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HOUSE BILL NO. 1139

Offered January 26, 1998

A BILL to amend and reenact § 63.1-248.3, as it is effective and as it may become effective, of the Code of Virginia, relating to reporting of certain injuries to children.

Patron—Phillips

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-248.3, as it is effective and as it may become effective, of the Code of Virginia is amended and reenacted as follows:

§ 63.1-248.3. Physicians, nurses, teachers, certain family members or guardians, etc., to report certain injuries to children; penalty for failure to report.

A. The following persons who, in their professional or official capacity *or by virtue of a familial relationship*, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social Services' toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts,
2. Any hospital resident or intern, and any person employed in the nursing profession,
3. Any person employed as a social worker,
4. Any probation officer,
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school,
6. Any person providing full-time or part-time child care for pay on a regularly planned basis,
7. Any duly accredited Christian Science practitioner,
8. Any mental health professional,
9. Any law-enforcement officer,
10. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8,
11. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment, ~~and~~
12. Any person associated with or employed by any private organization responsible for the care, custody or control of children, ~~and~~
13. *Any adult brother, adult sister, grandparent or legal guardian of a child.*

If neither the locality in which the child resides or where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department of Social Services' toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the juvenile and domestic relations district court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge of the juvenile and domestic relations district court shall assign the report to a local department of social services that is not the employer of the suspected employee for investigation; or, if the judge believes that no local department of social services within a reasonable geographic distance can be impartial in investigating the reported case, the judge shall assign the report to the court service unit of his court for investigation. The judge may consult with the State Department of Social Services in selecting a local department to conduct the investigation.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the State Board of Social Services. The person required to make the report shall disclose all information which is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department investigating the reported case of child abuse or neglect any records or reports which document the basis for the report.

INTRODUCED

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60 B. Any person required to file a report pursuant to subsection A of this section who fails to do so
61 within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than
62 \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.

63 § 63.1-248.3. (Delayed effective date) Physicians, nurses, teachers, certain family members or
64 guardians, etc., to report certain injuries to children; penalty for failure to report.

65 A. The following persons who, in their professional or official capacity *or by reason of a familial*
66 *relationship*, have reason to suspect that a child is an abused or neglected child, shall report the matter
67 immediately, except as hereinafter provided, to the local department of the county or city wherein the
68 child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social
69 Services' toll-free child abuse and neglect hotline:

70 1. Any person licensed to practice medicine or any of the healing arts,

71 2. Any hospital resident or intern, and any person employed in the nursing profession,

72 3. Any person employed as a social worker,

73 4. Any probation officer,

74 5. Any teacher or other person employed in a public or private school, kindergarten or nursery
75 school,

76 6. Any person providing full-time or part-time child care for pay on a regularly planned basis,

77 7. Any duly accredited Christian Science practitioner,

78 8. Any mental health professional,

79 9. Any law-enforcement officer,

80 10. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8,

81 11. Any professional staff person, not previously enumerated, employed by a private or state-operated
82 hospital, institution or facility to which children have been committed or where children have been
83 placed for care and treatment, ~~and~~

84 12. Any person associated with or employed by any private organization responsible for the care,
85 custody or control of children, *and*

86 13. *Any adult brother, adult sister, grandparent or legal guardian of a child.*

87 If neither the locality in which the child resides or where the abuse or neglect is believed to have
88 occurred is known, then such report shall be made to the local department of the county or city where
89 the abuse or neglect was discovered or to the Department of Social Services' toll-free child abuse and
90 neglect hotline.

91 If an employee of the local department is suspected of abusing or neglecting a child, the report shall
92 be made to the family court of the county or city where the abuse or neglect was discovered. Upon
93 receipt of such a report by the court, the judge of the family court shall assign the report to a local
94 department of social services that is not the employer of the suspected employee for investigation; or, if
95 the judge believes that no local department of social services in a reasonable geographic distance can be
96 impartial in investigating the reported case, the judge shall assign the report to the court service unit of
97 his court for investigation. The judge may consult with the State Department of Social Services in
98 selecting a local department to conduct the investigation.

99 If the information is received by a teacher, staff member, resident, intern or nurse in the course of
100 professional services in a hospital, school or similar institution, such person may, in place of said report,
101 immediately notify the person in charge of the institution or department, or his designee, who shall
102 make such report forthwith.

103 The initial report may be an oral report but such report shall be reduced to writing by the child
104 abuse coordinator of the local department on a form prescribed by the State Board of Social Services.
105 The person required to make the report shall disclose all information which is the basis for his suspicion
106 of abuse or neglect of the child and, upon request, shall make available to the child-protective services
107 coordinator and the local department investigating the reported case of child abuse or neglect any
108 records or reports which document the basis for the report.

109 B. Any person required to file a report pursuant to subsection A of this section who fails to do so
110 within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than
111 \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.