

**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
Alabama	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
 Current as of December 9, 2013

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Alaska	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)
Arizona	Does not define confidential communication.	Consent Knowledge that victim	Any person who reasonably believes that a minor is or has been the victim of physical	Reasonable basis to believe that abuse or neglect of the adult has occurred.



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Arizona		<p>will/has given perjured testimony; communication contains exculpatory evidence.</p> <p>Reasonable cause to believe material is exculpatory; court shall hold hearing in camera, only material court finds exculpatory shall be disclosed to defendant.</p>	<p>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</p>	<p>ARIZ. REV. STAT. ANN. § 46-451 (2013)</p>



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Arizona			<p>care or nourishment with the intent to cause or allow the death of an infant.</p> <p>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</p>	



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Arizona			other than consensual. ARIZ. REV. STAT. ANN. § 13-3620 (2013)	
Arkansas	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	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-



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Arkansas			reasonably result in child maltreatment. ARK. CODE ANN. § 12-18-402 (2013)	term care facility resident maltreatment. ARK. CODE ANN. § 12-12-1708 (2013)
California	Consent Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the	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	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,



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California	effect on the victim, the treatment relationship, and the treatment services		or reasonably suspects has been the victim of child abuse or neglect. CAL. PENAL CODE § 11166 (West 2013) Applies to any person providing services to a minor child.	abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse. CAL. WELF. & INST. CODE § 15630 (West 2013) Applies to any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult.



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Colorado	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 or conditions which would reasonably result in abuse or neglect. COLO. REV. STAT. § 19-3-304 (2013)	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, self-neglect, or exploitation. COLO. REV. STAT. § 26-3.1-102 (2013)



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Colorado				Applies to social workers, psychologists and other mental health professionals
Connecticut	Consent	Consent In matters of proof, such as chain of custody of evidence or physical appearance of the victim at time of injury. Knowledge that victim	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,	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



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Connecticut		will/has given perjured testimony; communication contains exculpatory evidence.	(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. CONN. GEN. STAT. § 17a-101a (2013)	protective services. CONN. GEN. STAT. § 17b-451 (2013) Applies to any patient’s advocate, social worker, or psychologist



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Delaware	No applicable statute	No applicable statute	Knowledge or good faith suspicion of child abuse or neglect. DEL CODE ANN. tit. 16, § 903 (2013) Applies to any person who knows or in good faith suspects child abuse.	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) Applies to any person who reasonably believes an adult is in need of protective custody.



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District of Columbia	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 child. D.C. CODE § 4-1321.02 (2013)	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. D.C. CODE § 7-1903 (2013) Applies to social workers and licensed mental health



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District of Columbia				professionals.
Florida	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 person responsible for the child's welfare, or that a child is in need of supervision and care	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 the subject of sexual misconduct. FLA. STAT. ANN. § 944.35



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Florida			<p>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 other than a parent, legal custodian, caregiver, or other person</p>	<p>(West 2013)</p> <p>Applies to any person.</p>



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Florida			<p>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 sexual offender, as defined in</p>	



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Florida			this chapter, shall report such knowledge or suspicion. FLA. STAT. ANN. § 39.201 (West 2013) Applies to social workers and mental health professionals.	
Georgia	No applicable statute	No exceptions specified.	Reasonable cause to believe that a child has been abused. Suspected child abuse which	Reasonable cause to believe that a disabled adult or elder person has had a physical injury or injuries inflicted



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Georgia			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.	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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Georgia			GA. CODE ANN. § 19-7-5 (2013) Applies to professional counselors, social workers, marriage and family therapists, and child counseling personnel.	
Hawaii	No exceptions specified	No exceptions specified.	Persons who, in their professional or official	A mandatory reporter in the performance of their



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Hawaii			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. HAW. REV. STAT. § 350-1.1 (West 2013) Applies to employees or officers of any public or	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. 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



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Hawaii			private agency or institution, or other individuals, providing social, medical, hospital, or mental health services , including financial assistance	individuals, providing social, medical, hospital, or mental health services , including financial assistance.
Idaho	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	Reasonable cause to believe that a vulnerable adult is being or has been abused neglected or exploited. IDAHO CODE ANN. § 39-5303 (2011)



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Idaho			<p>circumstances which would reasonably result in abuse, abandonment or neglect. IDAHO CODE ANN. § 16-1605 (2013)</p> <p>Applies to “other person having reason to believe” a child is being abused.</p>	<p>Applies to social workers and employees of a public or private health facility, or a state licensed or certified residential facility serving vulnerable adults.</p>



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Illinois	Consent 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.	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) Applies to crisis line or hotline personnel and domestic violence program personnel.	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 suspects abuse.



