration with a child. (x) Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act.</p> <p>Persons Required to Report MICH. COMP. LAWS ANN. § 722.623 (West 2013): (a) A physician, dentist, physician’s assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master’s social worker, licensed bachelor’s social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider</p>
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<p>Mandatory Reporting Child (Michigan)</p>	<p>(b)(i) Eligibility specialist. (ii) Family independence manager. (iii) Family independence specialist. (iv) Social services specialist. (v) Social work specialist. (vi) Social work specialist manager. (vii) Welfare services specialist.</p>
<p>Mandatory Reporting Adult (Michigan)</p>	<p>MICH. COMP. LAWS ANN. § 400.11a (West 2013) What has to be reported? (1) suspect[ion] or reasonable cause to believe that an adult has been abused, neglected, or exploited</p> <p>Relevant Definitions (a) Abuse means harm or threatened harm to an adult’s health or welfare caused by another person. Abuse includes, but is not limited to, non-accidental physical or mental injury, sexual abuse, or maltreatment. (b) Adult in need of protective services or adult means a vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited. (f) Vulnerable means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.</p> <p>Persons Required to Report (1) A person who is employed, licensed, registered, or certified to provide health care, educational, social welfare, mental health, or other human services; an employee of an agency licensed to provide health care, educational, social welfare,</p>



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Mandatory Reporting Adult (Michigan)	mental health, or other human services ; a law enforcement officer; or an employee of the office of the county medical examiner.
Minnesota	
Definition of Confidentiality (Minnesota)	Minnesota does not define confidential communications
Privilege (Minnesota)	<p>MINN. STAT. ANN. § 595.02 (West 2013)</p> <p>(k) Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.</p> <p>“Sexual assault counselor” for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.</p>

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<p>Mandatory Reporting Child (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.556 (West 2013)</p> <p>What has to be reported? Subd. 3 (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.</p> <p>Relevant Definitions Subd. 2 (d) Sexual abuse means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child, or by a person in a position of authority to criminal sexual conduct in the first degree (criminal sexual conduct in the second degree), (criminal sexual conduct in the third degree), (criminal sexual conduct in the fourth degree), or (criminal sexual conduct in the fifth degree)... Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses. Sexual abuse includes threatened sexual abuse.</p> <p>Subd. 2 (g) “Physical abuse” means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child’s care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child’s history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825.</p> <p>Subd. 3 (e) Immediately means as soon as possible but in no event longer than 24 hours.</p> <p>Subd. 3 (a)(1) A professional or professional’s delegate who is engaged in the practice of correctional supervision, correctional services, or law enforcement, the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, probation; or Subd. 3 (a)(2) Employed as a member of the clergy and received the information while engaged in ministerial duties</p>
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Fifty State Survey of Confidentiality, Privilege, and Mandatory Reporting Laws Rape Crisis Counselors

This document provides the laws in each state related to privilege, confidentiality and mandatory reporting for Rape Crisis Counselors. The purpose of this publication is only to provide the law for each state; is not intended to offer legal advice and is limited by our research of statutes and case law for each jurisdiction. Other laws, rules or policies that we have not provided may be applicable in your jurisdiction. For purposes of this chart and where applicable, mental health professionals are bolded to add emphasis.

<p>Mandatory Reporting Child (Minnesota)</p>	<p>(except for privileged communications).</p> <p>Persons Required to Report Subd. 3 (a)(1) A professional or professional’s delegate who is engaged in the practice of correctional supervision, correctional services, or law enforcement, the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, probation; or</p> <p>Subd. 3 (a)(2) Employed as a member of the clergy and received the information while engaged in ministerial duties (except for privileged communications).</p>
<p>Mandatory Reporting Adult (Minnesota)</p>	<p>MINN. STAT. ANN. § 626.557 (West 2013) What has to be reported? Subd. 3(a) A mandated reporter who has reason to believe that a vulnerable adult is being or has been maltreated, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.</p> <p>Relevant Definitions MINN. STAT. ANN. § 626.5572 (West 2013) Subd. 2. Abuse. “Abuse” means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: <ul style="list-style-type: none"> (1) assault in the first through fifth degrees as defined in sections 609. 221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. </p>



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<p>Mandatory Reporting Adult (Minnesota)</p>	<p>A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.</p> <p>(c) Any sexual contact or penetration between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.</p> <p>(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult’s will to perform services for the advantage of another.</p> <p>(g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with:</p> <ul style="list-style-type: none"> (1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or (2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship. <p>Subd. 21. Vulnerable adult. “Vulnerable adult” means any person 18 years of age or older who:</p> <ul style="list-style-type: none"> (1) is a resident or inpatient of a facility; (2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is served in the Minnesota sex offender program on a court-hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a
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<p>Mandatory Reporting Adult (Minnesota)</p>	<p>vulnerable adult unless the person meets the requirements of clause (4); (3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and 256B.0653 to 256B.0656; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction: (i) that impairs the individual’s ability to provide adequately for the individual’s own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.</p> <p>Persons Required to Report MINN. STAT. ANN. § 626.5572 (West 2013). Subd. 16 Mandated reporter means a “professional” or “professional’s delegate” while engaged in: (1) Social services; (2) Law enforcement; (3) Education; (4) The care of vulnerable adults; (5) Any of the occupations referred to in section 214.01, subdivision 2 [Board of Examiners of Nursing Home Administrators, the Office of Unlicensed Complementary and Alternative Health Care Practice, the Board of Medical Practice, the Board of Nursing, the Board of Chiropractic Examiners, the Board of Optometry, the Board</p>
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<p>Mandatory Reporting Adult (Minnesota)</p>	<p>of Physical Therapy, the Board of Psychology, the Board of Social Work, the Board of Marriage and Family Therapy, the Office of Mental Health Practice established, the Board of Behavioral Health and Therapy, the Board of Dietetics and Nutrition Practice, the Board of Dentistry, the Board of Pharmacy, the Board of Podiatric Medicine, and the Board of Veterinary Medicine]; (6) An employee of a rehabilitation facility certified by the commissioner of jobs and training for vocational rehabilitation; (7) An employee or person providing services in a facility; or (8) A person that performs the duties of the medical examiner or coroner.</p>
<p>Mississippi</p>	
<p>Definition of Confidentiality (Mississippi)</p>	<p>Mississippi has no applicable statute</p>
<p>Privilege (Mississippi)</p>	<p>Mississippi has no applicable statute</p>
<p>Mandatory Reporting Child (Mississippi)</p>	<p>MISS. CODE ANN. § 43-21-353 (2013) What has to be reported? (1) Reasonable cause to suspect that a child is a neglected child or an abused child.</p>



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<p>Mandatory Reporting Child (Mississippi)</p>	<p>Relevant Definitions MISS. CODE ANN. § 43-21-105 (2013)</p> <p>(d) Child and youth are synonymous, and each means a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services or is married is not considered a “child” or “youth” for the purposes of this chapter.</p> <p>(m) “Abused child” means a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon said child sexual abuse, sexual exploitation, emotional abuse, mental injury, non-accidental physical injury or other maltreatment. Provided, however, that physical discipline, including spanking, performed on a child by a parent, guardian or custodian in a reasonable manner shall not be deemed abuse under this section.</p> <p>(n) Sexual abuse means obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children under circumstances which indicate that the child’s health or welfare is harmed or threatened.</p> <p>Persons Required to Report MISS. CODE ANN. § 43-21-353 (2013):</p> <p>(1) Any:</p> <ul style="list-style-type: none"> • Law enforcement officer; • Attorney; • Physician;
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<p>Mandatory Reporting Child (Mississippi)</p>	<ul style="list-style-type: none"> • Dentist; • Intern; • Resident; • Nurse; • Psychologist; • Social worker; • Family protection specialist; • Child care giver; • Minister; • Public or private school employee; or • Any other person having reasonable cause to suspect that a child is a neglected child or an abused child.
<p>Mandatory Reporting Adult (Mississippi)</p>	<p>MISS. CODE ANN. § 43-47(West 2013)</p> <p>What has to be reported?</p> <p>(1)(a) Knowledge or suspicion that a vulnerable adult has been or is being abused.</p> <p>Relevant Definitions</p> <p>(a) “Abuse” means the willful or non-accidental infliction of physical pain, injury or mental anguish on a vulnerable adult, the unreasonable confinement of a vulnerable adult, or the willful deprivation by a caretaker of services which are necessary to maintain the mental and physical health of a vulnerable adult. “Abuse” includes sexual abuse. “Abuse” shall not mean conduct which is a part of the treatment and care of, and in furtherance of the health and safety of a patient or resident of a care facility. “Abuse” includes, but is not limited to, a single incident.</p>



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<p>Mandatory Reporting Adult (Mississippi)</p>	<p>(n) “Vulnerable adult” means a person whether minor or adult whose ability to perform the normal activities of daily living or to provide for his or her own care or protection from abuse, neglect, exploitation or improper sexual contact is impaired due to a mental, emotional, physical or developmental disability or dysfunction, or brain damage or the infirmities of aging. The term “vulnerable adult” also includes all residents or patients, regardless of age, in a care facility. The department shall not be prohibited from investigating, and shall have the authority and responsibility to fully investigate, in accordance with the provisions of this chapter, any allegation of abuse, neglect, or exploitation regarding a patient in a care facility, if the alleged abuse, neglect or exploitation occurred at a private residence.</p> <p>Persons Required to Report</p> <p>(1)(a) Any person including, but not limited to, the following, who knows or suspects that a vulnerable adult has been or is being abused, neglected, or exploited:</p> <ul style="list-style-type: none"> (i) Attorney, physician, osteopathic physician, medical examiner, chiropractor or nurse engaged in the admission, examination, care or treatment of vulnerable adults; (ii) Health professional or mental health professional other than one listed above; (iii) Practitioner who relies solely on spiritual means for healing; (iv) Social worker, family protection worker, family protection specialist or other professional adult care, residential or institutional staff; (v) State, county or municipal criminal justice employee or law enforcement officer; (vi) Human rights advocacy committee or long-term care ombudsman council member. (vii) Accountant, stockbroker, financial advisor or consultant, insurance agent or consultant, investment advisor or consultant, financial planner, or any officer or employee of a bank, savings and loan, credit union or any other financial service provider
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Missouri	
Definition of Confidentiality <i>(Missouri)</i>	<p>MO. REV. STAT. § 455.003 (2013)</p> <p>1. A rape crisis center shall:</p> <ul style="list-style-type: none"> (1) Require persons employed by or volunteering services to the rape crisis center to maintain confidentiality of any information that would identify individuals served by the center and any information or records that are directly related to the advocacy services provided to such individuals; and (2) Prior to providing any advocacy services, inform individuals served by the rape crisis center of the nature and scope of the confidentiality requirements of subdivision (1) of this subsection.
Privilege <i>(Missouri)</i>	<p>MO. REV. STAT. § 455.003 (2013)</p> <p>2. Any person employed by or volunteering services to a rape crisis center for victims of sexual assault shall be incompetent to testify concerning any confidential information in subsection 1 of this section, unless the confidentiality requirements are waived in writing by the individual served by the center.</p>
Mandatory Reporting Child <i>(Missouri)</i>	<p>MO. REV. STAT. § 210.115 (2013)</p> <p>What has to be reported?</p> <p>(1) Reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being</p>

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<p>Mandatory Reporting Child (Missouri)</p>	<p>subjected to conditions or circumstances which would reasonably result in abuse or neglect.</p> <p>Relevant Definitions</p> <p>(1) “Abuse” means, any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse.</p> <p>(4)” Child” means any person, regardless of physical or mental condition, under eighteen years of age.</p> <p>(11) “Jail” or “detention center” “personnel” means employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law.</p> <p>(16) Those responsible for the care, custody, and control of the child, those included but not limited to the parents or guardian of a child, other members of the child’s household, or those exercising supervision over a child for any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child’s household or the family, has access to the child.</p> <p>Persons Required to Report</p> <p>(1) When any:</p> <ul style="list-style-type: none"> • Peace officer or law enforcement official; • Juvenile officer; • Jail or detention center personnel;
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<p>Mandatory Reporting Child (Missouri)</p>	<ul style="list-style-type: none"> • Physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons; • Any other health practitioner; • Psychologist; • Mental health professional; • Social worker; • Day care center worker or other child-care worker; • Probation or parole officer; • Teacher; • Principal or other school official; • Minister as provided by section 352.400, RSMo; or • Other person with responsibility for the care of children.
<p>Mandatory Reporting Adult (Missouri)</p>	<p>MO. REV. STAT. § 217.410 (2013)</p> <p>What has to be reported?</p> <p>(1) Reasonable cause to believe that an offender in a correctional center operated or funded by the department has been abused.</p> <p>Relevant Definitions</p> <p>(1) Any employee of the department of corrections.</p> <p>(3) In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an offender has been abused may report such information to the director.</p>



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<p>Mandatory Reporting Adult (Missouri)</p>	<p>MO. REV. STAT. § 217.405 (2013): (1) Except as provided in subsection 3 of this section, a person commits the crime of “offender abuse” if he knowingly injures the physical well-being of any offender under the jurisdiction of the department by beating, striking, wounding or by sexual contact with such person.</p> <p>Persons Required to Report MO. REV. STAT. § 198.070 (2013):</p> <ul style="list-style-type: none"> • Any adult day care worker; • Chiropractor; • Christian Science practitioner; • Coroner; • Dentist; • Embalmer; • Employee of the departments of social services, mental health, or health and senior services; • Employee of a local area agency on aging or an organized area agency on aging program; • Funeral director; • Home health agency or home health agency employee; • Hospital and clinic personnel engaged in examination, care, or treatment of persons; • In-home services owner, provider, operator, or employee; • Law enforcement officer; • Long-term care facility administrator or employee;
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<p>Mandatory Reporting Adult (Missouri)</p>	<ul style="list-style-type: none"> • Medical examiner; • Medical resident or intern; • Mental health professional; • Minister; • Nurse; • Nurse practitioner; • Optometrist; • Other health practitioner; • Peace officer; • Pharmacist; • Physical therapist; • Physician; • Physician’s assistant; • Podiatrist; • Probation or parole officer; • Psychologist; • Social worker; or • Other person with the care of a person sixty years of age or older <p>(5) In addition to those persons required to report pursuant to subsection 1 of this section, any other person having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.</p>
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Montana	
Definition of Confidentiality <i>(Montana)</i>	Montana does not define confidential communications
Privilege <i>(Montana)</i>	<p>MONT. CODE ANN. § 26-1-812 (2013)</p> <p>(1) Unless a report is otherwise required by law, an advocate may not, without consent of the victim, be examined as to any communication made to the advocate by a victim and may not divulge records kept during the course of providing shelter, counseling, or crisis intervention services.</p> <p>(2) This privilege belongs to the victim and may not be waived, except by express consent. The privilege continues even if the victim is unreachable. Consent may not be implied because the victim is a party to a divorce or custody proceeding. The privilege terminates upon the death of the victim.</p> <p>(3) For purposes of this section, the following Definitions apply:</p> <p>(a) “Advocate” means an employee or volunteer of a domestic violence shelter, crisis line, or victim’s services provider that provides services for victims of sexual assault, stalking, or any assault on a partner or family member.</p> <p>(b) “Victim” means a person seeking assistance because of partner or family member assault, any sexual assault, or stalking, whether or not the victim seeks or receives services within the criminal justice system.</p>

