

LD4790687

## SENATE BILL NO. 946

Senate Amendments in [ ] — January 31, 1995

*A BILL to amend and reenact § 63.1-248.3 of the Code of Virginia, as it is currently effective and as it may become effective, relating to persons required to report suspected child abuse or neglect.*

Patrons—Howell, Houck, Reasor, Saslaw and Stolle; Delegates: Cooper, Crittenden, Darner, Keating, Kilgore, Miller, Puller and Scott

Referred to the Committee on Rehabilitation and Social Services

**Be it enacted by the General Assembly of Virginia:****1. That § 63.1-248 of the Code of Virginia is amended and reenacted as follows:**

§ 63.1-248.3. (For effective date - See note) Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

A. Any person licensed to practice medicine or any of the healing arts, any hospital resident or intern, any person employed in the nursing profession, any person employed as a social worker, any probation officer, any teacher or other person employed in a public or private school, kindergarten or nursery school, any person providing full-time or part-time child care for pay on a regularly planned basis, any duly accredited Christian Science practitioner, any mental health professional, any law-enforcement officer, in his professional or official capacity, any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility which children have been committed to or placed in for care and treatment and any person associated with or employed by any private organization responsible for the care, custody or control of children who has *The following persons [ ; having who, in their professional or official capacity, have ]* reason to suspect that a child is an abused or neglected child, shall report the matter immediately, 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, [ *in his professional or official capacity,* ]
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.

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,

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60 immediately notify the person in charge of the institution or department, or his designee, who shall  
61 make such report forthwith.

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

68 B. Any person required to file a report pursuant to subsection A of this section who fails to do so  
69 within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than  
70 \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.

71 § 63.1-248.3. (Delayed effective date - See notes) Physicians, nurses, teachers, etc., to report certain  
72 injuries to children; penalty for failure to report.

73 A. ~~Any person licensed to practice medicine or any of the healing arts, any hospital resident or~~  
74 ~~intern, any person employed in the nursing profession, any person employed as a social worker, any~~  
75 ~~probation officer, any teacher or other person employed in a public or private school, kindergarten or~~  
76 ~~nursery school, any person providing full-time or part-time child care for pay on a regularly planned~~  
77 ~~basis, any duly accredited Christian Science practitioner, any mental health professional, any~~  
78 ~~law-enforcement officer, in his professional or official capacity, any person associated with or employed~~  
79 ~~by any private organization responsible for the care, custody or control of children, and any professional~~  
80 ~~staff person, not previously enumerated, employed by a private or state-operated hospital, institution or~~  
81 ~~facility which children have been committed to or placed in for care and treatment and any person~~  
82 ~~associated with or employed by any private organization responsible for the care, custody or control of~~  
83 ~~children who has~~ *The following persons [ ; having who, in their professional or official capacity, have ]*  
84 reason to suspect that a child is an abused or neglected child, shall report the matter immediately, except  
85 as hereinafter provided, to the local department of the county or city wherein the child resides or  
86 wherein the abuse or neglect is believed to have occurred or to the Department of Social Services'  
87 toll-free child abuse and neglect hotline:

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

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

90 3. *Any person employed as a social worker,*

91 4. *Any probation officer,*

92 5. *Any teacher or other person employed in a public or private school, kindergarten or nursery*  
93 *school,*

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

95 7. *Any duly accredited Christian Science practitioner,*

96 8. *Any mental health professional,*

97 9. *Any law-enforcement officer, [ in his professional or official capacity, ]*

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

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

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

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

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

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

120 The initial report may be an oral report but such report shall be reduced to writing by the child  
121 abuse coordinator of the local department on a form prescribed by the State Board of Social Services.

122 The person required to make the report shall disclose all information which is the basis for his suspicion  
123 of abuse or neglect of the child and, upon request, shall make available to the child-protective services  
124 coordinator and the local department investigating the reported case of child abuse or neglect any  
125 records or reports which document the basis for the report.

126 B. Any person required to file a report pursuant to subsection A of this section who fails to do so  
127 within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than  
128 \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.

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