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Illinois	Communications concerning abuse /neglect of child/vulnerable person.			
Indiana	Consent	Consent Information that could identify a safe house or shelter.	Reason to believe that a child is a victim of child abuse or neglect. IND. CODE ANN § 31-33-5-1 (West 2013) Applies to an individual with reason to believe.	Believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation. IND. CODE ANN § 35-46-1-13 (West 2013) Applies to a person that



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Indiana				believes or has reason to believe.
Iowa	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	Consent	[Mandatory reporters] shall make a report within twenty-four hours of cases of child abuse. Any [mandatory reporter] who, in the scope of professional practice or in their employment	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.



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Iowa	the treatment services.		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 professionals.	



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Kansas	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) Applies to person license by the state to provide mental health services.	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) Applies to licensed mental health professionals.



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Kentucky	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 accordance with KRS Chapter 13A that will set	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 defense. The judge finds the communication to be relevant to an essential issue in the case, there is no available	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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Kentucky	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.	alternative means of getting the information, and the need for the information outweighs the interest protected by the privilege.		
Louisiana	No exceptions specified	No exceptions specified	Cause to believe that a child's physical or mental health or welfare is endangered as a	Having cause to believe that an adult's physical or mental health or welfare has been or



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Louisiana			<p>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)</p> <p>Applies to “Mental health/social service practitioner” is any individual who provides mental health care or social service</p>	<p>may be further adversely affected by abuse, neglect, or exploitation. LA. REV. STAT. ANN. § 15:1504 (2013)</p> <p>Applies to any person including but not limited to mental health professionals.</p>



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Louisiana			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.”	
Maine	Consent	Consent	When the person knows or has reasonable cause to suspect	[Mandatory Reporter] knows or has reasonable cause to



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Maine		<p>Situations involving abuse/neglect of child or requirement under state health, welfare, or child & family services regulations.</p> <p>Court finding disclosure necessary to proper administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment</p>	<p>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)</p>	<p>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)</p> <p>Applies to social workers and mental health professionals.</p>



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Maine		relationship, and the treatment services.		
Maryland	No applicable statute	No applicable statute	Reason to believe that a child has been subjected to abuse. MD. CODE ANN., Family Law § 5-704 (West 2013) Applies to human service workers. MD. CODE ANN., Family Law § 5-705 (West 2013):	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



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Maryland			(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.	exploitation. MD. CODE ANN., Family Law § 14-302 (West 2013) Applies to human service workers which includes any social workers and any case worker.
Massachusetts	Consent	Consent	Reasonable cause to believe that a child is suffering physical or emotional injury	Reasonable cause to believe that an elderly person is suffering from or has died as a



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Massachusetts			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 malnutrition; (iii) physical dependence upon an addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file	result of abuse. MASS. GEN. LAWS ANN. ch. 19A, § 15 (West 2013) Applies to family counselors and social workers.



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Massachusetts			<p>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 § 51A (West 2013)</p> <p>Applies to licensed mental health and human service workers.</p>	



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Michigan	Consent Situations involving abuse/neglect of child or requirement under state health, welfare, or child & family services regulations.	Consent Situations involving abuse/neglect of child or requirement under state health, welfare, or child & family services regulations.	Reasonable cause to suspect child abuse or neglect. MICH. COMP. LAWS ANN. § 722.623 (West 2013) Applies to social workers, family therapist, and social service specialist.	Suspect[ion] or reasonable cause to believe that an adult has been abused, neglected, or exploited. MICH. COMP. LAWS ANN. § 400.11a (West 2013) Applies to persons employed, licensed, registered, or certified to provide health care, social welfare, mental health, or other human services.



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Minnesota	Does not define confidential communication	Consent Investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists.	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. MINN. STAT. ANN. § 626.556 (West 2013) Applies to a professional or professional's delegate who is	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. MINN. STAT. ANN. § 626.557 (West 2013) Applies to a professional or



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Minnesota			engaged in the practice of social services.	professional’s delegate who is engaged in the practice of social services.
Mississippi	No applicable statute	No applicable statute	Reasonable cause to suspect that a child is a neglected child or an abused child. MISS. CODE ANN. § 43-21-353 (2013) Applies to any “other” person.	Knowledge or suspicion that a vulnerable adult has been or is being abused. MISS. CODE ANN. § 43-47-7 (West 2013) Applies to any person including but not limited to



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Mississippi				the enumerate list in the statute.
Missouri	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 abuse or neglect. MO. REV. STAT. § 210.115	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) Applies to social workers and



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Missouri			(2013) Applies to social workers and mental health professionals.	mental health professionals.
Montana	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 neglected by anyone regardless of whether the	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



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Montana			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) Applies to social workers and mental health professionals.	to abuse, sexual abuse, neglect, or exploitation. MONT. CODE ANN. § 52-3-811 (West 2011) Applies to social workers and mental health professionals.
Nebraska	Consent	Consent	Reasonable cause to believe that a child has been subjected to child abuse or neglect or	Reasonable cause to believe that a vulnerable adult has been subjected to abuse or



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Nebraska	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 services.	observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect. NEB. REV. STAT. § 28-711 (2012) Applies to any “other person” that has reasonable cause to believe.	observes such adult being subjected to conditions or circumstances which reasonably would result in abuse. NEB. REV. STAT. § 28-372 (2012) Applies to mental health professionals.