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<p>Mandatory Reporting Child (Montana)</p>	<p>MONT. CODE ANN. § 41-3-201 (2013)</p> <p>What has to be reported?</p> <p>(1) Knowledge or reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child’s welfare</p> <p>Relevant Definitions</p> <p>MONT. CODE ANN. § 41-3-102 (2013):</p> <p>(7) “Child abuse” or “neglect” means:</p> <ul style="list-style-type: none"> (i) actual physical or psychological harm to a child; (ii) substantial risk of physical or psychological harm to a child; or (iii) abandonment. <p>(b)(i) The term includes:</p> <ul style="list-style-type: none"> (A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child’s welfare; or (B) exposing a child to the criminal distribution of dangerous drugs, the criminal production or manufacture of dangerous drugs, or the operation of an unlawful clandestine laboratory. <p>(19) Physical abuse means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.</p>
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<p>Mandatory Reporting Child (Montana)</p>	<p>(20) Physical neglect means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.</p> <p>(21)(a) Physical or psychological harm to a child means the harm that occurs whenever the parent or other person responsible for the child’s welfare:</p> <ul style="list-style-type: none"> (i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect; (ii) commits or allows sexual abuse or exploitation of the child; (iii) induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child’s welfare; (iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so; (v) exposes or allows the child to be exposed to an unreasonable risk to the child’s health or welfare by failing to intervene or eliminate the risk; or (vi) abandons the child. <p>(25) Reasonable cause to suspect means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.</p> <p>(27)(a) Sexual abuse means the commission of sexual assault, sexual intercourse without consent, indecent exposure,</p>
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<p>Mandatory Reporting Child (Montana)</p>	<p>deviate sexual conduct, sexual abuse, ritual abuse, or incest.</p> <p>(b) Sexual abuse does not include any necessary touching of an infant’s or toddler’s genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child’s welfare.</p> <p>(28) Sexual exploitation means allowing, permitting, or encouraging a child to engage in a prostitution offense, or allowing, permitting, or encouraging sexual abuse of children.</p> <p>MONT. CODE ANN. § 45-2-101(West 2011)</p> <p>(6) Child or children means any individual or individuals under 18 years of age, unless a different age is specified.</p> <p>Persons Required to Report MONT. CODE ANN. § 41-3-201 (2013)</p> <p>(2) Professionals and officials required to report are:</p> <ul style="list-style-type: none"> (a) A physician, resident, intern, or member of a hospital’s staff engaged in the admission, examination, care, or treatment of persons; (b) A nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional; (c) Religious healers; (d) School teachers, other school officials, and employees who work during regular school hours; (e) A social worker, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program or of a child and adult food care program, or an operator or employee of a child-care facility; (f) A foster care, residential, or institutional worker;
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<p>Mandatory Reporting Child (Montana)</p>	<p>(g) A peace officer or other law enforcement official; (h) A member of the clergy; (i) A guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect; or (j) An employee of an entity that contracts with the department to provide direct services to children. (3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant shall report to the department any infant known to the professional to be affected by a dangerous drug, as defined in 50-32- 101.</p>
<p>Mandatory Reporting Adult (Montana)</p>	<p>MONT. CODE ANN. § 52-3-811 (West 2013) What has to be reported? (1) Knowledge or a have reasonable cause to suspect that an older person or a person with a developmental disability known to them in their professional or official capacities has been subjected to abuse, sexual abuse, neglect, or exploitation. Relevant Definitions MONT. CODE ANN. § 52-3-803 (West 2008) (1) “Abuse” means: (b) the infliction of physical or mental injury; or (c) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes lawful authority. (11) Sexual abuse means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate</p>



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<p>Mandatory Reporting Adult (Montana)</p>	<p>sexual conduct, or incest.</p> <p>Persons Required to Report MONT. CODE ANN. § 52-3-811 (West 2008)</p> <p>(3) Professionals and other persons required to report are:</p> <ul style="list-style-type: none"> (a) physician, resident, intern, professional or practical nurse, physician assistant, or member of a hospital staff engaged in the admission, examination, care, or treatment of persons; (b) An osteopath, dentist, denturist, chiropractor, optometrist, podiatrist, medical examiner, coroner, or any other health or mental health professional; (c) An ambulance attendant; (d) A social worker or other employee of the state, a county, or a municipality assisting an older person or a person with a developmental disability in the application for or receipt of public assistance payments or services; (e) A person who maintains or is employed by a rooming house, retirement home or complex, nursing home, group home, adult foster care home, adult day-care center, or assisted living facility or an agency or individual that provides home health services or personal care in the home; (f) An attorney, unless the attorney acquired knowledge of the facts required to be reported from a client and the attorney-client privilege applies; (g) A peace officer or other law enforcement official; (h) A person providing services to an older person or a person with a developmental disability pursuant to a contract with a state or federal agency; and (i) An employee of the department while in the conduct of the employee’s duties
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Nebraska	
<p>Definition of Confidentiality (Nebraska)</p>	<p>NEB. REV. STAT. § 29-4302:</p> <p>(1) Advocate means any employee or supervised volunteer of a domestic violence and sexual assault victim assistance program or of any other agency, business, or organization that is not affiliated with a law enforcement or prosecutor's office, whose primary purpose is assisting domestic violence and sexual assault victims;</p> <p>(2) Victim means a person who communicates with an advocate for assistance in overcoming the adverse effects of domestic violence or sexual assault; and</p> <p>(3) Confidential communication means any written or spoken information exchanged between a victim and an advocate in private or in the presence of a third party who is necessary to facilitate communication or further the advocacy process and which is disclosed to the advocate for the purposes of overcoming the adverse effects of domestic violence or sexual assault.</p>
<p>Privilege (Nebraska)</p>	<p>NEB. REV. STAT. § 29-4303 (2013)</p> <p>(1) A victim, an advocate without the consent of the victim, a third party as described in subdivision (3) of section 29-4302 without the consent of the victim, or a minor or incapacitated victim without the consent of a custodial guardian or a guardian ad litem appointed upon application of either party, shall not be compelled to give testimony or to produce records concerning a confidential communication for any purpose in any criminal, civil, legislative, administrative, or</p>

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<p>Privilege (Nebraska)</p>	<p>other proceeding, except as follows:</p> <p>(a) The party seeking disclosure of a confidential communication shall, in a criminal, civil, or administrative proceeding, file a motion that sets forth specifically the issues on which disclosure is sought and enumerates the reasons why the party is seeking disclosure and why disclosure is necessary, accompanied by an affidavit or affidavits containing specific information which establishes that the confidential communication constitutes relevant and material evidence in the case; and</p> <p>(b) If the party seeking disclosure has complied with subdivision (a) of this subsection, the court or a hearing officer shall review the confidential communication in camera and out of the presence and hearing of all persons, except the victim, the advocate, and any other person the victim is willing to have present, to determine whether a failure to disclose the confidential communication would violate the constitutional rights of the party seeking disclosure.</p>
<p>Mandatory Reporting Child (Nebraska)</p>	<p>NEB. REV. STAT. § 28-711 (2012)</p> <p>What has to be reported?</p> <p>(1) . . . Reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect. . .</p> <p>Relevant Definitions</p> <p>NEB. REV. STAT. § 28-707 (2012)</p> <p>(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:</p> <p>(a) Placed in a situation that endangers his or her life or physical or mental health;</p> <p>(b) Cruelly confined or cruelly punished;</p>



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<p>Mandatory Reporting Child (Nebraska)</p>	<p>(c) Deprived of necessary food, clothing, shelter, or care; (d) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or (e) Placed in a situation to be sexually abused as defined in section 28-319 or 28-320.01 or Section 6 of this Act.</p> <p>Persons Required to Report NEB. REV. STAT. § 28-711 (2012) (1) Any:</p> <ul style="list-style-type: none"> • Physician, medical institution, nurse; • School employee; • Social worker; or • Other person.
<p>Mandatory Reporting Adult (Nebraska)</p>	<p>NEB. REV. STAT. § 28-372 (2012) What has to be reported? (1) Reasonable cause to believe that a vulnerable adult has been subjected to abuse or observes such adult being subjected to conditions or circumstances which reasonably would result in abuse.</p> <p>Relevant Definitions NEB. REV. STAT. § 28-351 (2012) Abuse shall mean any knowing, intentional, or negligent act or omission on the part of a caregiver, a vulnerable adult, or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, exploitation,</p>



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<p>Mandatory Reporting Adult (Nebraska)</p>	<p>or denial of essential services to a vulnerable adult.</p> <p>NEB. REV. STAT. § 28-371 (2012) Vulnerable adult shall mean any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian has been appointed under the Nebraska Probate Code.</p> <p>NEB. REV. STAT. § 28-359 (2012) Law enforcement agency shall mean the police department or the town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol.</p> <p>Persons Required to Report NEB. REV. STAT. § 28-372 (2012): (1) When any</p> <ul style="list-style-type: none"> • Law enforcement personnel; • Physician, psychologist, physician assistant, nurse, nursing assistant, other medical, developmental disability, or mental health professional; • Caregiver or employee of a caregiver; • Operator or employee of a sheltered workshop; • Owner, operator, or employee of any facility licensed by the department, or human services professional or paraprofessional not including a member of the clergy.
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Nevada	
<p>Definition of Confidentiality (Nevada)</p>	<p>NEV. REV. STAT. ANN. § 49.2546</p> <p>1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:</p> <ul style="list-style-type: none"> (a) A person who is present to further the interest of the victim; (b) A person reasonably necessary for the transmission of the communication; or (c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family. <p>2. As used in this section, “communication” includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:</p> <ul style="list-style-type: none"> (a) The victim's advocate; or (b) The nonprofit program for whom the victim's advocate works.
<p>Privilege (Nevada)</p>	<p>NEV. REV. STAT. ANN. § 49.2547 (West 2012)</p> <p>Except as otherwise provided in NRS 49.2549, a victim who seeks advice, counseling or assistance from a victim’s advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in NRS 49.2546.</p> <p>NEV. REV. STAT. ANN. § 49.2549 (West 2012)</p>

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<p>Privilege (Nevada)</p>	<p>There is no privilege pursuant to NRS 49.2547 if:</p> <ol style="list-style-type: none"> 1. The purpose of the victim in seeking services from a victim’s advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud; 2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of NRS 200.508, 200.5093 or 200.50935, but only as to that portion of the communication; 3. The communication is relevant to an issue of breach of duty by the victim’s advocate to the victim or by the victim to the victim’s advocate; or 4. Disclosure of the communication is otherwise required by law.
<p>Mandatory Reporting Child (Nevada)</p>	<p>NEV. REV. STAT. ANN. § 432B.220 (West 2012)</p> <p>What has to be reported?</p> <p>(1) Any person who in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected.</p> <p>Relevant Definitions</p> <p>(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:</p> <ol style="list-style-type: none"> (a) Placed in a situation that endangers his or her life or physical or mental health; (b) Cruelly confined or cruelly punished; (c) Deprived of necessary food, clothing, shelter, or care; (d) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or



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<p>Mandatory Reporting Child (Nevada)</p>	<p>depictions; or (e) Placed in a situation to be sexually abused as defined in section 28-319 or 28-320.01 or Section 6 of this Act.</p> <p>Persons Required to Report</p> <p>4. A report must be made pursuant to subsection 1 by the following persons:</p> <p>(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.</p> <p>(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.</p> <p>(c) A coroner.</p> <p>(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.</p> <p>(e) A social worker and an administrator, teacher, librarian or counselor of a school.</p> <p>(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children’s camp or other public or private facility, institution or agency furnishing care to a child.</p> <p>(g) Any person licensed to conduct a foster home.</p> <p>(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.</p> <p>(i) An attorney, unless the attorney has acquired the knowledge of the abuse or neglect from a client who is or may</p>
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<p>Mandatory Reporting Child (Nevada)</p>	<p>be accused of the abuse or neglect.</p> <p>(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.</p> <p>(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, “approved youth shelter” has the meaning ascribed to it in NRS 244.422.</p> <p>(l) Any adult person who is employed by an entity that provides organized activities for children.</p> <p>5. A report may be made by any other person.</p>
<p>Mandatory Reporting Adult (Nevada)</p>	<p>NEV. REV. STAT. ANN. § 200.509 (West 2012)</p> <p>What has to be reported?</p> <p>(1) know[ledge] or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated</p> <p>Relevant Definitions</p> <p>1. “Abuse” means willful and unjustified:</p> <p style="padding-left: 20px;">(a) Infliction of pain, injury or mental anguish on an older person or a vulnerable person; or</p> <p style="padding-left: 20px;">(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person.</p> <p>5. “Older person” means a person who is 60 years of age or older.</p> <p>7. “Vulnerable person” means a person 18 years of age or older who:</p> <p style="padding-left: 20px;">(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or</p>



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<p>Mandatory Reporting Adult (Nevada)</p>	<p>(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.</p> <p>Persons Required to Report</p> <p>4. A report must be made pursuant to subsection 1 by the following persons:</p> <p>(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.</p> <p>(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.</p> <p>(c) A coroner.</p> <p>(d) Every person who maintains or is employed by an agency to provide personal care services in the home.</p> <p>(e) Every person who maintains or is employed by an agency to provide nursing in the home.</p> <p>(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 427A.0291.</p> <p>(g) Any employee of the Department of Health and Human Services.</p> <p>(h) Any employee of a law enforcement agency or a county’s office for protective services or an adult or juvenile probation officer.</p>
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<p>Mandatory Reporting Adult (Nevada)</p>	<p>(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons. (j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met. (k) Every social worker. (l) Any person who owns or is employed by a funeral home or mortuary.</p> <p>5. A report may be made by any other person.</p>
<p>New Hampshire</p>	
<p>Definition of Confidentiality (New Hampshire)</p>	<p>N.H. REV. STAT. ANN. § 173-C:2 (2013): Confidential Communications Between Victims and Counselors</p> <p>I. A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a sexual assault counselor or a domestic violence counselor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim.</p> <p>I-a. The privilege and confidentiality under paragraph I shall extend to:</p> <p>(a) A third person present to assist communication with the victim. (b) A third person present to assist a victim who is physically challenged. (c) Co-participants in support group counseling of the victim.</p>



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<p>Privilege <i>(New Hampshire)</i></p>	<p>N.H. REV. STAT. ANN. § 173-C:2 (2013): Confidential Communications Between Victims and Counselors</p> <p>I. A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a sexual assault counselor or a domestic violence counselor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim.</p> <p>I-a. The privilege and confidentiality under paragraph I shall extend to:</p> <ul style="list-style-type: none"> (a) A third person present to assist communication with the victim. (b) A third person present to assist a victim who is physically challenged. (c) Co-participants in support group counseling of the victim.
<p>Mandatory Reporting Child <i>(New Hampshire)</i></p>	<p>N.H. REV. STAT. ANN. § 169-C:29 (2013)</p> <p>What has to be reported?</p> <p>(1) Reason to suspect that a child has been abused or neglected.</p> <p>Relevant Definitions</p> <p>(II) “Abused child” means any child who has been:</p> <ul style="list-style-type: none"> (a) Sexually abused; or (b) Intentionally physically injured; or (c) Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or (d) Physically injured by other than accidental means.



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<p>Mandatory Reporting Child (New Hampshire)</p>	<p>(V) “Child” means any person who has not reached his eighteenth birthday.</p> <p>(XXVII-a) Sexual abuse means the following activities under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm: the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the Definitions of sexual abuse, the term “child” or “children” means any individual who is under the age of 18 years.</p> <p>Persons Required to Report</p> <ul style="list-style-type: none"> • Law enforcement official; • Physician, surgeon; • County medical examiner; • Psychiatrist; • Resident; • Intern; • Dentist; • Osteopath; • Optometrist; • Chiropractor; • Psychologist;
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<p>Mandatory Reporting Child (New Hampshire)</p>	<ul style="list-style-type: none"> • Therapist; • Registered nurse; • Hospital personnel (engaged in admission, examination, care and treatment of persons); • Christian Science practitioner; • Teacher, school official, school nurse, school counselor; • Social worker; • Day care worker, any other child or foster care worker; • Priest, minister, or rabbi; or • Any other person having reason to suspect that a child has been abused or neglected.
<p>Mandatory Reporting Adult (New Hampshire)</p>	<p>N.H. REV. STAT. ANN. § 161-F:46 (2013) What has to be reported? Suspicion or belief in good faith that any adult who is or who is suspected to be incapacitated has been subjected to abuse, neglect, self-neglect, or exploitation or is living in hazardous conditions</p> <p>Relevant Definitions N.H. REV. STAT. ANN. § 161-F:43 (2013): II. Abuse means any one of the following: (a) “Emotional abuse” means the misuse of power, authority, or both, verbal harassment, or unreasonable confinement which results or could result in the mental anguish or emotional distress of an incapacitated adult. (b) “Physical abuse” means the use of physical force which results or could result in physical injury to an incapacitated adult.</p>



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<p>Mandatory Reporting Adult (New Hampshire)</p>	<p>(c) “Sexual abuse” means contact or interaction of a sexual nature involving an incapacitated adult without his or her informed consent.</p> <p>VII. Incapacitated means that the physical, mental, or emotional ability of a person is such that he is unable to manage personal, home, or financial affairs in his own best interest, or he is unable to act or unable to delegate responsibility to a responsible caretaker or caregiver.</p> <p>Persons Required to Report N.H. REV. STAT. ANN. § 161-F:46 (2013): Any person, including, but not limited to:</p> <ul style="list-style-type: none"> • Law enforcement officials; • Physicians; • Other health care professionals; • Social workers; and • Clergy.
<p>New Jersey</p>	
<p>Definition of Confidentiality (New Jersey)</p>	<p>N.J. STAT. ANN. § 2A:84A-22.14 (West 2013)</p> <p>As used in this act:</p>



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<p>Definition of Confidentiality (New Jersey)</p>	<p>a. “Act of violence” means the commission or attempt to commit any of the offenses set forth in subsection b. of section 11 of P.L.1971, c. 317 (C.52:4B-11).</p> <p>b. “Confidential communication” means any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor's treatment of the victim for any emotional or psychological condition resulting from an act of violence. It includes any advice, report or working paper given or made in the course of the consultation and all information received by the victim counselor in the course of that relationship.</p> <p>c. “Victim” means a person who consults a counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by an act of violence.</p> <p>d. “Victim counseling center” means any office, institution, or center offering assistance to victims and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.</p> <p>e. “Victim counselor” means a person engaged in any office, institution or center defined as a victim counseling center by this act, who has undergone 40 hours of training and is under the control of a direct services supervisor of the center and who has a primary function of rendering advice, counseling or assisting victims of acts of violence. “Victim counselor” includes a rape care advocate as defined in section 4 of P.L.2001, c. 81 (C.52:4B-52).</p>
<p>Privilege (New Jersey)</p>	<p>N.J. STAT. ANN. § 2A:84A-22.15 (West 2013)</p> <p>Subject to Rule 37 of the Rules of Evidence, a victim counselor has a privilege not to be examined as a witness in any civil</p>

