

## Quick Reference Guide:

### Confidentiality and Privilege Exceptions and Mandatory Reporting Obligations of Rape Crisis Counselors

**NOTE:** The aim of the Quick Reference Guide (QRG) is to give agencies and individual a quick reference for reporting obligations of rape crisis counselors. The QRG supplements the *Fifty State Survey of Confidentiality and Privilege Statutes Rape Crisis/ Sexual Assault Counselors*. We have listed the exceptions to confidentiality and privilege in commonly used statutory language. Specific language varies by state. For the full citations associated with this QRG, please refer to the Quick Chart or the Fifty State Survey.

State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Alabama</b>	Consent  Death of the Victim	Consent  Facility information if the facility is party to the proceeding.	When the child is known or suspected to be a victim of child abuse or neglect. Abuse means harm or threatened harm to the child's welfare.  ALA. CODE 1975 § 26-14-3 (2013)  Applies to social workers and mental health professionals.	Reasonable cause to believe that any protected person has been subjected to physical abuse, neglect, exploitation, sexual abuse, or emotional abuse.  ALA. CODE 1975 § 38-9-8 (2013)



Developed by the Project on Addressing Prison Rape  
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<b>Alaska</b>	Consent	Consent  Information that could identify a safe house or shelter.	Reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect. ALASKA STAT. § 47.24.010 (2013)	Reasonable cause to believe in the performance of their professional duties a vulnerable adult suffers from abandonment, exploitation, abuse, neglect, or self-neglect. ALASKA STAT. § 47.24.010 (2013)
<b>Arizona</b>	Does not define confidential communication.	Consent  Knowledge that victim will/has given perjured testimony;	<b>Any person</b> who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that	Reasonable basis to believe that abuse or neglect of the adult has occurred. ARIZ. REV. STAT. ANN. § 46-451 (2013)

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		communication contains exculpatory evidence.  Reasonable cause to believe material is exculpatory; court shall hold hearing in camera, only material court finds exculpatory shall be disclosed to defendant.	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.	

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Arizona			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. ARIZ. REV. STAT. ANN. § 13-3620 (2013):	

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Arkansas</b>	No applicable statute	Consent  Communications concerning abuse /neglect of child/vulnerable person.	Reasonable cause to suspect that a child has: been subjected to child maltreatment; or died as a result of child maltreatment; or observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.  ARK. CODE ANN. § 12-18-402 (2013)	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. ARK. CODE ANN. § 12-12-1708 (2013)



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<b>California</b>	Consent  Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment services	N/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. CAL. PENAL CODE § 11166 (West 2013)	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. CAL. WELF. & INST. CODE § 15630 (West 2013)



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>California</b>			Applies to any person providing services to a minor child.	Applies to any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult.
<b>Colorado</b>	Does not define confidential communication	Consent	Reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances	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-



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			or conditions which would reasonably result in abuse or neglect. COLO. REV. STAT. § 19-3-304 (2013)	neglected, or has been exploited and is at imminent risk of mistreatment, self-neglect, or exploitation. COLO. REV. STAT. § 26-3.1-102 (2013)  Applies to social workers, psychologists and other mental health professionals
<b>Connecticut</b>	Consent	Consent	In the ordinary course of such	Reasonable cause to suspect or



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
		<p>In matters of proof, such as chain of custody of evidence or physical appearance of the victim at time of injury.</p> <p>Knowledge that victim will/has given perjured testimony; communication</p>	<p>person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years</p> <p>(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</p>	<p>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. CONN. GEN. STAT. § 17b-451 (2013)</p> <p>Applies to any patient's advocate, social worker, or psychologist</p>



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		contains exculpatory evidence.	serious harm, shall report or cause a report to be made. CONN. GEN. STAT. § 17a-101a (2013)	
<b>Delaware</b>	No applicable statute	No applicable statute	Knowledge or good faith suspicion of child abuse or neglect. DEL CODE ANN. tit. 16, § 903 (2013)	Reasonable cause to believe that an adult person is impaired or incapacitated and is in need of protective services. DEL CODE ANN. tit. 31, § 3910 (2013)

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			Applies to any person who knows or in good faith suspects child abuse.	Applies to any person who reasonably believes an adult is in need of protective custody.
<b>District of Columbia</b>	Consent	Consent	Knowledge or reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected	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.



