

## Mandatory Reporting Task Force

### 50-State Policy Scan: Medical Child Abuse

The Mandatory Reporting Task Force is [charged](#) with analyzing “medical child abuse and the process to report medical child abuse”, among other directives. To aid this analysis, the Office of Colorado’s Child Protection Ombudsman (CPO) has researched how and whether states throughout the country have addressed medical child abuse in laws regarding the definition and reporting of child abuse. The CPO has already captured information about whether state statutes include “medical neglect” or lack of medical care in their definitions related to child abuse and/or neglect [here](#).

The findings of the CPO regarding medical child abuse are presented below. It is important to note that the CPO is providing this information as an informational resource. The curation of this information is not an endorsement of any particular policy, and the CPO neither endorses nor disapproves of the policies included below.

#### Statute including child medical abuse in child abuse definition or reporting procedure:

##### Arkansas

- Statute: [Ark. Code Ann. § 9-27-303](#)
  - Text: “(3)(A) “Abuse” means any of the following acts or omissions...(vii) Any of the following intentional or knowing acts, with or without physical injury: ... (j) Subjecting a child to **Munchausen syndrome by proxy**, also known as “**factitious illness by proxy**”, when reported and confirmed by medical personnel or a medical facility...”
  - Legislation: [2005 Senate Bill 926](#)
- Statute: [Ark. Code Ann. § 12-18-103](#)
  - Text: “(3)(A) “Abuse” means any of the following acts or omissions...(vii) Any of the following intentional or knowing acts, with or without physical injury:... Subjecting a child to **Munchausen syndrome by proxy** or a **factitious illness by proxy** if the incident is confirmed by medical personnel...”
  - Legislation: [2009 Senate Bill 464](#)
- Statute: [Ark. Code Ann. § 12-18-307](#)
  - Text: “The Child Abuse Hotline shall accept a report of child maltreatment alleging **Munchausen syndrome by proxy** or **factitious illness** only if the reporter is a medical professional.”
  - Legislation: [2009 Senate Bill 464](#)

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## Pennsylvania

- Statute: [23 Pa. Stat. and Cons. Stat. Ann. § 6303](#)
  - Text: “(b.1) **Child abuse**--The term “child abuse” shall mean intentionally, knowingly or recklessly doing any of the following: ..... (2) **Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease** which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
  - Legislation: [2013 House Bill 726](#)

## **Other statute involving child medical abuse that may be of interest:**

### Louisiana

- Statute: [La. Child. Code Ann. art. 606](#)
  - Text: “C. A diagnosis of factitious disorder imposed on another, formerly known as “**Munchausen syndrome by proxy**”, shall not constitute grounds, either entirely or partially, for a **determination that a child is in need of care** unless that diagnosis is made in accordance with the provisions of [R.S. 37:1745.2](#).”
  - Legislation: [2018 House Bill 145](#)
- Statute: [La. Stat. Ann. § 37:1745.2](#)
  - Text: “No physician or other health care provider shall **diagnose** the condition of **factitious disorder** imposed on another, formerly known as “**Munchausen syndrome by proxy**”, unless he meets all of the following criteria: (1) He is licensed as a health care provider in this state. (2) He is qualified by licensure and professional training to diagnose mental health conditions. (3) He has conducted a bona fide evaluation of the person he diagnoses...”Bona fide evaluation” means all of the following actions have occurred...”
  - Legislation: [2018 House Bill 145](#)

### Michigan

- Statute: [Mich. Comp. Laws Ann. § 712A.18f](#)
  - Text: “(6) To ensure that the case service plan addresses **the child's medical needs in relation to abuse and neglect**, the department shall **review** a child's case with the child's attending physician of record during a hospitalization or with the child's primary care physician, but only if a physician has **diagnosed the child's abuse or neglect as involving** 1 or more of the following: (a) Failure to thrive. (b) **Munchausen syndrome by proxy**. (c) Shaken baby syndrome. (D) A bone fracture that is diagnosed as being the result of abuse or neglect. (d) Drug exposure.”
  - Legislation: [1998 Senate Bill 954](#)