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<p>Privilege (New Jersey)</p>	<p>or criminal proceeding with regard to any confidential communication. The privilege shall be claimed by the counselor unless otherwise instructed by prior written consent of the victim. When a victim is incompetent or deceased consent to disclosure may be given by the guardian, executor or administrator except when the guardian, executor or administrator is the defendant or has a relationship with the victim such that he has an interest in the outcome of the proceeding. The privilege may be knowingly waived by a juvenile. In any instance where the juvenile is, in the opinion of the judge, incapable of knowing consent, the parent or guardian of the juvenile may waive the privilege on behalf of the juvenile, provided that the parent or guardian is not the defendant and does not have a relationship with the defendant such that he has an interest in the outcome of the proceeding. A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a domestic violence shelter or any other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.</p>
<p>Mandatory Reporting Child (New Jersey)</p>	<p>N.J. STAT. ANN. § 9:6-8.10 (2012) What has to be reported? Reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse.</p> <p>Relevant Definitions Abuse of a child shall consist in any of the following acts:</p> <ul style="list-style-type: none"> (a) disposing of the custody of a child contrary to law; (b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State; (c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child;



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<p>Mandatory Reporting Child <i>(New Jersey)</i></p>	<p>(d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language;</p> <p>(e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child;</p> <p>(f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child;</p> <p>(g) using excessive physical restraint on the child under circumstances which do not indicate that the child’s behavior is harmful to himself, others or property; or</p> <p>(h) willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.</p> <p>N.J. STAT. ANN. § 9:6-8.21 (2012):</p> <p>b. “Child” means any child alleged to have been abused or neglected.</p> <p>c. ”Abused” or “neglected” child means a child less than 18 years of age whose parent or guardian, as herein defined,</p> <p style="padding-left: 20px;">(1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;</p> <p style="padding-left: 20px;">(2) creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;</p> <p style="padding-left: 20px;">(3) commits or allows to be committed an act of sexual abuse against the child;</p> <p style="padding-left: 20px;">(4) or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of</p>
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<p>Mandatory Reporting Child (New Jersey)</p>	<p>becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimum degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;</p> <p>(5) or a child who has been willfully abandoned by his parent or guardian, as herein defined;</p> <p>(6) or a child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child’s behavior is harmful to himself, others or property;</p> <p>(7) or a child who is in an institution and</p> <p style="padding-left: 40px;">(a) has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child’s mental or physical well-being or</p> <p style="padding-left: 40px;">(b) who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.</p> <p>Persons Required to Report N.J. STAT. ANN. § 9:6-8.10 (2012): Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse.</p>
<p>Mandatory Reporting Adult (New Jersey)</p>	<p>N.J. STAT. ANN. § 52:27D-419 (West 2012) What has to be reported? Reasonable cause to believe that a caretaker or other person has committed a criminal act against a vulnerable adult.</p>



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<p>Mandatory Reporting Adult (New Jersey)</p>	<p>Relevant Definitions N.J. STAT. ANN. § 52:27D-407 (West 2008)</p> <p>“County director means” the director of a county adult protective services provider.</p> <p>“Vulnerable adult” means a person 18 years of age or older who resides in a community setting and who, because of a physical or mental illness, disability or deficiency, lacks sufficient understanding or capacity to make, communicate, or carry out decisions concerning his well-being and is the subject of abuse, neglect or exploitation. A person shall not be deemed to be the subject of abuse, neglect or exploitation or in need of protective services for the sole reason that the person is being furnished nonmedical remedial treatment by spiritual means through prayer alone or in accordance with a recognized religious method of healing in lieu of medical treatment, and in accordance with the tenets and practices of the person’s established religious tradition.</p> <p>“Abuse means” the willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services which are necessary to maintain a person’s physical and mental health.</p> <p>“Caretaker” means a person who has assumed the responsibility for the care of a vulnerable adult as a result of family relationship or who has assumed responsibility for the care of a vulnerable adult voluntarily, by contract, or by order of a court of competent jurisdiction, whether or not they reside together.</p> <p>“Exploitation” means the act or process of illegally or improperly using a person or his resources for another person’s profit or advantage. “Neglect” means an act or failure to act by a vulnerable adult or his caretaker which results in the inadequate provision of care or services necessary to maintain the physical and mental health of the vulnerable adult, and which places the vulnerable adult in a situation which can result in serious injury or which is life-threatening.</p>
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Mandatory Reporting Adult <i>(New Jersey)</i>	Persons Required to Report N.J. STAT. ANN. § 52:27D-419 (West 2012) The county director or his designee.
New Mexico	
Definition of Confidentiality <i>(New Mexico)</i>	N.M. STAT. ANN. § 31-25-2 As used in the Victim Counselor Confidentiality Act: A. “confidential communication” means any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor's treatment of the victim for any emotional or psychological condition resulting from a sexual assault or family violence; B. “victim” means a person who consults a victim counselor for assistance in overcoming adverse emotional or psychological effects of a sexual assault or family violence; C. “victim counseling” means assessment, diagnosis and treatment to alleviate the adverse emotional or psychological impact of a sexual assault or family violence on the victim. Victim counseling includes crisis intervention; D. “victim counseling center” means a private organization or unit of a government agency which has as one of its primary

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<p>Definition of Confidentiality (New Mexico)</p>	<p>purposes the treatment of victims for any emotional or psychological condition resulting from a sexual assault or family violence; and</p> <p>E. “victim counselor” means any employee or supervised volunteer of a victim counseling center or other agency, business or organization that provides counseling to victims who is not affiliated with a law enforcement agency or the office of a district attorney, has successfully completed forty hours of academic or other formal victim counseling training or has had a minimum of one year of experience in providing victim counseling and whose duties include victim counseling.</p>
<p>Privilege (New Mexico)</p>	<p>N.M. STAT. ANN. § 31-25-3 (West 2013)</p> <p>A. A victim, a victim counselor without the consent of the victim or a minor or incapacitated victim without the consent of a custodial guardian or a guardian ad litem appointed upon application of either party shall not be compelled to provide testimony or to produce records concerning confidential communications for any purpose in any criminal action or other judicial, legislative or administrative proceeding.</p> <p>B. A victim counselor or a victim shall not be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location or telephone number of a safe house, abuse shelter or other facility that provided temporary emergency shelter to the victim of the offense or occurrence that is the subject of a judicial, legislative or administrative proceeding unless the facility is a party to the proceeding.</p>
<p>Mandatory Reporting Child (New Mexico)</p>	<p>N.M. STAT. ANN. § 32A-4-3 (West 2013)</p> <p>What has to be reported?</p> <p>(A) Knowledge or reasonable suspicion that a child is an abused or a neglected child.</p>

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<p>Mandatory Reporting Child (New Mexico)</p>	<p>Relevant Definitions</p> <p>(B) “Abused child” means a child:</p> <ol style="list-style-type: none"> (1) who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child’s parent, guardian or custodian; (2) who has suffered physical abuse, emotional abuse or psychological abuse inflicted or caused by the child’s parent, guardian or custodian; (3) who has suffered sexual abuse or sexual exploitation inflicted by the child’s parent, guardian or custodian; (4) whose parent, guardian or custodian has knowingly, intentionally or negligently placed the child in a situation that may endanger the child’s life or health; or (5) whose parent, guardian or custodian has knowingly or intentionally tortured, cruelly confined or cruelly punished the child; <p>(F) Physical abuse includes but is not limited to any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and:</p> <ol style="list-style-type: none"> (1) there is not a justifiable explanation for the condition or death; (2) the explanation given for the condition is at variance with the degree or nature of the condition; (3) the explanation given for the death is at variance with the nature of the death; or (4) circumstances indicate that the condition or death may not be the product of an accidental occurrence; <p>(G) Sexual abuse includes but is not limited to criminal sexual contact, incest or criminal sexual penetration, as those acts are defined by state law.</p>
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<p>Mandatory Reporting Child (New Mexico)</p>	<p>(H) Sexual exploitation includes but is not limited to:</p> <ol style="list-style-type: none"> (1) allowing, permitting or encouraging a child to engage in prostitution; (2) allowing, permitting, encouraging or engaging a child in obscene or pornographic photographing; or (3) filming or depicting a child for obscene or pornographic commercial purposes, as those acts are defined by state law. <p>Persons Required to Report</p> <p>(A) Every person, including:</p> <ul style="list-style-type: none"> • A law enforcement officer; • A licensed physician; • A resident or an intern examining, attending or treating a child; • A judge presiding during a proceeding; • A registered nurse; • A visiting nurse; • A schoolteacher; • A school official; • A social worker acting in an official capacity; or • A member of the clergy who has information that is not privileged as a matter of law.
<p>Mandatory Reporting Adult (New Mexico)</p>	<p>N.M. STAT. ANN. § 27-7-30 (West 2013)</p> <p>What has to be reported?</p> <p>(A) Reasonable cause to believe that an incapacitated adult is being abused, neglected, or exploited.</p>



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<p>Mandatory Reporting Adult (<i>New Mexico</i>)</p>	<p>Relevant Definitions N.M. STAT. ANN. § 27-7-16 (West 2013) (A) “Abuse” means: (1) knowingly, intentionally or negligently and without justifiable cause inflicting physical pain, injury or mental anguish; or (2) the intentional deprivation by a caretaker or other person of services necessary to maintain the mental and physical health of an adult; or (3) sexual abuse, including criminal sexual contact, incest and criminal sexual penetration.</p> <p>(L) Incapacitated adult means any adult with a mental, physical, or developmental condition that substantially impairs the adult’s ability to provide adequately for the adult’s own care or protection.</p> <p>Persons Required to Report N.M. STAT. ANN. § 27-7-30 (West 2013) (A) Any person, including financial institutions, having reasonable cause to believe that an incapacitated adult is being abused.</p>
<p>New York</p>	



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<p>Definition of Confidentiality <i>(New York)</i></p>	<p>N.Y. C.P.L.R. 4510 (McKinney 2013)</p> <p>(b) Confidential information privileged. A rape crisis counselor shall not be required to disclose a communication made by his or her client to him or her, or advice given thereon, in the course of his or her services nor shall any clerk, stenographer or other person working for the same program as the rape crisis counselor or for the rape crisis counselor be allowed to disclose any such communication or advice given thereon nor shall any records made in the course of the services given to the client or recording of any communications made by or to a client be required to be disclosed, nor shall the client be compelled to disclose such communication or records, except:</p> <ol style="list-style-type: none"> 1. that a rape crisis counselor may disclose such otherwise confidential communication to the extent authorized by the client; 2. that a rape crisis counselor shall not be required to treat as confidential a communication by a client which reveals the intent to commit a crime or harmful act;
<p>Privilege <i>(New York)</i></p>	<p>N.Y. C.P.L.R. 4510 (McKinney 2013)</p> <p>(b) Confidential information privileged. A rape crisis counselor shall not be required to disclose a communication made by his or her client to him or her, or advice given thereon, in the course of his or her services nor shall any clerk, stenographer or other person working for the same program as the rape crisis counselor or for the rape crisis counselor be allowed to disclose any such communication or advice given thereon nor shall any records made in the course of the services given to the client or recording of any communications made by or to a client be required to be disclosed, nor shall the client be compelled to disclose such communication or records, except:</p> <ol style="list-style-type: none"> 1. that a rape crisis counselor may disclose such otherwise confidential communication to the extent authorized by the client;



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<p>Privilege (New York)</p>	<p>2. that a rape crisis counselor shall not be required to treat as confidential a communication by a client which reveals the intent to commit a crime or harmful act;</p> <p>3. in a case in which the client waives the privilege by instituting charges against the rape crisis counselor or the rape crisis program and such action or proceeding involves confidential communications between the client and the rape crisis counselor.</p> <p>(c) Who may waive the privilege. The privilege may only be waived by the client, the personal representative of a deceased client, or, in the case of a client who has been adjudicated incompetent or for whom a conservator has been appointed, the committee or conservator.</p> <p>(d) Limitation on waiver. A client who, for the purposes of obtaining compensation under article twenty-two of the executive law or insurance benefits, authorizes the disclosure of any privileged communication to an employee of the office of victim services or an insurance representative shall not be deemed to have waived the privilege created by this section.</p>
<p>Mandatory Reporting Child (New York)</p>	<p>N.Y. SOC. SERV. LAW § 413 (McKinney 2013)</p> <p>What has to be reported?</p> <p>(1) Reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child.</p> <p>Relevant Definitions</p>



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<p>Mandatory Reporting Child (New York)</p>	<p>N.Y. SOC. SERV. LAW § 412 (McKinney 2013):</p> <p>(1) “Abused child” means:</p> <ul style="list-style-type: none"> (a) a child under eighteen years of age defined as an abused child by the family court act; (b) a child under the age of eighteen years who is defined as an abused child in residential care pursuant to subdivision eight of this section; or (c) a child with a handicapping condition, who is eighteen years of age or older, is in residential care in a school or facility, and is defined as an abused child pursuant to subdivision eight of this section; provided that such term shall include a pupil with a handicapping condition in residential care in such a school or facility who is defined as an abused child pursuant to subdivision eight of this section, is twenty-one years of age, and is entitled, pursuant to subdivision five of section forty-four hundred two of the education law, to remain in such school or facility until either the termination of the school year or the termination of the summer program, as applicable. <p>N.Y. FAM. CT. ACT § 1012 (McKinney 2013)</p> <p>(e) “Abused Child” means a child less than eighteen whose parent or other person legally responsible for his care</p> <ul style="list-style-type: none"> (i) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or (iii) commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law; commits any of the acts described in sections 255.25, 255.26 and 255.27 of the penal law;
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<p>Mandatory Reporting Child (New York)</p>	<p>or allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal provided, however, that (a) the corroboration requirements contained in the penal and (b) the age requirement for the application of article two hundred sixty-three of such shall not apply to proceedings under this article.</p> <p>Persons Required to Report N.Y. SOC. SERV. LAW § 413 (McKinney 2013): (1)(a) the following persons and officials are required to report or cause a report to be made</p> <ul style="list-style-type: none"> • Peace officer; • Police officer; • Other law enforcement official; • Physician, registered physician assistant, surgeon, medical examiner, coroner; • Dentist; • Dental hygienist; • Osteopath; • Optometrist; • Chiropractor; • Podiatrist; • Resident; • Intern; • Psychologist; • Registered nurse; • Social worker;
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<p>Mandatory Reporting Child (New York)</p>	<ul style="list-style-type: none"> • Emergency medical technician; • Licensed creative arts therapist; • Licensed marriage and family therapist; • Licensed mental health counselor; • Licensed psychoanalyst; hospital personnel engaged in the admission, examination, care or treatment of persons; • A Christian Science practitioner; • School official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; • Social services worker; • Day care center worker; • Provider of family or group family day care; • Employee or volunteer in a residential care facility defined in subdivision seven of section four hundred twelve of this title or any other child care or foster care worker; mental health professional; • Substance abuse counselor; • Alcoholism counselor; • District attorney or assistant district attorney; or • Investigator employed in the office of a district attorney.
<p>Mandatory Reporting Adult (New York)</p>	<p>New York has no applicable statute</p>



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North Carolina	
Definition of Confidentiality <i>(North Carolina)</i>	North Carolina does not define confidential communications
Privilege <i>(North Carolina)</i>	<p>N.C. GEN. STAT. § 8-53.12 (2013)</p> <p>(b) Privileged Communications.—No agent of a center shall be required to disclose any information which the agent acquired during the provision of services to a victim and which information was necessary to enable the agent to render the services; provided, however, that this subsection shall not apply where the victim waives the privilege conferred. Any resident or presiding judge in the district in which the action is pending shall compel disclosure, either at the trial or prior thereto, if the court finds, by a preponderance of the evidence, a good faith, specific and reasonable basis for believing that</p> <ul style="list-style-type: none"> (i) the records or testimony sought contain information that is relevant and material to factual issues to be determined in a civil proceeding, or is relevant, material, and exculpatory upon the issue of guilt, degree of guilt, or sentencing in a criminal proceeding for the offense charged or any lesser included offense, (ii) the evidence is not sought merely for character impeachment purposes, and (iii) the evidence sought is not merely cumulative of other evidence or information available or already obtained by the party seeking the disclosure or the party’s counsel. If the case is in district court, the judge shall be a district court judge, and if the case is in superior court, the judge shall be a superior court judge.