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<b>District of Columbia</b>			child. D.C. CODE § 4-1321.02 (2013)	D.C. CODE § 7-1903 (2013)  Applies to social workers and licensed mental health professionals.
<b>Florida</b>	Consent	Consent	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	Witnessing, or 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



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Florida			<p>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.</p> <p>Any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult</p>	<p>the subject of sexual misconduct. FLA. STAT. ANN. § 944.35 (West 2013)</p> <p>Applies to any person.</p>

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			<p>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.</p> <p>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</p>	



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<b>Florida</b>			sexual offender, as defined in this chapter, shall report such knowledge or suspicion. FLA. STAT. ANN. § 39.201 (West 2013)  Applies to social workers and mental health professionals.	
<b>Georgia</b>	No applicable statute	No exceptions specified.	Reasonable cause to believe that a child has been abused.	Reasonable cause to believe that a disabled adult or elder person has had a physical injury or injuries



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Georgia			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.	inflicted upon such disabled adult or elder person, other than by accidental means, or has been neglected or exploited. GA. CODE ANN. § 30-5-4 (2013)  Applies to licensed professional counselors, social workers, psychologists, and occupational therapists.



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			GA. CODE ANN. § 19-7-5 (2013)  Applies to professional counselors, social workers, marriage and family therapists, and child counseling personnel.	
<b>Hawaii</b>	No exceptions specified	No exceptions specified.	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	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



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Hawaii			that child abuse or neglect may occur in the reasonably foreseeable future. HAW. REV. STAT. § 350-1.1 (West 2013)  Applies to employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or <b>mental health services</b> , including	abuse if immediate action is not taken. HAW. REV. STAT. § 346-224 (West 2013)  Applies to social workers and employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or <b>mental health services</b> , including financial assistance.



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
			financial assistance	
<b>Idaho</b>	No applicable statute	No applicable statute	Reason to believe that a child under the age of eighteen 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. IDAHO CODE ANN. § 16-1605 (2013)	Reasonable cause to believe that a vulnerable adult is being or has been abused neglected or exploited. IDAHO CODE ANN. § 39-5303 (2011) Applies to social workers and employees of a public or private health facility, or a state licensed or certified residential facility

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Idaho</b>			Applies to “other person having reason to believe” a child is being abused.	serving vulnerable adults.
<b>Illinois</b>	Consent  Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in	Consent	Reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child. 325 ILL. COMP. STAT. ANN. 5/4 (West 2013)	Suspicion of abuse, neglect, financial exploitation, or self-neglect of an eligible adult. 320 ILL. COMP. STAT. ANN. 20/4 (West 2013)  Applies to any person who



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Illinois</b>	clear imminent risk of serious physical injury or death of the victim or another person.  Communications concerning abuse /neglect of child/vulnerable person.		Applies to crisis line or hotline personnel and domestic violence program personnel.	suspects abuse.
<b>Indiana</b>	Consent	Consent	Reason to believe that a child is a victim of child abuse or	Believes or has reason to believe that an endangered adult is the

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
		Information that could identify a safe house or shelter.	neglect. IND. CODE ANN § 31-33-5-1 (West 2013)  Applies to an individual with reason to believe.	victim of battery, neglect, or exploitation. IND. CODE ANN § 35-46-1-13 (West 2013)  Applies to a person that believes or has reason to believe.
<b>Iowa</b>	Consent  Court finding disclosure necessary to proper	Consent	[Mandatory reporters] shall make a report within twenty-four hours of cases of child abuse.	A person, who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the



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<b>Iowa</b>	administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment services.		Any [mandatory reporter] 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. IOWA CODE ANN. § 232.69 (West 2013)  Applies to social workers and counselors or mental health	dependent adult has suffered abuse.