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Nevada	No exceptions specified	<p>Consent</p> <p>Communications concerning abuse /neglect of child/vulnerable person.</p> <p>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.</p>	<p>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>NEV. REV. STAT. ANN. § 432B.220 (West 2012)</p> <p>Any person who maintains, is employed by or serves as a volunteer for an agency or</p>	<p>Know[ledge] or reasonable cause to believe that an older person has been abused, neglected, exploited or isolated</p> <p>NEV. REV. STAT. ANN. § 200.5093 (West 2012)</p> <p>Applies to any person who maintains, is employed by or serves as a volunteer for an agency or service which</p>



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Nevada		<p>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.</p> <p>Disclosure of the communication is otherwise</p>	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.	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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Nevada		required by law.		
New Hampshire	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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New Hampshire				Applies to social workers and health care professionals.
New Jersey	Consent	Consent Information that could identify a safe house or shelter.	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) Applies to any person having reason to believe.	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) Applies to county director or



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New Jersey				designees.
New Mexico	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”



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
New York	Consent 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	Consent 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 an	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	N/A



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**Quick Reference Guide:
 Confidentiality and Privilege Exceptions and Mandatory Reporting Obligations of Rape Crisis Counselors**

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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.	issues of breach of duty of the victims’ advocate or waiver of the privilege by instituting charges against the licensed professional counselor.	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. N.Y. SOC. SERV. LAW § 413 (McKinney 2013) Applies to licensed mental health professionals, social	



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
New York			workers, and social service workers.	
North Carolina	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.	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
North Carolina		Situations involving abuse/neglect of child or requirement under state health, welfare, or child & family services regulations.		
North Dakota	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-	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



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
North Dakota		<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 determines the disclosure of the information necessary for the</p>	<p>03 (2013)</p> <p>Applies to social workers and mental health professionals.</p>	<p>circumstances that reasonably would result in abuse or neglect.</p> <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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North Dakota		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.		



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Ohio	Does not define confidential communication.	Consent Death of victim 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.	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,	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. OHIO REV. CODE ANN. § 5101.61 (West 2013) Applies to any employee of a community mental health



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Ohio		<p>Individual receiving 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 the team member and</p>	<p>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 entity or persons specified in this division.</p> <p>OHIO REV. CODE ANN. § 2151.421 (West 2013)</p> <p>Applies to licensed</p>	<p>facility; and any person engaged in social work or counseling.</p>



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Ohio		the individual receiving services.	psychologist or independent marriage or family therapist.	
Oklahoma	Consent Death of victim Communications concerning abuse /neglect of child/vulnerable person. Court finding disclosure necessary to proper	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) Applies to any person have reasonable cause to believe.



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Oklahoma	administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment services.			
Oregon	Except for the names of clients, necessary information may be disclosed to the director.	No applicable statute	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	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



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Oregon			comes in contact has abused a child. OR. REV. STAT. ANN. § 419B.010 (West 2013) Applies to any public or private 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
Pennsylvania	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	Reasonable cause to suspect that a recipient is a victim of abuse. 35 PA. CONS. STAT. § 10225.701 (2013) Applies to employee or administrator.



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Pennsylvania			not a perpetrator. 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.	



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Rhode Island	No applicable statute	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 6 th amendment right to confront witnesses. <i>Advisory Opinion to House of Representatives</i> , 469 A.2d 1161, 1165 (R.I. 1983).	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. R.I. GEN. LAWS § 40-11-3 (2013) Applies to any person.	Reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, exploited, or abandoned, or is self-neglecting. R.I. GEN. LAWS § 42-66-8 (2013) Applies to any person.



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South Carolina	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, 473 S.E.2d 452, 454-55 (S.C. 1996)</i>	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) Applies to mental health or allied health care	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			professionals.	
South Dakota	No applicable statute	Consent Death of victim Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to disclose likely to result in	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	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) Applies to licensed mental



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South Dakota		<p>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 waiver of the privilege by instituting charges against the licensed professional counselor.</p> <p>If person is a minor and</p>	and employees at domestic abuse shelter.	health professionals.