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<p>Privilege (North Carolina)</p>	<p>Before requiring production of records, the court must find that the party seeking disclosure has made a sufficient showing that the records are likely to contain information subject to disclosure under this subsection. If the court finds a sufficient showing has been made, the court shall order that the records be produced for the court under seal, shall examine the records in camera, and may allow disclosure of those portions of the records which the court finds contain information subject to disclosure under this subsection. After all appeals in the action have been exhausted, any records received by the court under seal shall be returned to the center, unless otherwise ordered by the court. The privilege afforded under this subsection terminates upon the death of the victim.</p> <p>(C) Duty in Case of Abuse or Neglect.—Nothing in this section shall be construed to relieve any person of any duty pertaining to abuse or neglect of a child or disabled adult as required by law.</p>
<p>Mandatory Reporting Child (North Carolina)</p>	<p>N.C. GEN. STAT. § 7B-301 (2013)</p> <p>What has to be reported? Any person or institution that has cause to suspect that any juvenile is abused or neglected.</p> <p>Relevant Definitions</p> <p>(1) Abused juveniles means any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:</p> <ol style="list-style-type: none"> a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means; c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior; d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the



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<p>Mandatory Reporting Child (North Carolina)</p>	<p>juvenile: first-degree rape, second degree rape, first-degree sexual offense, second degree sexual offense, sexual act by a custodian, crime against nature, incest, preparation of obscene photographs, slides, or motion pictures of the juvenile; employing or permitting the juvenile to assist in a violation of the obscenity laws; dissemination of obscene material to the juvenile; displaying or disseminating material harmful to the juvenile, first and second degree sexual exploitation of the juvenile; promoting the prostitution of the juvenile and taking indecent liberties with the juvenile,</p> <p>e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile’s severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; o</p> <p>f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile.</p> <p>Persons Required to Report Any person or institution that has cause to suspect that any juvenile is abused or neglected.</p>
<p>Mandatory Reporting Adult (North Carolina)</p>	<p>N.C. GEN. STAT. § 108A-100 (2013)</p> <p>What has to be reported? (a) Reasonable cause to believe that a disabled adult is in need of protective services.</p> <p>Relevant Definitions (d) Disabled adult shall mean any person 18 years of age or over or any lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated due to mental retardation, cerebral palsy, epilepsy or autism; organic brain damage caused by advanced age or other physical degeneration in connection therewith; or due to conditions incurred at any age which are the result of accident, organic brain damage, mental or physical illness, or continued consumption or absorption of substances.</p> <p>(n) Protective services shall mean services provided by the State or other government or private organizations or</p>



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<p>Mandatory Reporting Adult (North Carolina)</p>	<p>individuals which are necessary to protect the disabled adult from abuse, neglect, or exploitation. They shall consist of evaluation of the need for service and mobilization of essential services on behalf of the disabled adult.</p> <p>(m) The word “neglect” refers to a disabled adult who is either living alone and not able to provide for himself or herself the services which are necessary to maintain the person’s mental or physical health or is not receiving services from the person’s caretaker.</p> <p>Persons Required to Report</p> <p>(a) Any person having reasonable cause to believe that a disabled adult is in need of protective services.</p>
<p>North Dakota</p>	
<p>Definition of Confidentiality (North Dakota)</p>	<p>N.D. CENT. CODE § 14-07.1-18 (2013)</p> <p>1. All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:</p> <ul style="list-style-type: none"> a. Address, telephone number, and other identifying information of a shelter, safe home, and place of emergency safe housing; b. Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and c. Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.



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<p>Definition of Confidentiality (North Dakota)</p>	<p>2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:</p> <ul style="list-style-type: none"> a. A client consents to the release of information that relates only to that client or the client’s dependents; b. The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection; c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45, 27-20-46, 27-20-47, and 27-20-48; or d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02. <p>3. Any person who violates this section is guilty of an infraction.</p>
<p>Privilege (North Dakota)</p>	<p>N.D. CENT. CODE § 14-07.1-18 (2013)</p> <p>2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:</p> <ul style="list-style-type: none"> c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45, 27-20-46, 27-20-47, and 27-20-48



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<p>Mandatory Reporting Child (North Dakota)</p>	<p>N.D. CENT. CODE § 50-25.1 (2013)</p> <p>What has to be reported?</p> <p>(1) Knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect.</p> <p>Relevant Definitions</p> <p>Abused child means an individual under the age of eighteen years who is suffering from abuse as defined in subdivision a of subsection 1 of section 14-09-22 caused by a person responsible for the child’s welfare and sexually abused child means an individual under the age of eighteen years who is subjected by a person responsible for the child’s welfare to any act in violation of sections 12.1-20-01 through 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.2, or chapter 12.1-27.2.</p> <p>N.D. CENT. CODE § 14-09-22 (2013):</p> <p>1. Except as provided in subsection 2, a parent, adult family or household member, guardian, or other custodian of any child, who willfully commits any of the following offenses is guilty of a class C felony except if the victim of an offense under subdivision a is under the age of six years in which case the offense is a class B felony:</p> <ul style="list-style-type: none"> a. Inflicts, or allows to be inflicted, upon the child, bodily injury, substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 or mental injury. b. Fails to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child’s physical, mental, or emotional health, or morals. c. Permits the child to be, or fails to exercise reasonable diligence in preventing the child from being, in a disreputable place or associating with vagrants or vicious or immoral persons. d. Permits the child to engage in, or fails to exercise reasonable diligence in preventing the child from engaging in, an occupation forbidden by the laws of this state or an occupation injurious to the child’s health or morals or the
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<p>Mandatory Reporting Child (North Dakota)</p>	<p>health or morals of others.</p> <p>2. A person who provides care, supervision, education, or guidance for a child unaccompanied by the child’s parent, adult family or household member, guardian, or custodian in exchange for money, goods, or other services and who while providing such services commits an offense under subdivision a of subsection 1 is guilty of a class B felony. Any such person who commits, allows to be committed, or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20 is subject to the penalties provided in that chapter.</p> <p>Persons Required to Report N.D. CENT. CODE § 50-25.1-03 (2013): (1) Persons required and permitted to report:</p> <ul style="list-style-type: none"> • Police or law enforcement officer; • Probation officer; • Any physician, nurse, dentist, optometrist, medical examiner or coroner or any other medical or mental health professional; • Religious practitioner of the healing arts; • Schoolteacher or administrator, school counselor; • Addiction counselor; • Social worker; • Child care worker; • Foster parent; • Juvenile court personnel;
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<p>Mandatory Reporting Child (North Dakota)</p>	<ul style="list-style-type: none"> • Division of juvenile services employee; or • Member of the clergy.
<p>Mandatory Reporting Adult (North Dakota)</p>	<p>N.D. CENT. CODE § 50-25.2 (2013)</p> <p>What has to be reported?</p> <p>(1) Reasonable cause to believe that a vulnerable adult has been subjected to abuse or neglect, or who observes a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect.</p> <p>Relevant Definitions</p> <p>(1) “Abuse” means any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult.</p> <p>(4) “Caregiver” means any person who has assumed the legal responsibility or a contractual obligation for the care of a vulnerable adult or has voluntarily assumed responsibility for the care of a vulnerable adult. The term includes a facility operated by any public or private agency, organization, or institution which provides services to, and has assumed responsibility for the care of, a vulnerable adult.</p> <p>(7) “Financial exploitation” means the taking or misuse of property or resources of a vulnerable adult by means of undue influence, breach of a fiduciary relationship, deception, harassment, criminal coercion, theft, or other unlawful or improper means.</p> <p>(11) “Neglect means” the failure of a caregiver to provide essential services necessary to maintain the physical and mental</p>

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<p>Mandatory Reporting Adult (North Dakota)</p>	<p>health of a vulnerable adult, or the inability or lack of desire of the vulnerable adult to provide essential services necessary to maintain and safeguard the vulnerable adult’s own physical and mental health.</p> <p>(17) “Vulnerable adult” means an adult who has a substantial mental or functional impairment.</p> <p>Persons Required to Report (1) A person who has reasonable cause to believe may report</p>
<p>Ohio</p>	
<p>Definition of Confidentiality (Ohio)</p>	<p>Ohio does not define confidential communications</p>
<p>Privilege (Ohio)</p>	<p>OHIO REV. CODE ANN. § 2317.02(K) (West 2013)</p> <p>(K)(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the team member’s advice to the individual, during a debriefing session.</p> <p>(2) The testimonial privilege established under division (K)(1) of this section does not apply if any of the following are</p>



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<p>Privilege (Ohio)</p>	<p>true:</p> <ul style="list-style-type: none"> (a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger. (b) The individual who received crisis response services gives express consent to the testimony. (c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent. (d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject. (e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member. (f) The communication or advice pertains or is related to any criminal act. <p>Relevant Definitions</p> <p>(3)(a) “Crisis response services” means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster.</p>
<p>Mandatory Reporting Child (Ohio)</p>	<p>OHIO REV. CODE ANN. § 2151 (West 2013)</p> <p>What has to be reported?</p> <p>(A)(1)(a) No person acting in an official or professional capacity and knows or has reasonable cause to suspect that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report that knowledge or suspicion</p>



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<p>Mandatory Reporting Child (Ohio)</p>	<p>to the entity or persons specified in this division.</p> <p>Relevant Definitions Abused child includes any child who:</p> <ul style="list-style-type: none"> (A) Is the victim of sexual activity except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child; (B) Is endangered, except that the court need not find that any person has been convicted under that section in order to find that the child is an abused child; (C) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. Except as provided in division (D) of this section, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this division. (D) Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child’s health or welfare (E) Is subjected to out-of-home care child abuse. <p>(B) Sexual abuse of a child means unlawful sexual conduct or sexual contact with a person under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.</p> <p>Persons Required to Report</p> <ul style="list-style-type: none"> • Attorney; • Physician, including a hospital intern or resident; Dentist, Podiatrist, practitioner of a limited branch of medicine;
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<p>Mandatory Reporting Child (Ohio)</p>	<ul style="list-style-type: none"> • Registered nurse, licensed practical nurse, visiting nurse, other health care professional; • Licensed psychologist; • Licensed school psychologist; • Independent marriage and family therapist or marriage and family therapist; • Speech pathologist or audiologist; • Coroner; • Administrator or employee of a child day-care center; • Administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency; • School teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; • Agent of a county humane society; • Person other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; • Superintendent, board member, or employee of a county board of mental retardation; • Investigative agent contracted with by a county board of mental retardation; ; • Employee of the department of mental retardation and developmental disabilities; • Employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; • Employee of a home health agency; • Employee of an entity that provides homemaker services; • A person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.
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<p>Mandatory Reporting Adult (Ohio)</p>	<p>OHIO REV. CODE ANN. § 5101.61 (West 2013)</p> <p>What has to be reported? Reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation</p> <p>Relevant Definitions (A) Abuse means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish. (B) Adult means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person’s own care or protection, and who resides in an independent living arrangement.</p> <p>Persons Required to Report (A)(6)(g)(ii) Any</p> <ul style="list-style-type: none"> • Peace officer; • Attorney; • Physician; • Osteopath; • Podiatrist; • Chiropractor; • Dentist;
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<p>Mandatory Reporting Adult (Ohio)</p>	<ul style="list-style-type: none"> • Psychologist; • Any employee of a hospital; • Any nurse; • Any employee of a home health agency; • Any employee of an adult care facility; • Any employee of a community alternative home; • Any employee of a nursing home, residential care facility, or home for the aging; • Any senior service provider; • Coroner; • Clergyman; • Any employee of a community mental health facility; and • Any person engaged in social work or counseling; • Any employee of an ambulatory health facility.
<p>Oklahoma</p>	
<p>Definition of Confidentiality (Oklahoma)</p>	<p>OKLA. STAT. ANN. tit. 74, § 18P-3 (2013)</p> <p>B. 1. Except as otherwise provided by paragraph 3 of this subsection, the case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Attorney General or of any employee</p>



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<p>Definition of Confidentiality (Oklahoma)</p>	<p>or trained volunteer of a program regarding an individual who is residing or has resided in such program or who has otherwise utilized or is utilizing the services of any domestic violence or sexual assault program or counselor shall be confidential and shall not be disclosed.</p> <p>2. For purposes of this subsection, the term “client records” shall include, but not be limited to, all communications, records, and information regarding clients of domestic violence and sexual assault programs.</p> <p>3. The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual’s death or disability, of the individual’s personal representative or other person authorized to sue on the individual’s behalf or by court order for good cause shown by the judge in camera.</p>
<p>Privilege (Oklahoma)</p>	<p>OKLA. STAT. ANN. tit. 74, § 18P-3 (2013)</p> <p>3. The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual’s death or disability, of the individual’s personal representative or other person authorized to sue on the individual’s behalf or by court order for good cause shown by the judge in camera.</p>



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<p>Mandatory Reporting Child (Oklahoma)</p>	<p>OKLA. STAT. ANN. tit. 10A, § 1-2-101 (2013)</p> <p>What has to be reported?</p> <p>(B)(1) Reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect.</p> <p>(3) No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.</p> <p>Relevant Definitions</p> <p>OKLA. STAT. ANN. tit. 10A, § 1-1-105 (2013):</p> <p>2. “Abuse” means harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child by a person responsible for the child’s health, safety, or welfare, including but not limited to nonaccidental physical or mental injury, sexual abuse, or sexual exploitation. Provided, however, that nothing contained in this act shall prohibit any parent from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling.</p> <p style="padding-left: 20px;">a. “Harm or threatened harm to the health or safety of a child” means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including but not limited to sexual abuse, sexual exploitation, neglect, or dependency.</p> <p style="padding-left: 20px;">b. “Sexual abuse” includes but is not limited to rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child.</p> <p style="padding-left: 20px;">c. “Sexual exploitation” includes but is not limited to allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child;</p>
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<p>Mandatory Reporting Child (Oklahoma)</p>	<p>7. “Child” means any unmarried person under eighteen (18) years of age;</p> <p>31. “Harm or threatened harm to the health or safety of a child” means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including, but not limited to, sexual abuse, sexual exploitation, neglect, or dependency;</p> <p>32. “Heinous and shocking abuse” includes, but is not limited to, aggravated physical abuse that results in serious bodily, mental, or emotional injury. “Serious bodily injury” means injury that involves:</p> <ol style="list-style-type: none"> a. a substantial risk of death, b. extreme physical pain, c. protracted disfigurement, d. a loss or impairment of the function of a body member, organ, or mental faculty, e. an injury to an internal or external organ or the body, f. a bone fracture, g. sexual abuse or sexual exploitation, h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing, i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or j. any other similar aggravated circumstance; <p>Persons Required to Report</p>
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<p>Mandatory Reporting Child (Oklahoma)</p>	<p>OKLA. STAT. ANN. tit. 10A, § 1-2-101 (2013): 5. Every physician, surgeon, or other health care professional making a report of abuse or neglect as required by this subsection or examining a child to determine the likelihood of abuse or neglect and every hospital or related institution in which the child was examined or treated shall provide, upon request, copies of the results of the examination or copies of the examination on which the report was based and any other clinical notes, x-rays, photographs, and other previous or current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department of Human Services conducting an investigation of alleged abuse or neglect in the case.</p>
<p>Mandatory Reporting Adult (Oklahoma)</p>	<p>OKLA. STAT. ANN. tit. 43A § 10-104 (2013) What has to be reported? (A)(1) Reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation.</p> <p>Relevant Definitions (4) Incapacitated person means: a. any person eighteen (18) years of age or older: (1) who is impaired by reason of mental or physical illness or disability, dementia or related disease, mental retardation, developmental disability or other cause, and (2) whose ability to receive and evaluate information effectively or to make and to communicate responsible decisions is impaired to such an extent that such person lacks the capacity to manage his or her financial resources or to meet essential requirements for his or her mental or physical health or safety without assistance from others, or b. a person for whom a guardian, limited guardian, or conservator has been appointed pursuant to the Oklahoma Guardianship and Conservatorship Act;</p> <p>(5) Vulnerable adult means an individual who is an incapacitated person or who, because of physical or mental disability,</p>



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<p>Mandatory Reporting Adult (Oklahoma)</p>	<p>incapacity, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of himself or herself, or is unable to manage his or her property and financial affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect himself or herself from abuse, verbal abuse, neglect, or exploitation without assistance from others;</p> <p>(8) “Abuse” means causing or permitting:</p> <ul style="list-style-type: none"> a. the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish, or b. the deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult <p>(12) “Sexual abuse” means:</p> <ul style="list-style-type: none"> a. oral, anal, or vaginal penetration of a vulnerable adult by or through the union with the sexual organ of a caretaker or other person providing services to the vulnerable adult, or the anal or vaginal penetration of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult with any other object, or b. for the purpose of sexual gratification, the touching, feeling or observation of the body or private parts of a vulnerable adult by a caretaker or other person providing services to the vulnerable adult, or c. indecent exposure by a caretaker or other person providing services to the vulnerable adult. <p>Persons Required to Report</p> <p>(A)(1) Any person having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation.</p>
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<p>Mandatory Reporting Adult (Oklahoma)</p>	<p>(B) Persons required to make reports pursuant to this section shall include, but not be limited to:</p> <ol style="list-style-type: none"> 2. Physicians; 3. Operators of emergency response vehicles and other medical professionals; 4. Social workers and mental health professionals; 5. Law enforcement officials; 6. Staff of domestic violence programs; 7. Long-term care facility personnel, including staff of nursing facilities, intermediate care facilities for persons with mental retardation, assisted living facilities, and residential care facilities; 8. Other health care professionals; 9. Persons entering into transactions with a caretaker or other person who has assumed the role of financial management for a vulnerable adult; 10. Staff of residential care facilities, group homes, or employment settings for individuals with developmental disabilities; and 11. Job coaches, community service workers, and personal care assistants.
<p>Oregon</p>	
<p>Definition of Confidentiality (Oregon)</p>	<p>OR. REV. STAT. ANN. § 409.273(2)(b) (West 2013)</p> <p>(b) All information maintained by the sexual assault crisis center or crisis line relating to clients is confidential. Except for the names of clients, necessary information may be disclosed to the director.</p>