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
			professionals.	
<b>Kansas</b>	No exceptions specified	No applicable statute	Reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse. KAN. STAT. ANN. § 38-2223 (2013)	Reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services. KAN. STAT. ANN. § 39-1431 (2013)
<b>Kansas</b>			Applies to person license by the state to provide mental health services.	Applies to licensed mental health professionals.



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<b>Kentucky</b>	The cabinet [Cabinet for Health and Family Services] 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	If the client is asserting his physical, mental, or emotional condition as an element of a claim or defense; or, after the client's death, in any proceeding in which any party relies upon the condition as an element of a claim or	Knowledge or reasonable cause to believe that a child is dependent, neglected, or abused. KY. REV. STAT. ANN. § 620.030 (West 2013)  Applies to any person including but not limited to the enumerated list in the statute.	Reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation. KY. REV. STAT. ANN. § 209.030 (West 2013)  Applies to any person including but not limited to the enumerated list in the statute.



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<b>Kentucky</b>	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.	defense.  The judge finds the communication to be relevant to an essential issue in the case, there is no available alternative means of getting the information, and the need for the information outweighs		



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
		the interest protected by the privilege.		
<b>Louisiana</b>	No exceptions specified	No exceptions specified	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. LA. CHILD CODE ANN. art. 609 (2013)	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. LA. REV. STAT. ANN. § 15:1504 (2013)  Applies to any person including



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Louisiana			Applies to “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	but not limited to mental health professionals.

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			his family.”	
<b>Maine</b>	Consent	Consent  Situations involving abuse/neglect of child or requirement under state health, welfare, or child & family services regulations.	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. ME. REV. STAT. ANN. tit. 22 § 4011-A (2013)	[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. ME. REV. STAT. ANN. tit. 22 § 3477 (2013)  Applies to social workers and mental health professionals.
<b>Maine</b>		Court finding		



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		disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment services.		
<b>Maryland</b>	No applicable statute	No applicable statute	Reason to believe that a child has been subjected to abuse.	Each health practitioner, police officer, or human service worker,



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Maryland</b>			<p>MD. CODE ANN., Family Law § 5-704 (West 2013)</p> <p>Applies to human service workers.</p> <p>MD. CODE ANN., Family Law § 5-705 (West 2013): (a)(1) <b>A person</b> in this state other than a health practitioner, police officer, or educator or human service worker who has</p>	<p>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>MD. CODE ANN., Family Law § 14-302 (West 2013)</p> <p>Applies to human service workers which includes any social workers and any case worker.</p>

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			reason to believe that a child has been subjected to abuse or neglect shall report.	
<b>Massachusetts</b>	Consent	Consent	Reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (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	Reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse. MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013)  Applies to family counselors and social workers.
<b>Massachusetts</b>				



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			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. MASS. GEN. LAWS ANN. ch. 119	

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Massachusetts			§ 51A (West 2013)  Applies to licensed allied mental health and human service workers.	
Michigan	Consent  Situations involving abuse/neglect of child or requirement under state health, welfare, or child &	Consent  Situations involving abuse/neglect of child or requirement under state health, welfare,	Reasonable cause to suspect child abuse or neglect. MICH. COMP. LAWS ANN. § 722.623 (West 2013)  Applies to social workers, family	Suspect[ion] or reasonable cause to believe that an adult has been abused, neglected, or exploited. MICH. COMP. LAWS ANN. § 400.11a (West 2013)



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	family services regulations.	or child & family services regulations.	therapist, and social service specialist.	Applies to persons employed, licensed, registered, or certified to provide health care, social welfare, mental health, or other human services.
<b>Minnesota</b>  <b>Minnesota</b>	Does not define confidential communication	Consent  Investigations or proceedings related to neglect or termination of parental rights if the	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	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



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		court determines good cause exists.	preceding three years. MINN. STAT. ANN. § 626.556 (West 2013)  Applies to a professional or professional's delegate who is engaged in the practice of social services.	is not reasonably explained. MINN. STAT. ANN. § 626.557 (West 2013)  Applies to a professional or professional's delegate who is engaged in the practice of social services.
<b>Mississippi</b>	No applicable statute	No applicable statute	Reasonable cause to suspect that a child is a neglected child or an abused child.	Knowledge or suspicion that a vulnerable adult has been or is being abused.



