



STATE STATUTES
CURRENT THROUGH FEBRUARY 2019

Penalties for Failure to Report and False Reporting of Child Abuse and Neglect

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Many cases of child abuse and neglect are not reported, even when mandated by law. Therefore, nearly every State and U.S. territory imposes penalties, often in the form of a fine or imprisonment, on mandatory reporters who fail to report suspected child abuse or neglect as required by law.¹ In addition, to prevent malicious or intentional reporting of cases that are not founded, many States and the U.S. Virgin Islands impose penalties against any person who files a report known to be false.

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¹ Mandatory reporters are professionals and other persons who are required by State law to report suspected child abuse or neglect. For more information, see Child Welfare Information Gateway's *Mandatory Reporters of Child Abuse and Neglect* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda/>.

PENALTIES FOR FAILURE TO REPORT

Approximately 49 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands impose penalties on mandatory reporters who knowingly or willfully fail to make a report when they suspect that a child is being abused or neglected.¹ In Florida, a mandatory reporter who fails to report as required by law can be charged with a felony. Failure to report is classified as a misdemeanor or a similar charge in 40 States and American Samoa, Guam, and the Virgin Islands.² Misdemeanors are upgraded to felonies for failure to report more serious situations in Arizona (for a serious offense such as child prostitution or incest) and Minnesota (for when a child has died because of the lack of medical care). In Connecticut, Illinois, Kentucky, and Guam, second or subsequent violations are classified as felonies.

Twenty States and the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands specify in the reporting laws the penalties for a failure to report.³ Upon conviction, a mandated reporter who fails

to report can face jail terms ranging from 30 days to 5 years, fines ranging from \$300 to \$10,000, or both jail terms and fines. In seven States, harsher penalties may be imposed under certain circumstances.⁴ In seven States and American Samoa, in addition to any criminal penalties, the reporter may be civilly liable for any damages caused by the failure to report.⁵

Florida imposes a fine of up to \$1 million on any institution of higher learning, including any State university and nonpublic college, who fails to report or prevents any person from reporting an instance of abuse committed on the property of the institution or at an event sponsored by the institution. In Maryland, an agency participating in a child abuse or neglect investigation that has reason to suspect that a health-care practitioner, police officer, or educator has failed to report as required must file a complaint with that professional's respective licensing authority. In Missouri, a film or photographic film processor, computer technician, or internet provider who fails to report child pornography commits a misdemeanor.

¹ The word "approximately" is used to stress the fact that the States frequently amend their laws. This information is current through February 2019. Wyoming currently does not have a statute that imposes penalties on mandatory reporters for failure to report.

² Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey (charged as a disorderly person), New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and West Virginia.

³ Alabama, California, Connecticut, Delaware, Florida, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Mexico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

⁴ In California and Massachusetts, harsher penalties are imposed when the failure to report results in the child's death or serious bodily injury. Louisiana imposes harsher penalties when the reporter fails to report sexual abuse or serious bodily injury. Delaware and Virginia impose harsher penalties upon second or subsequent convictions for failure to report. Vermont imposes its fine for failure to report when the reporter willfully fails to report with the intent to conceal the abuse. West Virginia imposes harsher penalties for failure to report the sexual assault of a child.

⁵ Arkansas, Colorado, Iowa, Michigan, Montana, New York, and Rhode Island.

OBSTRUCTING REPORTS OF ABUSE OR NEGLECT

Approximately 10 States impose penalties against any employer who discharges, suspends, disciplines, or engages in any action to prevent or prohibit an employee or volunteer from making a report of suspected child maltreatment as required by the reporting laws.⁶ In six States, an action to prevent a report is classified as a misdemeanor.⁷ In Connecticut, an employer who interferes with making a report will be charged with a felony and may be subject to a civil penalty of up to \$2,500. Three States specify the penalties for that action,⁸ and in four States the employer is civilly liable for damages for any harm caused to the mandatory reporter.⁹

In Pennsylvania, a person commits a felony if he or she uses force, violence, or threat; offers a bribe to prevent a report; or has a prior conviction for the same or a similar offense. In Puerto Rico, any person who deliberately prevents another person from making a report commits a misdemeanor.¹⁰ In the Northern Mariana Islands, any person who is convicted of interfering with the good-faith efforts of any person making or attempting to make a report shall be subject to imprisonment for up to 1 year, or a fine of \$1,000, or both.

PENALTIES FOR FALSE REPORTING

Approximately 29 States and Puerto Rico carry penalties in their civil child protection laws for any person who willfully or intentionally makes a false report of child abuse or neglect.¹¹ In New York, Ohio, Pennsylvania, and the Virgin Islands, making false reports of child maltreatment is made illegal in criminal sections of State code.

Nineteen States and the Virgin Islands classify false reporting as a misdemeanor or similar charge.¹² In Florida, Illinois, Tennessee, and Texas, false reporting is a felony; while in Arkansas, Indiana, Missouri, and Virginia, second or subsequent offenses are upgraded to felonies. In Michigan, false reporting can be either a misdemeanor or a felony, depending on the seriousness of the alleged abuse in the report. No criminal penalties are imposed in California, Maine, Minnesota, Montana, and Nebraska; however, the immunity from civil or criminal action that is provided to reporters of abuse or neglect is not extended to those who make a false report. In South Carolina, in addition to any criminal penalties, the Department of Social Services may bring civil action against the person to recover the costs of investigation and any proceedings related to the investigation.

⁶ Alabama, Arkansas, Connecticut, Maryland, Minnesota, North Dakota, Oklahoma, Pennsylvania, Vermont, and Wyoming.

⁷ Alabama, Arkansas, Maryland, North Dakota, Pennsylvania, and Wyoming.

⁸ Maryland (\$10,000, 5 years in jail, or both), Minnesota (\$10,000), and Wyoming (\$750, 6 months in jail, or both).

⁹ Minnesota, North Dakota, Oklahoma, and Vermont.

¹⁰ Upon conviction, the person is subject to a fine of up to \$5,000 or imprisonment of up to 90 days.

¹¹ Arizona, Arkansas, California, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wyoming.

¹² Arizona, Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Virginia, Washington, and Wyoming. In Iowa, a person who makes more than three reports regarding the same child victim or the same alleged abuser that are determined to be false or without merit may be subject to criminal charges.

Eleven States, Puerto Rico, and the Virgin Islands specify the penalties for making a false report.¹³ Upon conviction, the reporter can face jail terms ranging from 90 days to 5 years or fines ranging from \$500 to \$5,000. Florida imposes the most severe penalties: In addition to a court sentence of 5 years and \$5,000, the Department of Children and Family Services may fine the reporter up to \$10,000. In six States, the reporter may be civilly liable for any damages caused by the report.¹⁴

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<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/report/>

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

¹³ Connecticut, Florida, Louisiana, Massachusetts, Michigan, Oklahoma, Rhode Island, South Carolina, Texas, Washington, and Wyoming.

¹⁴ California, Colorado, Idaho, Indiana, Minnesota, and North Dakota.



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