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<p>Privilege (Oregon)</p>	<p>Oregon has no applicable statute</p>
<p>Mandatory Reporting Child (Oregon)</p>	<p>OR. REV. STAT. ANN. § 419B.010 (West 2013) What has to be reported? (1) Reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.</p> <p>Relevant Definitions OR. REV. STAT. ANN. § 419B.005 (West 2013) (1)(a) “Abuse” means: (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury. (B) Any mental injury to a child, which shall include only observable and substantial impairment of the child’s mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child. (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest. (D) Sexual abuse. (E) Sexual exploitation, including but not limited to: (i) Contributing to the sexual delinquency of a minor, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual</p>

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<p>Mandatory Reporting Child (Oregon)</p>	<p>conduct or contact, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation which is designed to serve educational or other legitimate purposes; and</p> <p>(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution.</p> <p>(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.</p> <p>(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child’s health or welfare.</p> <p>(H) Buying or selling a person under 18 years of age as described in ORS 163.537.</p> <p>(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.</p> <p>(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child’s health or safety.</p> <p>(2) “Child” means an unmarried person who is under 18 years of age.</p> <p>Persons Required to Report OR. REV. STAT. ANN. § 419B.010 (West 2013)</p> <p>(1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.</p> <p>(3) The duty to report under this section is personal to the public or private official alone, regardless of whether the official is employed by, a volunteer of or a representative or agent for any type of entity or organization that employs persons or uses persons as volunteers who are public or private officials in its operations.</p>
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<p>Mandatory Reporting Adult (Oregon)</p>	<p>OR. REV. STAT. ANN. § 124.060 (West 2013)</p> <p>What has to be reported?</p> <p>Reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older</p> <p>Relevant Definitions</p> <p>OR. REV. STAT. § 124.050 (West 2012)</p> <p>(1) “Abuse” means one or more of the following:</p> <ul style="list-style-type: none"> (a) Any physical injury caused by other than accidental means, or which appears to be at variance with the explanation given of the injury. (b) Neglect, which leads to physical harm through withholding of services necessary to maintain health and well-being. (c) Abandonment, including desertion or willful forsaking of an elderly person or a person with a disability the withdrawal or neglect of duties and obligations owed an elderly person or a person with a disability by a caregiver or other person. (d) Willful infliction of physical pain or injury. (f) Causing any sweepstakes promotion to be mailed to an elderly person or a person with a disability who had received sweepstakes promotional material in the United States mail, spent more than \$500 in the preceding year on any sweepstakes promotions, or any combination of sweepstakes promotions from the same service, regardless of the identities of the originators of the sweepstakes promotion and who represented to the court that the person felt the need for the court’s assistance to prevent the person from incurring further expense. (g) Wrongfully taking or appropriating money or property, or knowingly subjecting an elderly person or person
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<p>Mandatory Reporting Adult (Oregon)</p>	<p>with a disability to alarm by conveying a threat to wrongfully take or appropriate money or property, which threat reasonably would be expected to cause the elderly person or person with a disability to believe that the threat will be carried out.</p> <p>(h) Sexual contact with a non-consenting elderly person or person with a disability or with an elderly person or person with a disability considered incapable of consenting to a sexual act as described in ORS 163.315. As used in this paragraph, “sexual contact” has the meaning given that term in ORS 163.305.</p> <p>Persons Required to Report Any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse, or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older.</p>
<p>Pennsylvania</p>	
<p>Definition of Confidentiality (Pennsylvania)</p>	<p>42 PA. CONS. STAT. § 5945.1 (2013)</p> <p>(1) No sexual assault counselor or an interpreter translating the communication between a sexual assault counselor and a victim may, without the written consent of the victim, disclose the victim’s confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding.</p> <p>(2) No co-participant who is present during counseling may disclose a victim’s confidential communication made during</p>



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<p>Definition of Confidentiality (Pennsylvania)</p>	<p>the counseling session nor consent to be examined in any civil or criminal proceeding without the written consent of the victim</p>
<p>Privilege (Pennsylvania)</p>	<p>42 PA. CONS. STAT. § 5945.1 (2013)</p> <p>(1) No sexual assault counselor or an interpreter translating the communication between a sexual assault counselor and a victim may, without the written consent of the victim, disclose the victim’s confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding.</p> <p>(2) No co-participant who is present during counseling may disclose a victim’s confidential communication made during the counseling session nor consent to be examined in any civil or criminal proceeding without the written consent of the victim.</p>
<p>Mandatory Reporting Child (Pennsylvania)</p>	<p>23 PA. CONS. STAT. § 6311 (2013)</p> <p>What has to be reported?</p> <p>(a) [R]easonable cause to suspect, on the basis of medical, professional or other training and experience, that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse, including child abuse by an individual who is not a perpetrator.</p> <p>Relevant Definitions</p> <p>23 PA. CONS. STAT. § 6303 (2013):</p> <p>(a) “Child” includes a newborn.</p> <p>(b)(1) the term “Child Abuse” shall mean any of the following:</p>



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<p>Mandatory Reporting Child <i>(Pennsylvania)</i></p>	<ul style="list-style-type: none"> (i) Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under 18 years of age. (ii) An act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age. (iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age. (iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child’s life or development or impairs the child’s functioning. <p>(a) Sexual abuse or exploitation. Any of the following:</p> <ul style="list-style-type: none"> (1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct. (2) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming. (3) Any of the following offenses committed against a child: <ul style="list-style-type: none"> (i) Rape; (ii) Sexual assault; (iii) Involuntary deviate sexual intercourse; (iv) Aggravated indecent assault; (v) Molestation; (vi) Incest;
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<p>Mandatory Reporting Child (<i>Pennsylvania</i>)</p>	<p>(vii) Indecent exposure; (viii) Prostitution; (ix) Sexual abuse; (x) Sexual exploitation.</p> <p>Persons Required to Report 23 PA. CONS. STAT. § 6311 (2013): (a) Persons in the course of their employment, occupation or practice of their profession.</p> <p>(b) Specific persons required to report under subsection (a) include, but are not limited to, any:</p> <ul style="list-style-type: none"> • Peace officer or law enforcement official; • Licensed physician; osteopath, medical examiner, coroner, dentist, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons; • Funeral director; • Christian Science practitioner; • member of the clergy; • School administrator, school teacher, school nurse; • Social services worker; • Day-care center worker or any other child-care or foster-care worker; or • Mental health professional.
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<p>Mandatory Reporting Adult (<i>Pennsylvania</i>)</p>	<p>35 PA. CONS. STAT. § 10225.701 (2013)</p> <p>What has to be reported?</p> <p>(a)(1) Reasonable cause to suspect that a recipient is a victim of abuse.</p> <p>Relevant Definitions</p> <p>35 PA. CONS. STAT. § 10225.103 (2013)</p> <p>Abuse.</p> <p>(1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.</p> <p>(2) The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health</p> <p>(3) Sexual harassment, rape or abuse, as defined in the Protection From Abuse Act. No older adult shall be found to be abused solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.</p> <p>Administrator. The person responsible for the administration of a facility. The term includes a person responsible for employment decisions or an independent contractor.</p> <p>Care-dependent individual. An adult who, due to physical or cognitive disability or impairment, requires assistance to meet needs for food, shelter, clothing, personal care or health care.</p> <p>Recipient. An individual who receives care, services or treatment in or from a facility.</p> <p>Older adult. A person within the jurisdiction of the Commonwealth who is 60 years of age or older.</p>
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<p>Mandatory Reporting Adult (<i>Pennsylvania</i>)</p>	<p>Older adult in need of protective services. An incapacitated older adult who is unable to perform or obtain services that are necessary to maintain physical or mental health, for whom there is no responsible caretaker and who is at imminent risk of danger to his person or property.</p> <p>Sexual abuse. Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.</p> <p>Persons Required to Report 35 PA.CON.S. STAT. § 10225.701 (2013) (a)(1) Employee or Administrator.</p>
<p>Rhode Island</p>	
<p>Definition of Confidentiality (<i>Rhode Island</i>)</p>	<p>Rhode Island has no applicable statute</p>
<p>Privilege (<i>Rhode Island</i>)</p>	<p>Rhode Island has no applicable statute</p> <p>In an advisory opinion to the House of Representatives, the Rhode Island Supreme Court found that making all communications between sexual assault counselors and victim privileged would violate the 6th amendment right to</p>

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<p>Privilege (Rhode Island)</p>	<p>confront witnesses.</p> <p><i>Advisory Opinion to House of Representatives, 469 A.2d 1161, 1165 (R.I. 1983).</i></p>
<p>Mandatory Reporting Child (Rhode Island)</p>	<p>R.I. GEN. LAWS § 40-11 (2013)</p> <p>What has to be reported?</p> <p>(a)reasonable cause to know or suspect that any child has been abused or neglected as defined in § 40-11-2 or has been a victim of sexual abuse by another child</p> <p>Relevant Definitions</p> <p>(1) Abused and/or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:</p> <ul style="list-style-type: none"> i. Inflicts, or allows to be inflicted upon the child physical or mental injury, including excessive corporal punishment; or ii. Creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment; or iii. Commits or allows to be committed, against the child, an act of sexual abuse; o iv. Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so; or v. Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his or her unwillingness or inability to do so by situations or conditions such as, but not limited to, social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the

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<p>Mandatory Reporting Child (Rhode Island)</p>	<p>child’s welfare loses his or her ability or is unwilling to properly care for the child; or vi. Abandons or deserts the child; or vii. Sexually exploits the child in that the person allows, permits or encourages the child to engage in prostitution; or viii. Sexually exploits the child in that the person allows, permits, encourages or engages in the obscene or pornographic photographing, filming or depiction of the child in a setting which taken as a whole suggests to the average person that the child is about to engage in or has engaged in, any sexual act, or which depicts any such child under eighteen (18) years of age, performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or ix. Commits or allows to be committed any sexual offense against the child; or x. Commits or allows to be committed against any child an act involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older, and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows or has reason to know that the victim is a severely impaired person, or physically helpless.</p> <p>(2) “Child” means a person under the age of eighteen (18).</p> <p>Persons Required to Report (a) Any person.</p>
<p>Mandatory Reporting Adult (Rhode Island)</p>	<p>R.I. GEN. LAWS § 42-66 (2013) What has to be reported? Reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, exploited, or</p>



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<p>Mandatory Reporting Adult (Rhode Island)</p>	<p>abandoned, or is self-neglecting.</p> <p>Relevant Definitions</p> <p>(8) “Elderly person” or “elder” means any person sixty (60) years of age or older.</p> <p>(1) “Abuse” means physical abuse, sexual abuse, and/or emotional abuse of an elderly person by a caregiver as defined in subsection:</p> <p style="padding-left: 20px;">(a) “Physical Abuse” means the willful infliction of physical pain or injury (e.g. slapping, bruising or restraining) upon an elderly person.</p> <p style="padding-left: 20px;">(b) “Sexual Abuse” means the infliction of non-consensual sexual contact of any kind upon an elderly person. Sexual abuse includes, but is not limited to, sexual assault, rape, sexual misuse or exploitation of an elder, as well as threats of sexual abuse where the perpetrator has the intent and the capacity to carry out the threatened abuse.</p> <p style="padding-left: 20px;">(c) “Emotional Abuse” means a pattern of willful infliction of mental or emotional harm upon an elder by threat, intimidation, isolation or other abusive conduct.</p> <p>Persons Required to Report</p> <p>Any person who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, exploited, or abandoned</p>
<h3>South Carolina</h3>	



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<p>Definition of Confidentiality (South Carolina)</p>	<p>South Carolina has no applicable statute</p>
<p>Privilege (South Carolina)</p>	<p>South Carolina has no applicable statute</p> <p><i>State v. Trotter</i>, 473 S.E.2d 452, 454-55 (S.C. 1996) (holding that the prosecutor is not required to disclose sexual assault counseling records)</p>
<p>Mandatory Reporting Child (South Carolina)</p>	<p>S.C. CODE ANN. § 63-7-310 (2012)</p> <p>What has to be reported?</p> <p>When in the person’s professional capacity the person has received information, which gives the person reason to believe that a child has been or may be abused.</p> <p>Relevant Definitions</p> <p>S.C. CODE ANN. § 20-7-490 (2012):</p> <p>(1) “Child” means a person under the age of eighteen.</p> <p>(2) Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child’s welfare:</p> <p style="padding-left: 40px;">(a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:</p> <p style="padding-left: 80px;">(i) is administered by a parent or person in loco parentis;</p>



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<p>Mandatory Reporting Child (South Carolina)</p>	<ul style="list-style-type: none"> (ii) is perpetrated for the sole purpose of restraining or correcting the child; (iii) is reasonable in manner and moderate in degree; (iv) has not brought about permanent or lasting damage to the child; and (v) is not reckless or grossly negligent behavior by the parents. <p>(b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;</p> <p>(c) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child’s age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child’s absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child’s attendance, and those efforts were unsuccessful because of the parents’ refusal to cooperate. For the purpose of this chapter “adequate health care” includes any medical or nonmedical remedial health care permitted or authorized under state law;</p> <p>(d) abandons the child;</p> <p>(e) encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; o</p> <p>(f) has committed abuse or neglect as described in subsections (a) through (e) such that a child who subsequently becomes part of the person’s household is at substantial risk of one of those forms of abuse or neglect.</p> <p>(4) Physical injury means death or permanent or temporary disfigurement or impairment of any bodily organ or function.</p>
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Fifty State Survey of Confidentiality, Privilege, and Mandatory Reporting Laws Rape Crisis Counselors

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<p>Mandatory Reporting Child (South Carolina)</p>	<p>(5) Mental injury means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child’s ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.</p> <p>(19) Abandonment of a child means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child’s needs or the continuing care of the child.</p> <p>Persons Required to Report S.C. CODE ANN. § 63-7-310 (2012): (a) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner’s or coroner’s office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA</p>
<p>Mandatory Reporting Adult (South Carolina)</p>	<p>S.C. CODE ANN.. § 43-35 (2012) What has to be reported? (A) Reason to believe that a vulnerable adult has been or is likely to be abused, neglected, or exploited Relevant Definitions (1) “Abuse” means physical abuse or psychological abuse.</p>



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<p>Mandatory Reporting Adult (South Carolina)</p>	<p>(8) “Physical abuse” means intentionally inflicting or allowing to be inflicted physical injury on a vulnerable adult by an act or failure to act. Physical abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery, use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose of punishment except that a therapeutic procedure prescribed by a licensed physician or other qualified professional or that is part of a written plan of care by a licensed physician or other qualified professional is not considered physical abuse. Physical abuse does not include altercations or acts of assault between vulnerable adults.</p> <p>(10) “Psychological abuse” means deliberately subjecting a vulnerable adult to threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.</p> <p>(11) “Vulnerable adult” means a person eighteen years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for his or her own care or protection. This includes a person who is impaired in the ability to adequately provide for the person’s own care or protection because of the infirmities of aging including, but not limited to, organic brain damage, advanced age, and physical, mental, or emotional dysfunction. A resident of a facility is a vulnerable adult.</p> <p>Persons Required to Report</p> <ul style="list-style-type: none"> • Law enforcement officer; • Physician, nurse; • Dentist;
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<p>Mandatory Reporting Adult (South Carolina)</p>	<ul style="list-style-type: none"> • Optometrist, medical examiner; • Coroner; • Other medical; • Mental health or allied health professional; • Christian Science practitioner; • Religious healer; • School teacher; • Counselor, psychologist; • Mental health or mental retardation specialist; • Social or public assistance worker; or • Caregiver, staff or volunteer of an adult day care center or of a facility. <p>Any other person who has actual knowledge that a vulnerable adult has been abused, neglected, or exploited shall report the incident in accordance with this section.</p> <p>S.C. CODE ANN. § 44-23-1150 (2012): Sexual misconduct with an inmate, patient, or offender. (E) A person who has knowledge of sexual misconduct who has received information in the person’s professional capacity and fails to report it to the appropriate law enforcement authority.</p>
<h3>South Dakota</h3>	



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<p>Definition of Confidentiality (South Dakota)</p>	<p>South Dakota does not define confidential communications</p>
<p>Privilege (South Dakota)</p>	<p>S.D. CODIFIED LAWS § 36-32-27 (2013)</p> <p>No licensed professional counselor or licensed professional counselor—mental health or a counselor’s employee may disclose any information the counselor may have acquired from persons consulting the counselor in a professional capacity that was necessary to enable the counselor to render services in a professional capacity to those persons except:</p> <ol style="list-style-type: none"> (1) With the written consent of the person or, in the case of death or disability, of the person’s own personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person’s life, health, or physical condition; (2) That a licensed professional counselor or licensed professional counselor—mental health is not required to treat as confidential a communication that reveals the contemplation or the commission of a crime or a harmful act; (3) If the person is a minor under the laws of this state and the information acquired by the licensed professional counselor or licensed professional counselor—mental health indicated that the minor was the victim or subject of a crime, the licensed professional counselor or licensed professional—mental health may be required to testify fully in any examination, trial, or other proceeding in which the commission of such a crime is the subject of inquiry; (4) If the person waives the privilege by bringing charges against the licensed professional counselor or licensed professional counselor—mental health.