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
			MISS. CODE ANN. § 43-21-353 (2013)  Applies to any “other” person.	MISS. CODE ANN. § 43-47-7 (West 2013)  Applies to any person including but not limited to the enumerate list in the statute.
<b>Missouri</b>	Consent	Consent	Reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in	Reasonable cause to believe that an offender in a correctional center operated or funded by the department has been abused. MO. REV. STAT. § 217.410 (2013)

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
			abuse or neglect. MO. REV. STAT. § 210.115 (2013)  Applies to social workers and mental health professionals.	Applies to social workers and mental health professionals.
<b>Montana</b>	Does not define confidential communication	Consent  Death of victim	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	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

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Montana			<p>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. MONT. CODE ANN. § 41-3-201 (2013)</p> <p>Applies to social workers and mental health professionals.</p>	<p>official capacities has been subjected to abuse, sexual abuse, neglect, or exploitation. MONT. CODE ANN. § 52-3-811 (West 2011)</p> <p>Applies to social workers and mental health professionals.</p>



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Nebraska</b>	Consent	Consent	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. NEB. REV. STAT. § 28-711 (2012)	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. NEB. REV. STAT. § 28-372 (2012)
<b>Nebraska</b>	Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment services.	Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment	Applies to any “other person”	Applies to mental health professionals.



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		services.	that has reasonable cause to believe.	
<b>Nevada</b>	No exceptions specified	Consent  Communications concerning abuse /neglect of child/vulnerable person.	Any person who in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected. NEV. REV. STAT. ANN. §	Know[ledge] or reasonable cause to believe that an older person has been abused, neglected, exploited or isolated NEV. REV. STAT. ANN. § 200.5093 (West 2012)

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Nevada		Communication relevant to issues of breach of duty of the victims' advocate or waiver of the privilege by instituting charges against the licensed professional counselor.  The purpose of the	432B.220 (West 2012)  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.	Applies to 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.



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		<p>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.</p> <p>Disclosure of the</p>		



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Nevada</b>		communication is otherwise required by law.		
<b>New Hampshire</b>	Consent  Death of victim	Consent  Death of victim	Reason to suspect that a child has been abused or neglected. N.H. REV. STAT. ANN. § 169- C:29 (2013)  Applies to “any other person” having reason to suspect.	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. N.H. REV. STAT. ANN. § 161-F:46 (2013)

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				Applies to social workers and health care professionals.
<b>New Jersey</b>	Consent	Consent	Reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse. N.J. STAT. ANN. § 9:6-8.10 (2012)	Reasonable cause to believe that a caretaker or other person has committed a criminal act against a vulnerable adult. N.J. STAT. ANN. § 52:27D-419 (West 2012)
<b>New Jersey</b>		Information that could identify a safe house or shelter.	Applies to any person having	Applies to county director or



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
			reason to believe.	designees.
<b>New Mexico</b>	Consent	Consent  Information that could identify a safe house or shelter	Knowledge or reasonable suspicion that a child is an abused or a neglected child. N.M. STAT. ANN. § 32A-4-3 (West 2013)  Applies to “every person”	Reasonable cause to believe that an incapacitated adult is being abused, neglected, or exploited N.M. STAT. ANN. § 27-7-30 (West 2013)  Applies to “any person”
<b>New York</b>	Consent	Consent	Reasonable cause to suspect that	N/A

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>New York</b>	Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in clear imminent risk of serious physical injury or death of the victim or another person.  Communication relevant to	Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in clear imminent risk of serious physical injury or death of the victim or another person	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	



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
New York	issues of breach of duty of the victims' advocate or waiver of the privilege by instituting charges against the licensed professional counselor.	Communication relevant to an issues of breach of duty of the victims' advocate or waiver of the privilege by instituting charges against the licensed professional counselor.	personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child. N.Y. SOC. SERV. LAW § 413 (McKinney 2013)  Applies to licensed mental health professionals, social workers, and social service workers.	

