

2025 AASB Law Clinic

To Report or Not Report: Mandatory Reporting of Abuse & Neglect

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The Law

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Alabama Code Section 26-14-3(a)

(a) All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, physical therapists, nurses, **public and private K-12 employees, school teachers and officials**, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, employees of public and private institutions of postsecondary and higher education, members of the clergy..., or any other person called upon to render aid or medical assistance to any child, **when the child is known or suspected to be a victim of child abuse or neglect, shall be required to report orally**, either by telephone or direct communication immediately, **and shall be followed by a written report**, to a duly constituted authority.

Key Components of the Law

- Applies to all public and private K-12 employees, school teachers and officials, including contract nurses, SROs, etc.
- Requires covered individuals to report when:
 - The child is known or suspected
 - To be a victim of child abuse or neglect
- Child is generally a person under 18
- Report must be made both orally (immediately) and follow up by written report

What is Abuse?

Physical or Mental Abuse

Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation.

Ala. Code § 26-14-1

What is Abuse?

Sexual Abuse

Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

Ala. Code § 26-14-1

What is Neglect?

Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing or shelter.

Ala. Code § 26-14-1

Poverty is not neglect.

Known or Suspected

- Very rarely will you “know”
- It is not your job to investigate or gather all the information to “know”
- If the information you have (regardless of truth) qualifies as abuse or neglect of a child, you should report



Some Examples

- Marks of physical abuse
- Malnourishment / Failure to Thrive
- Factitious Disorder By Proxy
 - Munchausen Syndrome by proxy
- Extreme favoritism of sibling
- Seclusion in room
- Grooming
- Rumors from peers that student is dating coach/teacher
- Whiskey on pacifier

Reporting

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Who can you report to?

Law Enforcement or Department of Human Resources



Penalty for Failing to Report

- Any person who knowingly fails to report shall:
 - Be guilty of a misdemeanor plus
 - Either imprisonment up to 6 months or a fine up to \$500

Ala. Code § 26-14-3



How do you report?

- Step 1: Report verbally to either DHR or law enforcement
- Step 2: Follow up the verbal report with written report
 - DHR Form 1593 (located online)

Terms used by DHR

- CPS – Child Protective Services
- APS – Adult Protective Services
- CA/N – Child Abuse/Neglect
- PARAN – Person Allegedly Responsible for Abuse/Neglect
- CAC - Children's Advocacy Centers
- Multi-disciplinary Child Protection Teams or MDTs
- Indicated
- Not Indicated

What to Report

- Name
- Location of child at that time
- Details as to child's usual whereabouts after school
 - Ex: Does child ride bus or car? Attend an after school program?
- Names and addresses of parents/guardians
- Description of alleged abuse/neglect
- Any prior issues
- Name and relation of alleged PARAN

FORM 1593

STATE OF ALABAMA DEPARTMENT OF HUMAN RESOURCES
WRITTEN REPORT OF SUSPECTED CHILD ABUSE/NEGLECT
Please print or type all known information. The Child Abuse/Neglect Reporting Law and instructions are explained on the back of this form.

SECTION I – CHILDREN ALLEGEDLY ABUSED OR NEGLECTED				
NAME (First, Middle Initial, Last)	SEX	ETHNICITY	DATE OF BIRTH/AGE	
1. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	
2. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	
3. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	
4. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	
5. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	
6. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	

ADDRESS _____

Street Address	City	State	Zip	Telephone Number
_____	_____	_____	_____	_____

SECTION II – OTHER PERSONS LIVING WITH THE CHILDREN (Include parents/custodians and other children in the home)				
NAME (First, Middle Initial, Last)	DATE OF BIRTH / AGE	ETHNICITY	RELATIONSHIP TO THE CHILDREN	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	

SECTION III – PERSON(S) ALLEGEDLY RESPONSIBLE FOR THE ABUSE OR NEGLECT				
NAME (First, Middle Initial, Last)	SEX	ETHNICITY	DATE OF BIRTH / AGE	
1. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	
Street Address _____	City _____	State _____	Zip _____	Telephone Number _____
Relationship To Children Allegedly Abused/Neglected _____				
2. _____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	_____	
Street Address _____	City _____	State _____	Zip _____	Telephone Number _____
Relationship To Children Allegedly Abused/Neglected _____				

SECTION IV – ABUSE OR NEGLECT ALLEGATIONS (Describe what happened, how it affected the children, and the date(s) occurred, if known.)

Did you see the abuse or neglect when it occurred? ☐ Yes ☐ No If no, how did you find out about it? _____

Please identify other people who witnessed the abuse/neglect or who may have information about the child's or family's situation.