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<p>Mandatory Reporting Child (South Dakota)</p>	<p>S.D. CODIFIED LAWS § 26-8A-3 (2013)</p> <p>What has to be reported? Reasonable cause to suspect that a child under the age of eighteen has been abused or neglected.</p> <p>Relevant Definitions “Abused” or “neglected child” means a child:</p> <ol style="list-style-type: none"> (1) Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse (2) Who lacks proper parental care through the actions or omissions of the child’s parent, guardian, or custodian; (3) Whose environment is injurious to the child’s welfare; (4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child’s health, guidance, or well-being; (5) Who is homeless, without proper care, or not domiciled with the child’s parent, guardian, or custodian through no fault of the child’s parent, guardian, or custodian; (6) Who is threatened with substantial harm; (7) Who has sustained emotional harm or mental injury as indicated by an injury to the child’s intellectual or psychological capacity evidenced by an observable and substantial impairment in the child’s ability to function within the child’s normal range of performance and behavior, with due regard to the child’s culture; (8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child’s parent, guardian, custodian, or any other person responsible for the child’s care; (9) Who was subject to prenatal exposure to abusive use of alcohol or any controlled drug or substance not lawfully prescribed by a practitioner; or (10) Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the
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<p>Mandatory Reporting Child (South Dakota)</p>	<p>manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.</p> <p>Persons Required to Report Persons required to report child abuse or neglected child</p> <ul style="list-style-type: none"> • Law enforcement officer; • Parole or court services officer; • Any safety-sensitive position; • Physician, dentist, doctor of osteopathy, chiropractor, optometrist, mental health professional or counselor, podiatrist, psychologist, religious healing practitioner, social worker, hospital intern or resident; • Teacher; • School counselor; • School official; • Nurse; • Licensed or registered child welfare provider; • Employee or volunteer of a domestic abuse shelter; • Chemical dependency counselor; or • Coroner.
<p>Mandatory Reporting Adult (South Dakota)</p>	<p>S.D. CODIFIED LAWS § 22-46-9 (2013)</p> <p>What has to be reported? Knows, or has reasonable cause to suspect, that an elder or disabled adult has been or is being abused or neglected</p>



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<p>Mandatory Reporting Adult (<i>South Dakota</i>)</p>	<p>Persons Required to Report</p> <p>(1) Physician, dentist, doctor of osteopathy, chiropractor, optometrist, podiatrist, religious healing practitioner, hospital intern or resident, nurse, paramedic, emergency medical technician, social worker, or any health care professional;</p> <p>(2) Long-term care ombudsman;</p> <p>(3) Psychologist, licensed mental health professional, or counselor engaged in professional counseling; or</p> <p>(4) State, county, or municipal criminal justice employee or law enforcement officer</p>
<p>Tennessee</p>	
<p>Definitions of Confidentiality (<i>Tennessee</i>)</p>	<p>TENN. CODE ANN. § 36-3-623 (2013)</p> <p>The records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of such shelters or centers, unless:</p> <p style="padding-left: 40px;">(1) The individual to whom the records pertain authorizes their release; or</p> <p style="padding-left: 40px;">(2) A court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review.</p>
<p>Privilege (<i>Tennessee</i>)</p>	<p>TENN. CODE ANN. § 36-3-623 (2013)</p> <p>The records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of</p>

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<p>Privilege (Tennessee)</p>	<p>such shelters or centers, unless:</p> <ul style="list-style-type: none"> (1) The individual to whom the records pertain authorizes their release; or (2) A court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review.
<p>Mandatory Reporting Child (Tennessee)</p>	<p>TENN. CODE ANN. § 37-1-403 (2013)</p> <p>What has to be reported?</p> <p>(a)(1) A person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition and if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect.</p> <p>Relevant Definitions</p> <p>TENN. CODE ANN. § 37-1-402 (2013)</p> <p>(b)(1) Abuse exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker.</p> <p>(b)(4) Child means:</p> <ul style="list-style-type: none"> (A) A person under eighteen (18) years of age; or (B) A person under nineteen (19) years of age for the limited purpose of: <ul style="list-style-type: none"> (i) Remaining under the continuing jurisdiction of the juvenile court to enforce a non-custodial order of



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<p>Mandatory Reporting Child (Tennessee)</p>	<p>disposition entered prior to the person’s eighteenth birthday; or (ii) Remaining under the jurisdiction of the juvenile court for the purpose of being committed, or completing commitment including completion of home placement supervision, to the department of children’s services with such commitment based on an adjudication of delinquency for an offense that occurred prior to the person’s eighteenth birthday; or (iii) Remaining under the jurisdiction of the juvenile court for resolution of delinquent offense or offenses committed prior to a person’s eighteenth birthday but considered by the juvenile court after a person’s eighteenth birthday with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court.</p> <p>Persons Required to Report TENN. CODE ANN. § 37-1-403 (2013) Any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition.</p> <p>TENN. CODE ANN. § 37-1-605 (2013) (a) Any person includes, but is not limited to, any: (1) Physician, osteopathic physician, medical examiner, chiropractor, nurse or hospital personnel engaged in the admission, examination, care or treatment of persons; (2) Health or mental health professional other than one listed in subdivision; (3) Practitioner who relies solely on spiritual means for healing; (4) School teacher or other school official or personnel; (5) Judge of any court of the state;</p>
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<p>Mandatory Reporting Child (Tennessee)</p>	<p>(6) Social worker, day care center worker, or other professional child care, foster care, residential or institutional worker; (7) Law enforcement officer; or (8) Neighbor, relative, friend or any other person.</p>
<p>Mandatory Reporting Adult (Tennessee)</p>	<p>TENN. CODE ANN. § 71-6-103 (2013) What has to be reported? A mandated reporter having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation.</p> <p>Relevant Definitions</p> <p>(1) Abuse or neglect means the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services that are necessary to maintain that person’s health or welfare. Nothing in this part shall be construed to require or authorize the provision of medical care to any terminally ill person if such person has executed an unrevoked living will in accordance with the provisions of the Tennessee Right to Natural Death Act, and if the provisions of such medical care would conflict with the terms of such living will.</p> <p>(2) Adult means a person eighteen (18) years of age or older who because of mental or physical dysfunctioning or advanced age is unable to manage such person’s own resources, carry out the activities of daily living, or protect such person from neglect, hazardous or abusive situations without assistance from others and who has no available, willing, and responsibly able person for assistance and who may be in need of protective services.</p> <p>(3) Advanced age means sixty (60) years of age or older.</p>



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<p>Mandatory Reporting Adult (Tennessee)</p>	<p>(12) Sexual abuse occurs when an adult, as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult’s will. Sexual abuse also occurs when an “adult,” as defined in this chapter, is unable to give consent to such sexual activities or contact and is engaged in such activities or contact with another person.</p> <p>Persons Required to Report (b)(1) Any person, including, but not limited to:</p> <ul style="list-style-type: none"> • A physician; • Nurse; • Social Worker; • Department personnel; • Coroner; • Medical examiner; • Alternate care facility employee; or caretaker.
<p>Texas</p>	
<p>Definitions of Confidentiality (Texas)</p>	<p>TEX. GOV’T CODE ANN. § 420.071 (West 2013)</p> <p>(a) A communication between an advocate and a survivor, or a person claiming to be a survivor, that is made in the course of providing sexual assault advocacy services to the survivor is confidential and may not be disclosed except as provided</p>



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<p>Definitions of Confidentiality (Texas)</p>	<p>by this subchapter.</p> <p>(b) A record of the identity, personal history, or background information of a survivor or information concerning the victimization of a survivor that is created by or provided to an advocate or maintained by a sexual assault program is confidential and may not be disclosed except as provided by this subchapter.</p> <p>(c) A person who receives information from a confidential communication or record as described by this subchapter may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was obtained.</p> <p>(d) This subchapter governs a confidential communication or record concerning a survivor regardless of when the survivor received the services of an advocate or sexual assault program.</p> <p>TEX. GOV'T CODE ANN. § 420.075 (West 2013): A person commits an offense if the person intentionally or knowingly discloses a communication, a record, or evidence that is confidential under this chapter, except as provided by this chapter. An offense under this section is a Class C misdemeanor.</p>
<p>Privilege (Texas)</p>	<p>TEX. GOV'T CODE ANN. § 420.072 (West 2013)</p> <p>(a) A communication, a record, or evidence that is confidential under this subchapter may be disclosed in court or in an administrative proceeding if:</p> <p style="padding-left: 40px;">(1) the proceeding is brought by the survivor against an advocate or a sexual assault program or is a criminal</p>



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Fifty State Survey of Confidentiality, Privilege, and Mandatory Reporting Laws Rape Crisis Counselors

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<p>Privilege (Texas)</p>	<p>proceeding or a certification revocation proceeding in which disclosure is relevant to the claims or defense of the advocate or sexual assault program; or</p> <p>(2) the survivor or other appropriate person consents in writing to the disclosure as provided by Section 420.073 or 420.0735, as applicable.</p> <p>(b) A communication, a record, or evidence that is confidential under this subchapter may be disclosed only to:</p> <p>(1) medical or law enforcement personnel if the advocate determines that there is a probability of imminent physical danger to any person for whom the communication, record, or evidence is relevant or if there is a probability of immediate mental or emotional injury to the survivor;</p> <p>(2) a governmental agency if the disclosure is required or authorized by law;</p> <p>(3) a qualified person to the extent necessary for a management audit, financial audit, program evaluation, or research, except that a report of the research, audit, or evaluation may not directly or indirectly identify a survivor;</p> <p>(4) a person authorized to receive the disclosure as a result of written consent obtained under Section 420.073 or 420.0735; or</p> <p>(5) an advocate or a person under the supervision of a counseling supervisor who is participating in the evaluation or counseling of or advocacy for the survivor.</p> <p>(c) A communication, a record, or evidence that is confidential under this subchapter may not be disclosed to a parent or legal guardian of a survivor who is a minor if an advocate or a sexual assault program knows or has reason to believe that the parent or legal guardian of the survivor is a suspect in the sexual assault of the survivor.</p>
<p>Mandatory Reporting Child (Texas)</p>	<p>TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>What has to be reported?</p> <p>(a) A person having cause to believe that a child’s physical or mental health or welfare has been adversely affected by</p>



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<p>Mandatory Reporting Child (Texas)</p>	<p>abuse or neglect.</p> <p>The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.</p> <p>Relevant Definitions TEX. FAM. CODE ANN. § 100.003 (West 2013) (a) Child or minor means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.</p> <p>TEX. FAM. CODE ANN. § 261.101 (West 2013): (1) Abuse includes the following acts or omissions by a person: <ul style="list-style-type: none"> (A) mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning; (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning; (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm; (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child; </p>
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<p>Mandatory Reporting Child (Texas)</p>	<p>(E) sexual conduct harmful to a child’s mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child, sexual assault, or aggravated sexual assault; (F) failure to make a reasonable effort to prevent sexual conduct harmful to a child; (G) compelling or encouraging the child to engage in sexual conduct; (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene, or pornographic; (I) the current use by a person of a controlled substance, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child; (J) causing, expressly permitting, or encouraging a child to use a controlled substance; or (K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child.</p> <p>TEX. FAM. CODE ANN. § 261.101 (West 2013): (b) Professional means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.</p> <p>Persons Required to Report TEX. FAM. CODE ANN. § 261.101 (West 2013): (a) A person having cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by any person (b) A professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense.... including:</p>
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<p>Mandatory Reporting Child (Texas)</p>	<ul style="list-style-type: none"> • Juvenile detention or correctional officers; • Juvenile probation officers; • Teachers; • Nurses; • Doctors; • Day-care employees; • Employees of a clinic or health care facility that provides reproductive services.
<p>Mandatory Reporting Adult (Texas)</p>	<p>TEX. HUM. RES. CODE ANN. § 48.051 (West 2013)</p> <p>What has to be reported?</p> <p>(a) A person who has cause to believe that an elderly or disabled person is in the state of abuse, neglect, or exploitation shall report the information required by Subsection (d) immediately to the department.</p> <p>(b) A person who has cause to believe that an elderly or disabled person has been abused, neglected, or exploited in a facility operated, licensed, certified, or registered by a state agency other than the Texas Department of Mental Health and Mental Retardation.</p> <p>Relevant Definitions</p> <p>TEX. HUM. RES. CODE ANN. § 48.002 (West 2013)</p> <p>(1) “Elderly person” means a person 65 years of age or older.</p> <p>(2) “Abuse” means:</p> <p style="padding-left: 40px;">(A) the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with</p>



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<p>Mandatory Reporting Adult (Texas)</p>	<p>resulting physical or emotional harm or pain to an elderly or disabled person by the person’s caretaker, family member, or other individual who has an ongoing relationship with the person; or (B) sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct such as indecent exposure or assaultive offenses, committed by the person’s caretaker, family member, or other individual who has an ongoing relationship with the person.</p> <p>(8) Disabled person means a person with a mental, physical, or developmental disability that substantially impairs the person’s ability to provide adequately for the person’s care or protection and who is: (A) 18 years of age or older; or (B) under 18 years of age and who has had the disabilities of minority removed.</p> <p>Persons Required to Report (C) The duty imposed applies without exception to a person whose knowledge concerning possible abuse, neglect, or exploitation is obtained during the scope of the person’s employment or whose professional communications are generally confidential, including an attorney, clergy member, medical practitioner, social worker, and mental health professional.</p>
<p>Utah</p>	
<p>Definition of Confidentiality (Utah)</p>	<p>UTAH CODE ANN. § 77-38-203 (West 2013)</p> <p>(1) “Confidential communication” means information given to a sexual assault counselor by a victim and includes reports</p>



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<p>Definition of Confidentiality (Utah)</p>	<p>or working papers made in the course of the counseling relationship.</p> <p>(2) “Rape crisis center” means any office, institution, or center assisting victims of sexual assault and their families which offers crisis intervention, medical, and legal services, and counseling.</p> <p>(3) “Sexual assault counselor” means a person who is employed by or volunteers at a rape crisis center who has a minimum of 40 hours of training in counseling and assisting victims of sexual assault and who is under the supervision of the director or designee of a rape crisis center.</p> <p>(4) “Victim” means a person who has experienced a sexual assault of whatever nature including incest and rape and requests counseling or assistance regarding the mental, physical, and emotional consequences of the sexual assault.</p> <p>UTAH CODE ANN. § 77-38-204 (West 2013)</p> <p>The confidential communication between a victim and a sexual assault counselor is available to a third person only when:</p> <ul style="list-style-type: none"> (1) the victim is a minor and the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim’s parents; (2) the victim is a minor and the minor’s parents or guardian have consented to disclosure of the confidential communication to a third party based upon representations made by the counselor that it is in the best interest of the minor victim to make such disclosure; (3) the victim is not a minor, has given consent, and the counselor believes the disclosure is necessary to accomplish the desired result of counseling; or (4) the counselor has an obligation under Title 62A, Chapter 4a, Child and Family Services, to report information transmitted in the confidential communication.
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<p>Privilege (Utah)</p>	<p>UTAH R. EVID. 506 (2013)</p> <p>Relevant Definitions.</p> <p>(3) “Mental health therapist” means a person who</p> <p style="padding-left: 40px;">(A) is or is reasonably believed by the patient to be licensed or certified in any state as a physician, psychologist, clinical or certified social worker, marriage and family therapist, advanced practice registered nurse designated as a registered psychiatric mental health nurse specialist, or professional counselor;</p> <p>(b) Statement of the Privilege. A patient has a privilege, during the patient's life, to refuse to disclose and to prevent any other person from disclosing information that is communicated in confidence to a physician or mental health therapist for the purpose of diagnosing or treating the patient. The privilege applies to:</p> <p style="padding-left: 40px;">(1) diagnoses made, treatment provided, or advice given by a physician or mental health therapist;</p> <p style="padding-left: 40px;">(2) information obtained by examination of the patient; and</p> <p style="padding-left: 40px;">(3) information transmitted among a patient, a physician or mental health therapist, and other persons who are participating in the diagnosis or treatment under the direction of the physician or mental health therapist. Such other persons include guardians or members of the patient's family who are present to further the interest of the patient because they are reasonably necessary for the transmission of the communications, or participation in the diagnosis and treatment under the direction of the physician or mental health therapist.</p> <p>(c) Who May Claim the Privilege. The privilege may be claimed by the patient, or the guardian or conservator of the patient. The person who was the physician or mental health therapist at the time of the communication is presumed to have authority during the life of the patient to claim the privilege on behalf of the patient.</p> <p>(d) Exceptions. No privilege exists under paragraph (b) in the following circumstances:</p>
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<p>Privilege (Utah)</p>	<p>(1) <i>Condition as Element of Claim or Defense</i>. For communications relevant to an issue of the physical, mental, or emotional condition of the patient: (A) in any proceeding in which that condition is an element of any claim or defense, or (B) after the patient's death, in any proceedings in which any party relies upon the condition as an element of the claim or defense</p>
<p>Mandatory Reporting Child (Utah)</p>	<p>UTAH CODE ANN. 1953 § 62a-4a-403 (West 2013) What has to be reported? Reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he shall immediately notify the nearest peace officer, law enforcement agency, or office of the division.</p> <p>Relevant Definitions UTAH CODE ANN. 1953 § 62a-4a-101 (West 2013) (4) “Child” means, except as provided in Part 7, Interstate Compact on Placement of Children, a person under 18 years of age.</p> <p>(1)(a) “Abuse” means: (i) actual or threatened nonaccidental physical or mental harm; (ii) negligent treatment; (iii) sexual exploitation; or (iv) any sexual abuse.</p> <p>UTAH CODE ANN. 1953 § 62a-4a-402 (West 2008) (2) Child abuse or neglect means causing harm or threatened harm to a child’s health or welfare.</p>