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>North Carolina</b>	Does not define confidential communication	Consent  Reasonable cause to believe material is exculpatory; court shall hold hearing in camera, only material court finds exculpatory shall be disclosed to defendant.  Situations involving	Any person or institution that has cause to suspect that any juvenile is abused or neglected. N.C. GEN. STAT. § 7B-301 (2013)  Applies to any person.	Reasonable cause to believe that a disabled adult is in need of protective services. N.C. GEN. STAT. § 108A-102 (2013)  Applies to any person.



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
		abuse/neglect of child or requirement under state health, welfare, or child & family services regulations.		
<b>North Dakota</b>	Does not define confidential communication.	Consent  Investigations or proceedings related to neglect or termination of parental rights if the court determines good	Knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect. N.D. CENT. CODE § 50-25.1-03 (2013)	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.



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		<p>cause exists.</p> <p>Communications concerning abuse /neglect of child/vulnerable person.</p> <p>The agent, employee, or volunteer operating a domestic violence or sexual assault program</p>	Applies to social workers and mental health professionals.	<p>N.D. CENT. CODE § 50-25.2-03 (2013)</p> <p>Applies to a person with reasonable cause to believe.</p>

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
North Dakota		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		



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		violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection.		
<b>Ohio</b>	Does not define confidential communication.	Consent  Death of victim  Communication that	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	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.



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		reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in clear imminent risk of serious physical injury or death of the victim or another person.  Individual receiving	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 to the	OHIO REV. CODE ANN. § 5101.61 (West 2013)  Applies to any employee of a community mental health facility; and any person engaged in social work or counseling.



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Ohio		<p>services voluntarily testifies and court then requires crisis team member to testify.</p> <p>Communication is related to a criminal act.</p> <p>Communication is not germane to the relationship between</p>	<p>entity or persons specified in this division. OHIO REV. CODE ANN. § 2151.421 (West 2013)</p> <p>Applies to licensed psychologist or independent marriage or family therapist.</p>	



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### Quick Reference Guide:

## Confidentiality and Privilege Exceptions and Mandatory Reporting Obligations of Rape Crisis Counselors

**NOTE:** The aim of the Quick Reference Guide (QRG) is to give agencies and individual a quick reference for reporting obligations of rape crisis counselors. The QRG supplements the *Fifty State Survey of Confidentiality and Privilege Statutes Rape Crisis/ Sexual Assault Counselors*. We have listed the exceptions to confidentiality and privilege in commonly used statutory language. Specific language varies by state. For the full citations associated with this QRG, please refer to the Quick Chart or the Fifty State Survey.

State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
		the team member and the individual receiving services.		
<b>Oklahoma</b>	Consent	Privilege applies to case records, case files, and case notes.		Reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation. OKLA. STAT. ANN. tit. 43A § 10- 104 (2013)
<b>Oklahoma</b>	Death of victim			Applies to any person have reasonable cause to believe.
	Communications concerning abuse /neglect of child/vulnerable person.			

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	Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment services.			
<b>Oregon</b>	Except for the names of clients, necessary information may be	No applicable statute	Reasonable cause to believe that any child with whom the official comes in contact has suffered	Reasonable cause to believe that any person 65 years of age or older with whom the official comes in



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Oregon</b>	disclosed to the director.		abuse or that any person with whom the official comes in contact has abused a child. OR. REV. STAT. ANN. § 419B.010 (West 2013)  Applies to any public or private official.	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. OR. REV. STAT. ANN. § 124.060 (West 2013)  Applies to any public or private official.