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**Quick Reference Guide:
 Confidentiality and Privilege Exceptions and Mandatory Reporting Obligations of Rape Crisis Counselors**

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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
South Dakota		information acquired indicated that the minor was victim or subject of a crime when commission of such a crime is the subject of inquiry.		
Tennessee	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	A mandated reporter having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation. TENN. CODE ANN. § 71-6-103 (2013)



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Tennessee			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. TENN. CODE ANN. § 37-1-403 (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
Tennessee			Applies to any person with knowledge.	
Texas	Consent 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	Consent The proceeding is brought by the survivor against an advocate or a sexual assault program. A criminal proceeding or a certification revocation	A person having cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect. TEX. FAM. CODE ANN. § 261.101 (West 2013) Applies to a person or	A person who has cause to believe that an elderly or disabled person is in the state of abuse, neglect, or exploitation. TEX. HUM. RES. CODE ANN. § 48.051 (West 2013) Applies to a person who has



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Texas	<p>death of the victim or another person.</p> <p>A governmental agency if the disclosure is required or authorized by law.</p> <p>Disclosure to a qualified person to the extent necessary for a management audit, financial audit, program evaluation, or</p>	<p>proceeding in which disclosure is relevant to the claims or defense of the advocate or sexual assault program.</p>	<p>professional that has cause to believe.</p>	<p>cause to believe.</p>



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Texas	<p>research, except that a report of the research, audit, or evaluation may not directly or indirectly identify a 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</p>			



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State	Confidentiality (Exceptions)	Testimonial Privilege (Exceptions)	Mandatory Reporters of Child Abuse	Mandatory Reporters of Adult Abuse
Texas	or advocacy for the survivor.			
Utah	Consent Situations involving abuse/neglect of child or requirement under state health, welfare, or child & family services regulations. The victim is a minor and	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.	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	Reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation. UTAH CODE ANN. 1953 § 62A-3-305 (West 2013) Applies to any person.



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Utah	the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim’s parents.		abuse, physical abuse, or neglect, he shall immediately notify the nearest peace officer, law enforcement agency, or office of the division. UTAH CODE ANN. 1953 § 62a-4a-403 (West 2013) Applies to any person.	



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Vermont	Consent	Consent	Reasonable cause to believe that any child has been abused or neglected. VT. STAT. ANN. tit 33 § 4913 (2013) Applies to social workers and mental health professionals.	[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 has been abused, neglected or exploited. VT. STAT. ANN. tit 33 § 6903 (2013) Applies to social workers and



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Vermont				mental health professionals.
Virginia	Does not define confidential communication.	Consent Compelled by statutory or court mandate.	[Mandatory reporters, who] in their professional or official capacity, have reason to suspect that a child is an abused or neglected child. VA. CODE ANN. § 63.2-1509 (2013) Applies to social workers and mental health professionals.	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. VA. CODE ANN. tit 33 § 6903 (West 2012)



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Virginia				Applies to social workers, mental health professionals, and contractors or employees of community mental health centers.
Washington	Does not define confidential communication.	Consent Court finding disclosure necessary to proper	Reasonable cause to believe that a child has suffered abuse or neglect. WASH. REV. CODE ANN. § 26.44.030 (West 2013)	When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall



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Washington		administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment services. Communication that reveals the contemplation or commission of a crime or harmful act, or if failure to	Applies to social service counselors, HOPE center staff, or state family and children’s ombudsman; or Any volunteer in the ombudsman’s office.	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 or there is reasonable cause to believe



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Washington		disclose likely to result in clear imminent risk of serious physical injury or death of the victim or another person.		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.
West Virginia	N/A	Consent Court finding disclosure necessary to proper	Reasonable cause to suspect that a child is neglected or abused or observes the child	Reasonable cause to believe that an incapacitated adult or facility resident is or has been



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West Virginia		administration of justice or probative value of disclosure outweighs the effect on the victim, the treatment relationship, and the treatment 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	being subjected to conditions that are likely to result in abuse or neglect. W. VA. CODE ANN. § 49-6A-2 (West 2013) Applies to social service workers.	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. W. VA. CODE ANN. § 9-6-9 (West 2013) Applies to social service



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West Virginia		physical injury or death of the victim or another person.		workers.
Wisconsin	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	[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, professional counselor, or



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Wisconsin			neglect 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.	marriage and family therapist.
Wyoming	Consent	Consent If victim voluntarily testifies, provided the advocate's	Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who	Without exception to a person or agency who knows, or has sufficient knowledge which a prudent and cautious man in



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Wyoming		testimony shall be limited to the same subject matter. If victim is unable to testify due to death or incompetence.	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.	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.



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

Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice nor those of the National Council on Crime and Delinquency (NCCD), which administers the National PREA Resource Center through a cooperative agreement with the Bureau of Justice Assistance.