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<p>Mandatory Reporting Child <i>(Utah)</i></p>	<p>(3) Harm or threatened harm means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to:</p> <ul style="list-style-type: none"> (a) causing non-accidental physical or mental injury; (b) incest; (c) sexual abuse; (d) sexual exploitation; (e) molestation; or (f) repeated negligent treatment or maltreatment. <p>(4) Incest means having sexual intercourse with a person whom the perpetrator knows to be his or her ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin. The relationships referred to in this subsection include blood relationships of the whole or half-blood without regard to legitimacy, and include relationships of parent and child by adoption, and relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.</p> <p>(5) Molestation means touching the anus or any part of the genitals of a child or otherwise taking indecent liberties with a child, or causing a child to take indecent liberties with the perpetrator or another with the intent to arouse or gratify the sexual desire of any person.</p> <p>(6) Sexual abuse means acts or attempted acts of sexual intercourse, sodomy, or molestation directed towards a child.</p> <p>(7) Sexual exploitation of a child means knowingly employing, using, persuading, inducing, enticing, or coercing any child to pose in the nude for the purpose of sexual arousal of any person or for profit, or to engage in any sexual or simulated</p>
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<p>Mandatory Reporting Child (Utah)</p>	<p>sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct, and includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child in the nude or engaging in sexual or simulated sexual conduct.</p> <p>Persons Required to Report UTAH CODE ANN. 1953 § 62a-4a-403 (West 2013)</p> <p>Any person</p> <p>[Requirements] do not apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made to the clergyman or priest in the professional character of the clergyman or priest in the course of discipline enjoined by the church to which the clergyman or priest belongs, if:</p> <ul style="list-style-type: none"> (a) the confession was made directly to the clergyman or priest by the perpetrator; and (b) the clergyman or priest is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession
<p>Mandatory Reporting Adult (Utah)</p>	<p>UTAH CODE ANN. 1953 § 62A-3-305 (West 2013)</p> <p>What has to be reported? Reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation.</p> <p>Relevant Definitions UTAH CODE ANN. 1953 § 62A-3-301 (West 2013)</p> <p>(2) “Abuse” means:</p> <ul style="list-style-type: none"> (a) attempting to cause harm, intentionally or knowingly causing harm, or intentionally or knowingly placing



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<p>Mandatory Reporting Adult <i>(Utah)</i></p>	<p>another in fear of imminent harm;</p> <p>(b) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult that is in conflict with a physician’s orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the adult;</p> <p>(c) emotional or psychological abuse;</p> <p>(d) sexual offense; or</p> <p>(e) deprivation of life sustaining treatment, except:</p> <p style="padding-left: 40px;">(i) as provided in Title 75, Chapter 2a, Part 11, Advance Health Care Directive Act; or</p> <p style="padding-left: 40px;">(ii) when informed consent, has been obtained.</p> <p>(9) Elder adult means a person 65 years of age or older.</p> <p>(19) “Protected person” means a vulnerable adult for whom the court has ordered protective services, including a vulnerable adult for whom emergency protective services have been established under the provisions of this chapter.</p> <p>(26) Vulnerable adult means an elder adult, or an adult who has a mental or physical impairment which substantially affects that person’s ability to:</p> <p style="padding-left: 40px;">(a) provide personal protection;</p> <p style="padding-left: 40px;">(b) provide necessities such as food, shelter, clothing, or mental or other health care;</p> <p style="padding-left: 40px;">(c) obtain services necessary for health, safety, or welfare;</p> <p style="padding-left: 40px;">(d) carry out the activities of daily living;</p> <p style="padding-left: 40px;">(e) manage the adult’s own resources; or</p> <p style="padding-left: 40px;">(f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.</p>
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Mandatory Reporting Adult <i>(Utah)</i>	Persons Required to Report UTAH CODE ANN. 1953 § 62A-3-305 (West 2013) (1) Any person who has reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation.
Vermont	
Definition of Confidentiality <i>(Vermont)</i>	VT. STAT. ANN. tit. 12, § 1614 (2013) (a)(1) “Crisis worker” means an employee or volunteer who: <ul style="list-style-type: none"> (A) provides direct services to victims of abuse or sexual assault for a domestic violence program or sexual assault crisis program incorporated or organized for the purpose of providing assistance, counseling or support services; (B) has undergone 20 hours of training; (C) works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program; and (D) is certified by the director of the program. (2) A communication is “confidential” if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of services to the victim or those reasonably necessary for the transmission of the communication.



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<p>Privilege (Vermont)</p>	<p>VT. STAT. ANN. tit. 12, § 1614 (2013))</p> <p>(a)(1) “Crisis worker” means an employee or volunteer who:</p> <ul style="list-style-type: none"> (A) provides direct services to victims of abuse or sexual assault for a domestic violence program or sexual assault crisis program incorporated or organized for the purpose of providing assistance, counseling or support services; (B) has undergone 20 hours of training; (C) works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program; and (D) is certified by the director of the program. <p>(b) A victim receiving direct services from a crisis worker has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to the crisis worker, including any record made in the course of providing support, counseling or assistance to the victim. The crisis worker shall be presumed to have authority to claim the privilege but only on behalf of the victim.</p>
<p>Mandatory Reporting Child (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 4913 (2013)</p> <p>What has to be reported?</p> <p>(a) Reasonable cause to believe that any child has been abused or neglected.</p> <p>Relevant Definitions</p> <p>VT. STAT. ANN. tit 33 § 4912 (2013)</p> <p>(2) “Abused” or “neglected child” means a child whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the</p>

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<p>Mandatory Reporting Child (Vermont)</p>	<p>child’s welfare. An “abused or neglected child” also means a child who is sexually abused or at substantial risk of sexual abuse by any person.</p> <p>(8) Sexual abuse consists of any act or acts by any person involving sexual molestation or exploitation of a child including but not limited to incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts a sexual conduct, sexual excitement or sadomasochistic abuse involving a child.</p> <p>Persons Required to Report VT. STAT. ANN. tit 33 § 4913 (2013)</p> <ul style="list-style-type: none"> • Police officer; • Probation officer; • Physician, surgeon, osteopath, chiropractor, or physician’s assistant, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, dentist, psychologist, any other health care provider; • School superintendent, school teacher, student teacher, school librarian, school principal, school guidance counselor; • Child care worker; • Mental health professional; • Social worker; • Camp owner, camp administrator, camp counselor; or • Member of the clergy.
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<p>Mandatory Reporting Child (Vermont)</p>	<p>(C) Any other concerned person not listed in subsection (a) of this section who has reasonable cause to believe that any child has been abused or neglected may report or cause a report to be made in accordance with the provisions of section 4914 of this title.</p>
<p>Mandatory Reporting Adult (Vermont)</p>	<p>VT. STAT. ANN. tit 33 § 6903 (2013) What has to be reported? (a) Knows of or has received information of abuse, neglect or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected or exploited.</p> <p>Relevant Definitions VT. STAT. ANN. tit 33 § 6902 (2013) (1) “Abuse” means: (D) Any treatment of a vulnerable adult which places life, health or welfare in jeopardy or which is likely to result in impairment of health; (E) Any conduct committed with an intent or reckless disregard that such conduct is likely to cause unnecessary harm, unnecessary pain or unnecessary suffering to a vulnerable adult; (F) Unnecessary or unlawful confinement or unnecessary or unlawful restraint of a vulnerable adult; (G) Any sexual activity with a vulnerable adult by a caregiver who volunteers for or is paid by a caregiving facility or program. This Definition shall not apply to a consensual relationship between a vulnerable adult and a spouse, nor to a consensual relationship between a vulnerable adult and a caregiver hired, supervised, and directed by the vulnerable adult; (H) Intentionally subjecting a vulnerable adult to behavior which should reasonably be expected to result in intimidation, fear, humiliation, degradation, agitation, disorientation, or other forms of serious emotional distress;</p>



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<p>Mandatory Reporting Adult (Vermont)</p>	<p>or (I) Administration, or threatened administration, of a drug, substance, or preparation to a vulnerable adult for a purpose other than legitimate and lawful medical or therapeutic treatment.</p> <p>(11) “Sexual activity” means a sexual act, other than appropriate medical care or personal hygiene, or lewd and lascivious conduct.</p> <p>(14) “Vulnerable adult” means any person 18 years of age or older who: (A) is a resident of a facility required to be license; (B) is a resident of a psychiatric hospital or a psychiatric unit of a hospital; (C) has been receiving personal care services for more than one month from a home health agency certified by the Vermont department of health or from a person or organization that offers, provides, or arranges for personal care; or (D) regardless of residence or whether any type of service is received, is impaired due to brain damage, infirmities of aging, or a physical, mental, or developmental disability: (i) that results in some impairment of the individual’s ability to provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances; or (ii) because of the disability or infirmity, the individual has an impaired ability to protect himself or herself from abuse, neglect, or exploitation.</p> <p>Persons Required to Report VT. STAT. ANN. tit 33 § 6903 (2013)</p>
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<p>Mandatory Reporting Adult (Vermont)</p>	<p>(a) Any of the following, other than a crisis worker acting pursuant to section 1614 of Title 12 [Victim and Crisis Worker Privilege], who knows of or has received information of abuse, neglect or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected or exploited shall report or cause a report to be made</p> <ul style="list-style-type: none"> (1) All employees, contractors and grantees of the agency of human services who are involved in caregiving; (2) A physician, osteopath, chiropractor or physician’s assistant, nurse, medical examiner, licensed nursing assistant, emergency medical services personnel, dentist, or psychologist; (3) A school teacher, school librarian, school administrator, school guidance counselor, school aide, school bus driver, or school employee or school contractor who works regularly with students; (4) A mental health professional, social worker, person or organization that offers, provides, or arranges for personal care for vulnerable adults, a caregiver employed by a vulnerable adult, employee of or contractor involved in caregiving for a community mental health center, law enforcement officer, and an individual who works regularly with vulnerable adults and who is an employee of an adult day care center, area agency on aging, senior center, or meal program designed primarily to serve vulnerable adults; (5) A hospital, nursing home, residential care home, home health agency or any entity providing nursing or nursing related services for remuneration, intermediate care facility for adults with mental retardation, therapeutic community residence, group home, developmental home, school or contractor involved in caregiving, operator or employee of any of these facilities or agencies.
<h3>Virginia</h3>	



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<p>Definition of Confidentiality (Virginia)</p>	<p>Virginia does not define confidential communications</p>
<p>Privilege (Virginia)</p>	<p>VA. CODE ANN. § 63.2-104.1 (2013)</p> <p>A. In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, programs and individuals providing services to victims of sexual or domestic violence shall protect the confidentiality and privacy of persons receiving services.</p> <p>B. Except as provided in subsections C and D, programs and individuals providing services to victims of sexual or domestic violence shall not:</p> <ol style="list-style-type: none"> 1. Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through sexual or domestic violence programs; or 2. Reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an un-emancipated minor, the minor and the parent or guardian or in the case of an incapacitated person as defined in § 64.2-2000, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor. <p>C. If release of information described in subsection B is compelled by statutory or court mandate:</p> <ol style="list-style-type: none"> 1. The service provider shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

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<p>Privilege (Virginia)</p>	<p>2. The service provider shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.</p> <p>D. Programs and individuals providing services to victims of sexual or domestic violence may share:</p> <ol style="list-style-type: none"> 1. Non-personally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; 2. Court generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and 3. Information necessary for law enforcement and prosecution purposes. <p>For purposes of this section, “programs” shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence</p>
<p>Mandatory Reporting Child (Virginia)</p>	<p>VA. CODE ANN. § 63.2-1509 (2013)</p> <p>What has to be reported?</p> <p>(A) [Mandatory reports, who] in their professional or official capacity, have reason to suspect that a child is an abused or neglected child.</p> <p>Relevant Definitions</p> <p>VA. CODE ANN. § 63.2-100 (2013)</p> <p>“Abused” or “neglected child” means any child less than 18 years of age:</p> <ol style="list-style-type: none"> 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows



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<p>Mandatory Reporting Child (Virginia)</p>	<p>to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including but not limited to, a child who is with his parent or other person responsible for his care either</p> <ul style="list-style-type: none"> (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child’s parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony; <p>3. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law</p> <p>Persons Required to Report VA. CODE ANN. § 63.2-1509 (2013)</p> <p>A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately:</p> <ul style="list-style-type: none"> (1) Any person licensed to practice medicine or any of the healing arts; (2) Any hospital resident or intern, and any person employed in the nursing profession; (3) Any person employed as a social worker; (4) Any probation officer; (5) Any teacher or other person employed in a public or private school, kindergarten or nursery school; (6) Any person providing full-time or part-time child care for pay on a regularly planned basis; (7) Any mental health professional; (8) Any law—enforcement officer; (9) Any mediator eligible to receive court referrals; (10) Any professional staff person, not previously enumerated, employed by a private or state-operated hospital,
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<p>Mandatory Reporting Child (Virginia)</p>	<p>institution or facility to which children have been committed or where children have been placed for care and treatment;</p> <p>(11) Any person associated with or employed by any private organization responsible for the care, custody or control of children;</p> <p>(12) Any person who is designated a court—appointed special advocate;</p> <p>(13) Any mediator eligible to receive court referrals;</p> <p>(14) Any person, over the age of 18 years, who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect; and</p> <p>(15) Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance.</p>
<p>Mandatory Reporting Adults (Virginia)</p>	<p>VA. CODE ANN. § 63.2-1606 (WEST 2013)</p> <p>What has to be reported?</p> <p>(A) Matters giving reason to suspect the abuse, neglect or exploitation of adults.</p> <p>Relevant Definitions</p> <p>VA. CODE ANN. § 63.2-1603 (WEST 2013)</p> <p>“Adult” means any person 60 years of age or older, or any person 18 years of age or older who is incapacitated and who resides in the Commonwealth; provided, however, "adult" may include qualifying nonresidents who are temporarily in the Commonwealth and who are in need of temporary or emergency protective services.</p> <p>“Incapacitated person” means any adult who is impaired by reason of mental illness, mental retardation, physical illness or</p>



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<p>Mandatory Reporting Adults (Virginia)</p>	<p>disability, advanced age or other causes to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out responsible decisions concerning his or her well-being.</p> <p>Persons Required to Report VA. CODE ANN. § 63.2-1606 (West 2013)</p> <p>(a) The following persons acting in their professional capacity:</p> <ol style="list-style-type: none"> (1) Any person licensed, certified, or registered by health regulatory boards with the exception of persons licensed by the Board of Veterinary Medicine; (2) Any mental health services provider; (3) Any emergency medical services personnel certified by the Board of Health; (4) Any guardian or conservator of an adult; (5) Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity; (6) Any person providing full, intermittent or occasional care to an adult for compensation, including but not limited to, companion, chore, homemaker, and personal care workers; (7) Any law-enforcement officer.
<h3>Washington</h3>	



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<p>Definition of Confidentiality (Washington)</p>	<p>Washington does not define confidential communications</p>
<p>Privilege (Washington)</p>	<p>WASH. REV. CODE ANN. § 5.60.060(7) (West 2013)</p> <p>(7)A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.</p> <p>(a) For purposes of this section, “sexual assault advocate” means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.</p> <p>(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.</p> <p>WASH. REV. CODE ANN. § 70.125.065 (West 2013): Records of community sexual assault program and underserved</p>

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<p>Privilege (Washington)</p>	<p>populations provider not available as part of discovery—Exceptions</p> <p>Records maintained by a community sexual assault program and underserved populations provider shall not be made available to any defense attorney as part of discovery in a sexual assault case unless:</p> <ol style="list-style-type: none"> (1) A written pretrial motion is made by the defendant to the court stating that the defendant is requesting discovery of the community sexual assault program or underserved populations provider records; (2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why the defendant is requesting discovery of the community sexual assault program or underserved populations provider records; (3) The court reviews the community sexual assault program or underserved populations provider records in camera to determine whether the community sexual assault program or underserved populations provider records are relevant and whether the probative value of the records is outweighed by the victim’s privacy interest in the confidentiality of such records taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records to the defendant; and (4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court’s findings.
<p>Mandatory Reporting Child (Washington)</p>	<p>WASH. REV. CODE ANN. § 26.44.030 (West 2013)</p> <p>What has to be reported?</p> <p>(1)(a) Reasonable cause to believe that a child has suffered abuse or neglect.</p> <p>Relevant Definitions</p> <p>(6) Child or children means any person under the age of eighteen years of age.</p>