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
<b>Pennsylvania</b>	Consent	Consent	[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.	Reasonable cause to suspect that a recipient is a victim of abuse. 35 PA. CONS. STAT. § 10225.701 (2013)  Applies to employee or administrator.
<b>Pennsylvania</b>				

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
			23 PA. CONS. STAT. § 6311 (2013)  Applies to persons in the course of their employment, occupation or practice of their profession including but not limited to enumerated list in statute.	
<b>Rhode Island</b>	No applicable statute	In an advisory opinion to the House of Representatives, the	Reasonable cause to know or suspect that any child has been abused or neglected as defined in	Reasonable cause to believe that any person sixty (60) years of age or older has been abused,

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Rhode Island		Rhode Island Supreme Court found that making all communications between sexual assault counselors and victim privileged would violate the 6 <sup>th</sup> amendment right to confront witnesses. <i>Advisory Opinion to House of</i>	§ 40-11-2 or has been a victim of sexual abuse by another child. R.I. GEN. LAWS § 40-11-3 (2013)  Applies to any person.	neglected, exploited, or abandoned, or is self-neglecting. R.I. GEN. LAWS § 42-66-8 (2013)  Applies to any person.

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		<i>Representatives</i> , 469 A.2d 1161, 1165 (R.I. 1983).		
<b>South Carolina</b>	Confidentiality established by case law holding that prosecutor is not required to disclose sexual assault counseling records- no exceptions were at issue. <i>State v. Trotter</i> , 473 S.E.2d 452, 454-55 (S.C. 1996)	No applicable statute	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. S.C. CODE ANN. § 63-7-310 (2012)	Reason to believe that a vulnerable adult has been or is likely to be abused, neglected, or exploited. S.C. CODE ANN.. § 43-35-25 (2012)  Applies to mental health or allied health care professionals.



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South Carolina			Applies to mental health or allied health care professionals.	
South Dakota	No applicable statute	Consent  Death of victim  Communication that reveals the contemplation or commission of a crime	Reasonable cause to suspect that a child under the age of eighteen has been abused or neglected. S.D. CODIFIED LAWS § 26-8A-3 (2013)  Applies to mental health professionals or counselors and	Mandated reporter who knows, or has reasonable cause to suspect, that an elder or disabled adult has been or is being abused or neglected. S.D. CODIFIED LAWS § 22-46-9 (2013)

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South Dakota		<p>or harmful act, or if failure to disclose likely to result in clear imminent risk of serious physical injury or death of the victim or another person.</p> <p>Communication relevant to issues of breach of duty of the victims' advocate or</p>	employees at domestic abuse shelter.	Applies to licensed mental health professionals.



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		<p>waiver of the privilege by instituting charges against the licensed professional counselor.</p> <p>If person is a minor and information acquired indicated that the minor was victim or subject of a crime when commission of</p>		

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		such a crime is the subject of inquiry.		
<b>Tennessee</b>	Consent  Court approval of subpoena for records.	No applicable statute	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	A mandated reporter having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation. TENN. CODE ANN. § 71-6-103 (2013)  Applies to any person including but not limited to enumerated list.

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
			or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect. TENN. CODE ANN. § 37-1-403 (2013)  Applies to any person with knowledge.	
<b>Texas</b>	Consent	Consent	A person having cause to believe that a child's physical or mental	A person who has cause to believe that an elderly or disabled person is



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	<p>Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in clear imminent risk of serious physical injury or death of the victim or another person.</p> <p>A governmental agency if the disclosure is required or</p>	<p>The proceeding is brought by the survivor against an advocate or a sexual assault program.</p> <p>A criminal proceeding or a certification revocation proceeding in which disclosure is relevant to the claims or defense of the</p>	<p>health or welfare has been adversely affected by abuse or neglect. TEX. FAM. CODE ANN. § 261.101 (West 2013)</p> <p>Applies to a person or professional that has cause to believe.</p>	<p>in the state of abuse, neglect, or exploitation. TEX. HUM. RES. CODE ANN. § 48.051 (West 2013)</p> <p>Applies to a person who has cause to believe.</p>



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Texas	authorized by law.  Disclosure to 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	advocate or sexual assault program.		