Name	Address	Telephone #	Relationship to Children
1. _____	_____	_____	_____
2. _____	_____	_____	_____

SECTION V – OTHER PERTINENT INFORMATION

SECTION VI – REPORTER

Name	Address	Telephone Number	Title/Agency/Relationship To Children
_____	_____	_____	_____

Did you verbally report the allegations to the Department of Human Resources or law enforcement? ☐ Yes (specify to whom in section below) ☐ No

Name	Name of County DHR, Police Department, or Sheriff's Department	Date Reported
Signature _____	_____	_____

For DHR Use Only County _____ Case # _____ Date Report Received _____

DHR-FCS-1593 (September 2002)

- Section I – info re: Child
- Section II – info re: people living with child
- Section III – info re: PARAN
- Section IV – CA/N allegations
- Section V – Other Pertinent Info
- Section VI – Reporter

What Happens Next

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What Happens Next

- DHR's Intake Unit processes report, accepts/rejects, and determines response time
- CA/N unit investigates and must respond either immediately or within five calendar days
- Generally, CA/N assessment to be completed within 60 days
- Close out case or open to family services unit

Interviews at School

- Generally, DHR conducts private interviews with child
- DHR's policy states that school personnel, if requested by a child, can be present at the DHR worker's discretion if it is determined that the school personnel's presence is in the best interest of the child
 - Note: school personnel who attend the interviews are subject to subpoena to court for any disclosure statements the child makes
 - Decatur City Bd. of Educ. v. Aycok, 562 So.2d 1331 (1990)
- DHR will interview several people, including parent/guardian and alleged PARANs
- DHR may ask schools for student educational records (FERPA exception)

Indicated or Not Indicated

- Disposition of Indicated or Not Indicated or Unable to Complete
- The standard is not the same for a DHR finding as it would be for court finding
- Indicated findings are preliminary until Due Process
 - Waiver of Due Process or Due Process hearing

DHR Resources

- [County Office Contacts – Alabama Department of Human Resources](#)
 - Includes every county and the after-hours emergency contact numbers
- Mandated Reporter Training - [State of Alabama Interactive Training](#)

Special Circumstances

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The Nightmare: Teachers as PARANs

- Discipline/Corporal Punishment: Law enforcement is responsible for taking the lead on the investigation of teachers accused abuse via discipline or corporal punishment
- All other CA/N allegations involving schools: investigation conducted by DHR
- Both agencies work together

The Nightmare Continued

Discipline/Corporal Punishment

- Ala Code § 26-14-6.1 requires law enforcement to conduct investigation of CA/N reports where PARAN is teacher or school official and allegations involve discipline or corporal punishment
 - Generally, when punishment deviates from board policy and seems excessive
- You may report these to DHR, but DHR will forward to law enforcement and will tell you to contact law enforcement

The Nightmare Continued

Everything Else

- Non-discipline/corporal punishment issues involving PARAN who is teacher or school official investigated by DHR
- DHR should notify the following upon receipt of report:
 - DA
 - Law enforcement;
 - and the School Principal (or Superintendent or his or her designee)
- DHR may request teacher/staff to not have contact with children at school
- DHR should notify the following with 5 days of receipt of report:
 - PARAN
 - Parent/guardian



The Nightmare Continued

School Employee Engaging in Sex Act with Student

- (a) A person commits the crime of a school employee engaging in a sex act with a student under the age of 19 years or engaging in a sex act with a student who is a protected person, as defined in Section 15-25-1, under the age of 22 years if he or she is a school employee and engages in sexual intercourse or sodomy, as defined in Section 13A-6-60, with a student, or student protected person, regardless of whether the student or student protected person is male or female. Consent is not a defense to a charge under this section. (b) The crime of a school employee engaging in a sex act with a student or student protected person is a Class B felony.

Ala. Code § 13A-6-81

Note: The law does not require the student to be at the same school as the school official.

The Nightmare Continued

- DHR/Law Enforcement Investigation
- Due Process Rights if “indicated”

DUE PROCESS



The Nightmare: How Should Schools Handle?

- Report it
- Implement safeguards
- Work with DHR/Law Enforcement on Investigation
- But don't rely on their investigation alone as schools may have to make a decision about teacher/staff employment



The Tricky Student Situation

- Age of consent in AL = 16
- “A person commits the crime of rape in the second degree if, being 16 years old or older, he or she engaged in sexual intercourse with another person who is 12 years old or older, but less than 16 years old; provided, however, the actor is at least two years older than the other person.” Ala. Code § 13A-6-62
 - Ex: 16 yo and 13 yo
- Other examples of sexual abuse:
 - 16 yo and 11 yo
 - 19 yo and 15 yo



Questions?



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