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<p>Mandatory Reporting Child (Washington)</p>	<p>(12) Abuse or neglect means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child’s health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.</p> <p>(14) Sexual exploitation includes:</p> <ul style="list-style-type: none"> (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person. <p>Persons Required to Report</p> <p>(1)(a) Any:</p> <ul style="list-style-type: none"> • Law enforcement officer; • Juvenile probation officer; • Practitioner, county coroner or medical examiner; • Professional school personnel; • Registered or licensed nurse; • Social service counselor; • Psychologist; • Pharmacist; • Licensed or certified child care providers or their employees;
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<p>Mandatory Reporting Child (Washington)</p>	<ul style="list-style-type: none"> • Employee of the department; • Placement and liaison specialist; • Responsible living skills program staff; • HOPE center staff, or state family and children’s ombudsman; or • Any volunteer in the ombudsman’s office; • When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority. <p>WASH. REV. CODE ANN. § 26.44.030 (West 2013)</p> <p>(1)(C) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department.</p>
<p>Mandatory Reporting Adult (Washington)</p>	<p>WASH. REV. CODE ANN. § 74.34.035 (West 2013)</p> <p>What has to be reported?</p> <p>(1) When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department.</p> <p>(2) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.</p>



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<p>Mandatory Reporting Adult (Washington)</p>	<p>(3) When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm.</p> <p>Relevant Definitions</p> <p>(15) Vulnerable adult includes persons receiving services from any individual who for compensation serves as a personal aide to a person who self-directs his or her own care in his or her home.</p> <p>WASH. REV. CODE ANN. § 74.34.020 (West 2013)</p> <p>(2) Abuse means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:</p> <p>(a) Sexual abuse means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, and a vulnerable adult living in that facility or receiving service from a program, whether or not it is consensual.</p> <p>(b) Physical abuse means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately</p> <p>(c) Mental abuse means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.</p>
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<p>Mandatory Reporting Adult (Washington)</p>	<p>Persons Required to Report WASH. REV. CODE ANN. § 74.34.020 (West 2013) (9) Employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider.</p> <p>WASH. REV. CODE ANN. § 74.34.035 (West 2013) (3)(a)-(b) Mandated reporters shall immediately report to the department of social and health services. (1) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department. (2) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.</p>
<p>West Virginia</p>	
<p>Definition of Confidentiality (West Virginia)</p>	<p>West Virginia does not define confidential communications</p>



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<p>Privilege (<i>West Virginia</i>)</p>	<p>W. VA. CODE ANN. § 48-26-701 (West 2013)</p> <p>(a) No program licensed pursuant to this article may disclose, reveal or release or be compelled to disclose, reveal or release, any written records or personal or personally identifying information about a program participant created or maintained in providing services, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected, pursuant to this article except:</p> <ol style="list-style-type: none"> (1) Upon written consent, or upon oral consent in emergency situations defined by legislative rule, of the person seeking or who has sought services from the program; (2) In any proceeding brought under sections four and five, article six, chapter nine of this code or article six, chapter forty-nine of this code; (3) As mandated by article six-a, chapter forty-nine and article six, chapter nine of this code; (4) Pursuant to an order of any court based upon a finding that said information is sufficiently relevant to a proceeding before the court to outweigh the importance of maintaining the confidentiality established by this section; (5) To protect against a clear and substantial danger of imminent injury by a person receiving services to himself or herself or another; or (6) As authorized by the releases signed by batterer intervention and prevention program participants pursuant to the provisions of subsection (b) of this section.
<p>Mandatory Reporting Child (<i>West Virginia</i>)</p>	<p>W. VA. CODE ANN. § 49-6A-2 (West 2013)</p> <p>What has to be reported?</p> <p>Reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect.</p>

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<p>Mandatory Reporting Child (West Virginia)</p>	<p>Relevant Definition</p> <p>(a) “Abused child” means a child whose health or welfare is harmed or threatened by:</p> <ol style="list-style-type: none"> 1. A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home; or 2. Sexual abuse or sexual exploitation; or 3. The sale or attempted sale of a child by a parent, guardian or custodian; 4. Domestic violence as defined in section two hundred two, article twenty-seven, chapter forty-eight of this code. <p>(l) “Sexual abuse” means:</p> <p>(A) As to a child who is less than sixteen years of age, any of the following acts which a parent, guardian or custodian shall engage in, attempt to engage in, or knowingly procure another person to engage in, with such child, notwithstanding the fact that the child may have willingly participated in such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct:</p> <ol style="list-style-type: none"> (i) Sexual intercourse; (ii) Sexual intrusion; or (iii) Sexual contact; <p>(B) As to a child who is sixteen years of age or older, any of the following acts which a parent, guardian or custodian shall engage in, attempt to engage in, or knowingly procure another person to engage in, with such child, notwithstanding the fact that the child may have consented to such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct:</p> <ol style="list-style-type: none"> (i) Sexual intercourse; (ii) Sexual intrusion; or
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<p>Mandatory Reporting Child (West Virginia)</p>	<p>(iii) Sexual contact;</p> <p>(C) Any conduct whereby a parent, guardian or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian or custodian, of the person making such display, or of the child, or for the purpose of affronting or alarming the child.</p> <p>(n) Sexual exploitation means an act whereby:</p> <p>(1) A parent, custodian or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code;</p> <p>(2) A parent, guardian or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian or custodian knows such display is likely to be observed by others who would be affronted or alarmed</p> <p>Persons Required to Report</p> <ul style="list-style-type: none"> • Peace officer or law-enforcement official; • Medical, dental or mental health professional, Christian science practitioner, religious healer, emergency medical services personnel; • School teacher or other school personnel; • Social service worker, child care or foster care worker; • Member of the clergy; • Circuit court judge, family law master, employee of the division of juvenile services or magistrate.
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<p>Mandatory Reporting Adult (West Virginia)</p>	<p>W. VA. CODE ANN. § 9-6-9 (West 2013)</p> <p>What has to be reported?</p> <p>(a) Reasonable cause to believe that an incapacitated adult or facility resident is or has been neglected, abused or placed in an emergency situation, or if such person observes an incapacitated adult or facility resident being subjected to conditions that are likely to result in abuse, neglect or an emergency situation.</p> <p>Relevant Definitions</p> <p>W. VA. CODE ANN. § 9-6-1 (West 2013)</p> <p>(2) “Abuse” means the infliction or threat to inflict physical pain or injury on or the imprisonment of any incapacitated adult or facility resident.</p> <p>Persons Required to Report</p> <p>W. VA. CODE ANN. § 9-6-9 (West 2013)</p> <p>(a)</p> <ul style="list-style-type: none"> • Law—enforcement officer; • Medical, dental or mental health professional, Christian science practitioner, religious healer; • Social service worker; • State or regional ombudsman; or • Any employee of any nursing home or other residential facility.
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Wisconsin	
<p>Definition of Confidentiality (<i>Wisconsin</i>)</p>	<p>WIS. STAT. ANN. § 905.045 (West 2013)</p> <p>(2) General rule of privilege. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated among the victim, an advocate who is acting in the scope of his or her duties as an advocate, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate, if the communication was made or the information was obtained or disseminated for the purpose of providing counseling, assistance, or support services to the victim.</p> <p>(3) Who may claim the privilege. The privilege may be claimed by the victim, by the victim’s guardian or conservator, or by the victim’s personal representative if the victim is deceased. The advocate may claim the privilege on behalf of the victim. The advocate’s authority to do so is presumed in the absence of evidence to the contrary.</p> <p>(4) Exceptions. Subsection (2) does not apply to any report concerning child abuse that an advocate is required to make under WIS. STAT. ANN. 48.981.</p>
<p>Privilege (<i>Wisconsin</i>)</p>	<p>WIS. STAT. ANN. § 905.045 (West 2013)</p> <p>(2) General rule of privilege. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated among the victim, an advocate who is acting</p>



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<p>Privilege (<i>Wisconsin</i>)</p>	<p>in the scope of his or her duties as an advocate, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate, if the communication was made or the information was obtained or disseminated for the purpose of providing counseling, assistance, or support services to the victim.</p> <p>(3) Who may claim the privilege. The privilege may be claimed by the victim, by the victim’s guardian or conservator, or by the victim’s personal representative if the victim is deceased. The advocate may claim the privilege on behalf of the victim. The advocate’s authority to do so is presumed in the absence of evidence to the contrary.</p> <p>(4) Exceptions. Subsection (2) does not apply to any report concerning child abuse that an advocate is required to make under WIS. STAT. ANN. 48.981.</p>
<p>Mandatory Reporting Child (<i>Wisconsin</i>)</p>	<p>WIS. STAT. ANN. § 48.981 (West 2013)</p> <p>What has to be reported?</p> <p>(2) Reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur.</p> <p>Relevant Definitions</p> <p>WIS. STAT. ANN. § 48.02 (West 2013)</p> <p>(1) “Abuse” other than when used in referring to abuse of alcohol beverages or other drugs, means any of the following:</p> <p style="padding-left: 20px;">(a) Physical injury inflicted on a child by other than accidental means:</p> <p style="padding-left: 40px;">(am) When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the</p>



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Fifty State Survey of Confidentiality, Privilege, and Mandatory Reporting Laws Rape Crisis Counselors

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<p>Mandatory Reporting Child (Wisconsin)</p>	<p style="text-align: center;">expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.</p> <p>(b) Sexual intercourse sexual contact</p> <p>(c) Sexual Exploitation of a child</p> <p>(d) Permitting, allowing or encouraging a child to commit prostitution</p> <p>(e) Intentionally causes a child under the age of 18 to view or listen to sexually explicit conduct if the viewing or listening is for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child.</p> <p>(f) Causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child for purposes of sexual arousal or sexual gratification</p> <p>(gm) Emotional damage for which the child’s parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.</p> <p>(2) “Child” means a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “child” does not include a person who has attained 17 years of age.</p> <p>WIS. STAT. ANN. § 948.05 (West 2013)</p> <p>Sexual exploitation of a child:</p> <p>(1) Whoever does any of the following with knowledge of the character and content of the sexually explicit conduct involving the child may be penalized under sub.(2p)</p> <p style="padding-left: 40px;">(a) Employs, uses, persuades, induces, entices, or coerces any child to engage in sexually explicit conduct for the purpose of recording or displaying in any way the conduct.</p> <p style="padding-left: 40px;">(b) Records or displays in any way a child engaged in sexually explicit conduct.</p>
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<p>Mandatory Reporting Child (Wisconsin)</p>	<p>(1m) Whoever produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes, or possesses with intent to sell or distribute, any recording of a child engaging in sexually explicit conduct may be penalized under sub. (2p) if the person knows the character and content of the sexually explicit conduct involving the child and if the person knows or reasonably should know that the child engaging in the sexually explicit conduct has not attained the age of 18 years.</p> <p>(2) A person responsible for a child’s welfare who knowingly permits, allows or encourages the child to engage in sexually explicit conduct for a purpose proscribed in sub. (1)(a) or (b) or (1m) may be penalized under sub. (2p).</p> <p>(2p)(a) Except as provided in par. (b), a person who violates sub. (1), (1m), or (2) is guilty of a Class C felony.</p> <p style="padding-left: 40px;">(b) A person who violates sub. (1), (1m), or (2) is guilty of a Class F felony if the person is under 18 years of age when the offense occurs.</p> <p>(3) It is an affirmative defense to prosecution for violation of sub. (1)(a) or (b) or (2) if the defendant had reasonable cause to believe that the child had attained the age of 18 years. A defendant who raises this affirmative defense has the burden of proving this defense by a preponderance of the evidence.</p> <p>Persons Required to Report</p> <p>1. A child-care worker in a day care center, group home, or residential care center for children and youth;</p> <p>(2)(a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub.(3):</p> <ol style="list-style-type: none"> 1. Physician; 2. A coroner; 3. A medical examiner;
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<p>Mandatory Reporting Child (Wisconsin)</p>	<ol style="list-style-type: none"> 4. A nurse; 5. A dentist; 6. A chiropractor; 7. An optometrist; 8. An acupuncturist; 9. A medical or mental health professional not otherwise specified in this paragraph; 10. A social worker; 11. A marriage and family therapist; 12. A professional counselor; 13. A public assistance worker, including a financial and employment planner; 14. A school teacher; 15. A school administrator; 16. A school counselor; 17. A mediator; 18. A day care provider; 19. An alcohol or other drug abuse counselor; 20. A member of the treatment staff employed by or working under contract with a county department or a residential care center for children and youth; 21. A physical therapist; 22. A physical therapist assistant; 23. An occupational therapist; 24. A dietitian; 25. A speech-language pathologist;
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<p>Mandatory Reporting Child (Wisconsin)</p>	<p>26. An audiologist; 27. An emergency medical technician; 28. A first responder; 29. A law enforcement officer; 30. Member of the clergy (except for privileged communication).</p>
<p>Mandatory Reporting Adult (Wisconsin)</p>	<p>WIS. STAT. ANN. § 46.90 (West 2013): What has to be reported? (4)(ad) [A mandated reporter] who has seen an elder adult at risk in the course of the person’s professional duties.</p> <p>Relevant Definitions (a) Abuse means any of the following: 1. Physical abuse. 2. Emotional abuse. 3. Sexual abuse. 4. Treatment without consent. 5. Unreasonable confinement or restraint. (br) Elder adult at risk means any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation (fg) Physical abuse means the intentional or reckless infliction of bodily harm.</p> <p>Persons Required to Report (4) Reporting.</p>



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<p>Mandatory Reporting Adult (Wisconsin)</p>	<p>(ab) The following persons shall file reports:</p> <ul style="list-style-type: none"> (1) An employee of any entity that is licensed, certified, or approved by or registered with the department; (3) A health care provider; (4) A social worker, professional counselor, or marriage and family therapist.
<p>Wyoming</p>	
<p>Definition of Confidentiality (Wyoming)</p>	<p>Wyoming does not define confidential communications</p>
<p>Privilege (Wyoming)</p>	<p>WYO. STAT. ANN. § 1-12-116 (2013)</p> <p>(b) Except as provided by WYO. STAT. ANN. 14-3-210, a person exempted from testifying under the provisions of WYO. STAT. ANN. 1-12-116 shall not be examined as a witness in any civil, criminal, legislative or administrative proceeding concerning the following communications and information:</p> <ul style="list-style-type: none"> (i) An advocate shall not testify concerning a confidential communication made by a victim in the course of that relationship, except the advocate: <ul style="list-style-type: none"> (A) May testify: <ul style="list-style-type: none"> (I) With the express consent of the victim; or

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<p>Privilege (Wyoming)</p>	<p>(II) If the victim voluntarily testifies, provided the advocate’s testimony shall be limited to the same subject matter.</p> <p>(B) May be compelled to testify if the victim is unable to testify due to death or incompetence.</p> <p>(ii) Any employee of a family violence and sexual assault program who has access to confidential communication shall not testify except in those circumstances where the advocate may testify.</p>
<p>Mandatory Reporting Child (Wyoming)</p>	<p>WYO. STAT. ANN. § 14-3-205 (2013)</p> <p>What has to be reported?</p> <p>(a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.</p> <p>Relevant Definitions</p> <p>WYO. STAT. ANN. § 14-3-202 (2013)</p> <p>(ii) “Abuse” means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, unless the abandonment is a relinquishment substantially in accordance with W.S. 14-11-101 through 14-11-109, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof by reason of intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child as defined by law:</p> <p style="padding-left: 40px;">(B) “Physical injury” means any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition</p> <p>(iii) “Child” means any person under the age of eighteen (18)</p>



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<p>Mandatory Reporting Child (Wyoming)</p>	<p>Persons Required to Report WYO. STAT. ANN. § 14-3-205 (2013): (a) Any person.</p>
<p>Mandatory Reporting Adult (Wyoming)</p>	<p>WYO. STAT. ANN. § 35-20-111 (2013) What has to be reported? (a) Without exception to a person or agency who knows, or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe, that a vulnerable adult has been or is being abused, neglected, exploited or abandoned, or is committing self-neglect.</p> <p>Relevant Definitions (a)(ii) “Abuse” means the intentional or reckless infliction, by the vulnerable adult’s caregiver, family member or other individual of: (A) Injury; (B) Unreasonable confinement which threatens the welfare and well-being of a vulnerable adult; or (C) Intimidation or cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult.</p> <p>(xviii) Vulnerable adult means any person eighteen (18) years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability.</p> <p>Persons Required to Report</p>

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Mandatory Reporting Adult (<i>Wyoming</i>)	(a) Any person or agency.
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