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	<p>survivor.</p> <p>Disclosure to 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>			



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<b>Utah</b>	<p>Consent</p> <p>Situations involving abuse/neglect of child or requirement under state health, welfare, or child &amp; family services regulations.</p> <p>The victim is a minor and the counselor believes it is in the best interest of the victim to disclose the</p>	<p>Communication is relevant to the physical, mental, or emotional condition of the patient in a proceeding where that condition is an element of any claim or defense, or it is relied on by either party and the patient is dead.</p>	<p>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</p>	<p>Reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation.</p> <p>UTAH CODE ANN. 1953 § 62A-3-305 (West 2013)</p> <p>Applies to any person.</p>



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	confidential communication to the victim's parents.		office of the division. UTAH CODE ANN. 1953 § 62a- 4a-403 (West 2013)  Applies to any person.	
<b>Vermont</b>	Consent	Consent	Reasonable cause to believe that any child has been abused or neglected. VT. STAT. ANN. tit 33 § 4913 (2013)	[Mandatory Reporter 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

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			Applies to social workers and mental health professionals.	has been abused, neglected or exploited. VT. STAT. ANN. tit 33 § 6903 (2013)  Applies to social workers and mental health professionals.
<b>Virginia</b>	Does not define confidential communication.	Consent  Compelled by statutory or court	[Mandatory reporters, who] in their professional or official capacity, have reason to suspect that a child is an abused or	Knows of or has received information of abuse, neglect or exploitation of a vulnerable adult or who has reason to suspect that

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<b>Virginia</b>		mandate.	neglected child. VA. CODE ANN. § 63.2-1509 (2013)  Applies to social workers and mental health professionals.	any vulnerable adult has been abused, neglected or exploited. VA. CODE ANN. tit 33 § 6903 (West 2012)  Applies to social workers, mental health professionals, and contractors or employees of community mental health centers.
<b>Washington</b>	Does not define confidential	Consent	Reasonable cause to believe that a child has suffered abuse or	When there is reasonable cause to believe that abandonment, abuse,

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<b>Washington</b>	communication.	Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment	neglect. WASH. REV. CODE ANN. § 26.44.030 (West 2013)  Applies to social service counselors, HOPE center staff, or state family and children's ombudsman; or Any volunteer in the ombudsman's office.	financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report 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. (3) When there is reason to suspect that physical assault has occurred

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
		services.  Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in clear imminent risk of serious physical injury		or there is reasonable cause to believe that an act has caused fear of imminent harm. WASH. REV. CODE ANN. § 74.34.035 (West 2013)  Applies to an employee of a social service, welfare, mental health.



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		or death of the victim or another person.		
<b>West Virginia</b>	N/A	Consent Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the	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. W. VA. CODE ANN. § 49-6A-2 (West 2013)	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



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		<p>treatment relationship, and the treatment services.</p> <p>Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in clear imminent risk of</p>	Applies to social service workers.	<p>in abuse, neglect or an emergency situation. W. VA. CODE ANN. § 9-6-9 (West 2013)</p> <p>Applies to social service workers.</p>



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<b>West Virginia</b>		serious physical injury or death of the victim or another person.		
<b>Wisconsin</b>	Consent  Communications concerning abuse /neglect of child/vulnerable person.	Consent  Communications concerning abuse /neglect of child/vulnerable person.	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	[A mandated reporter] who has seen an elder adult at risk in the course of the person's professional duties. WIS. STAT. ANN. § 46.90 (West 2013)  Applies to social worker,



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			and that abuse or neglect of the child will occur. WIS. STAT. ANN. § 48.981 (West 2013)  Applies to social workers, mental health professionals, and professional counselors.	professional counselor, or marriage and family therapist.
<b>Wyoming</b>	Consent	Consent  If victim voluntarily	Any person who knows or has reasonable cause to believe or suspect that a child has been	Without exception to a person or agency who knows, or has sufficient knowledge which a



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		testifies, provided the advocate's testimony shall be limited to the same subject matter.  If victim is unable to testify due to death or incompetence.	abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect. WYO. STAT. ANN. § 14-3-205 (2013)  Applies to any person.	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. WYO. STAT. ANN. § 35-20-111 (2013)  Applies to any person or agency.

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