

Requirements for Reporting Child Sexual Abuse



The U.S. Department of Health and Human Services reported that in 2013, there were an estimated 1,782 cases of child sexual abuse investigated by Child Protective Services (CPS) in the state of Maryland (see MCASA's Fact Sheet entitled Incidence of Child Sexual Abuse).

Certain professionals are "mandated" to report child sexual abuse (or other child abuse or neglect) when acting in their professional capacity: Health practitioners, police officers, educators and human services workers. The mandated reporting requirements for these professionals apply "notwithstanding any other provision of law, including any law on privileged communications."

It's important to note that these requirements apply to the professional mandated reporter, even if the abuse occurred many years ago. For instance, if a fifty-year-old woman told her therapist about abuse that occurred forty years ago when she was ten, the therapist would still be required to report the abuse. Reports of child sexual abuse are shared with the state's attorneys' offices.

Others also have a duty to report child sexual abuse. However, certain privileges provide an exemption from this general reporting requirement, including: attorney-client privilege and confidentiality; reports in violation of the constitutional right to assistance of counsel; and communications made to a minister, clergyman, or priest "in a professional character" where the listener is bound to maintain confidentiality by his or her religion. Attorneys who are appointed for the best interests of a child—as opposed to a traditional attorney-client relationship—would not fall under the attorney-client privilege exception and, therefore, should report abuse.

In addition, in certain cases, all individuals who believe that a child is at risk of sexual abuse may report it to Child Protective Services or to local law enforcement. The individual must have reason to believe that the child resides with or is in the regular presence of an individual (other than the child's parent or guardian) who is a registered sex offender who, based on additional information, poses a substantial risk of sexual abuse to the child.

There are no criminal penalties for individuals who fail to report child sexual abuse; however, professional licensing may be affected. Several bills have been introduced in Maryland's General Assembly to impose a criminal penalty on mandated reporters who fail to report, but these bills have not passed.

If you or someone you know suspects child abuse, please contact your local law enforcement agency or department of social services or call 1-800-332-6347. For more information or additional resources, visit www.mcasa.org or call 800-983-7278.

MCASA Fact Sheet, Child Victims of Sexual Assault – Focus on Maryland Child Sexual Abuse, A Guide for Children's Attorneys and Other Court Professionals, Sexual Assault Legal Institute, a program of the Maryland Coalition Against Sexual Assault