

Mandatory Reporting Task Force

50-State Policy Scan: Specialized Occupations

The Mandatory Reporting Task Force is [tasked](#) with analyzing three directives (VII, X and XI) regarding the unique circumstances and needs of professionals in specific specialized occupations. To aid this, the Office of Colorado’s Child Protection Ombudsman (CPO) has researched related statutes in states throughout the country. The CPO has already released [this](#) 50-state comparison of mandatory reporting laws. This document, however, presents state laws that may be of particular interest to the task force regarding directives VII, X and XI.

It is important to note that the CPO is providing this information as an informational resource as task force members consider possible changes in Colorado. 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.

Directive VII – Domestic Violence, Sexual Assault, and Stalking

*The task force, at a minimum shall analyze...reporting time frames for mandatory reporters who are creating a **safety plan for victims of domestic violence, sexual assault, or stalking** to ensure the safety of the victim and the victim's family members while creating the safety plan.*

The CPO has not found any other states that do this in statute. But here are some states that may be of interest:

- **DC** waives reporting requirement for individuals acting in their capacity as a domestic violence, human trafficking, or sexual assault counselor.
- **Delaware** requires a report to be made immediately if certain criteria are met, such as sexual abuse or the death of a child. If those criteria are not met, the report “may be made” orally or online, but the term immediate is no longer present.
- **Florida** waives reporting requirement for professionals hired for the purpose of treating or counseling a person regarding child abuse, abandonment, or neglect
- **Louisiana** waives reporting requirements for attorneys as well as those engaged by an attorney to assist in the rendition of professional legal services to a child.
- **Texas** broadly requires anyone with suspicion of abuse or neglect to immediately make a report. However, for certain named professions the report is specifically required within 48 hours.
- **Washington** waives the reporting requirement for peer support group counselors, sexual assault advocates, domestic violence advocates, mental health counselors, independent

May 21, 2024

Prepared by Bryan Kelley (bkelley@coloradocpo.org), who can be [emailed](#) with questions or comments.

clinical social workers, marriage and family therapists, and others.

Directive X- Attorneys

*The task force, at a minimum shall analyze...whether a mandatory reporter who is employed by, an agent of, or a contractor for **an attorney who is providing legal representation** is exempt from the reporting requirements described in section 19-3-304.*

- Attorney-client privilege is recognized regarding mandatory reporting responsibilities in 25 states: **Alabama, Arizona, Arkansas, DC, Delaware, Idaho, Illinois, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nevada, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee** (in cases of child sexual abuse), **Virginia, Washington, West Virginia, and Wyoming.**
- Statute also specifically waives reporting requirements for certain individuals working with or for attorneys in **DC, Louisiana, and Utah.**
- **California** includes district attorney investigators, inspectors, or local child support agency caseworkers in its list of mandatory reporters, unless they are working with an attorney appointed to represent a minor.
- **Oregon** waives guardian ad litem mandatory reporting requirements.

Directive XI – Victims of Dating Violence or Sexual Assault

*The task force, at a minimum shall analyze...mandatory reporting requirements for mandatory reporters who have knowledge or reasonable cause to know or suspect that a child or youth is the **victim of dating violence or sexual assault.***

The CPO has not found any other states with this exact type of provision in statute. However, the following state examples may be of interest:

- In **DC**, mandatory reporting requirements do not apply to individuals acting in their capacity as domestic violence counselors, human trafficking counselors, or sexual assault counselors.
- In **Florida**, additional reports of child abuse, abandonment or neglect are not required to be made by professionals hired by the Department of Children and Families to treat or counsel subjects for whom a report of child abuse, abandonment, or neglect has been made.
- In **Louisiana**, a mental health/social service practitioner is not required to report if they are engaged by an attorney to assist in the rendition of professional legal services to a child and learn information that would otherwise prompt a report in those circumstances.
- In **Oregon**, psychiatrists, psychologists and guardians ad litem are among the individuals for whom reporting requirements do not apply. Oregon also exempts employees of

qualified victim services programs who provide confidential, direct services to victims of domestic violence, sexual assault, stalking, or human trafficking.

- **Washington** waives the reporting requirement for peer support group counselors, sexual assault advocates, domestic violence advocates, mental health counselors, independent clinical social workers, marriage and family therapists, and others.
- In **Wisconsin**, health care providers are not required to report knowledge of sexual intercourse or contact involving a child as suspected or threatened abuse if the provider is delivering family planning services, pregnancy testing, obstetrical health care, or care involving sexually transmitted diseases. This waiver does not apply if the provider suspects the sexual contact occurred with a caregiver, if the child was unconscious, or other disqualifying conditions.