

Mandatory Reporting Requirements: Children Idaho

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Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reason to believe that a child has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment or neglect. <p>A duly ordained minister of religion is not a mandatory reporter with regard to any confession or confidential communication made to him in his ecclesiastical capacity in the course of discipline enjoined by the church to which he belongs if: a) the church qualifies as tax-exempt under federal law; b) the confession or confidential communication was made directly to the duly ordained minister of religion; and c) the confession or confidential communication was made in the manner and context that places the duly ordained minister of religion specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. A confession or confidential communication made under any other circumstances does not fall under this exemption.</p>
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • When reporter has reason to believe that a child under the age of 18 has been abused, abandoned or neglected, or has observed a child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment or neglect. <p>Where does it go?</p> <ul style="list-style-type: none"> • Report to proper law enforcement agency (i.e., city police department, prosecuting attorney of any county, state law enforcement officers or, the sheriff’s office of any county) or to the Department of Health and Welfare. The state-wide child abuse reporting hotline can be reached at 1-855-552-KIDS (5437); reports in Treasure Valley can be made to 208-334-KIDS (5437) • When the attendance of a physician, resident, intern, nurse, day care worker, or social worker is pursuant to the performance of services as a member of the staff of a hospital or similar institution, they shall notify person in charge of the institution or his designated delegate who shall make the necessary reports.
What definitions are important to know?	<ul style="list-style-type: none"> • “Abandoned” means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of 1 year shall constitute prima facie evidence of abandonment. • “Abused” means any case in which a child has been the victim of:

	<ul style="list-style-type: none"> • Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, head injury, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or • Sexual conduct, including rape, molestation, incest, commercial sexual activity, obscene or pornographic photographing, filming or depiction for commercial purposes, human trafficking as defined in section 18-8602, Idaho Code, or other similar forms of sexual exploitation harming or threatening the child’s health or welfare or mental injury to the child. • “Child” means a person under the age of 18. • “Duly ordained minister of religion” is a person who has been ordained or set apart, in accordance with the ceremonial, ritual or discipline of a church or religious organization which has been established on the basis of a community of religious faith, belief, doctrines and practices, to hear confessions and confidential communications in accordance with the bona fide doctrines or discipline of that church or religious organization. • “Neglected” means a child: <ul style="list-style-type: none"> • Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; • Whose parent, guardian or other custodian is unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; • Who has been placed for care or adoption in violation of law; or • Who is without proper education because of the failure to comply with section 33-202, Idaho Code.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Must report within 24 hours.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Must report the <i>conditions or circumstances</i> of the actual or suspected abuse, abandonment or neglect.

Anything else I should know?	<ul style="list-style-type: none">• Failure to make a mandatory report shall be a misdemeanor.• Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a mandatory report shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Such persons will also have immunity in any such judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by this section.• Any privilege between husband and wife, or between any professional person except the lawyer-client privilege, including, but not limited to, physicians, counselors, hospitals, clinics, day care centers and schools and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse, abandonment or neglect of the child or the cause thereof.• Any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of \$2,500, whichever is greater, plus attorney's fees and costs of suit.<ul style="list-style-type: none">• If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.
Statutory citation(s):	Id. Code §§ 16-1602; 16-1605; 16-1606; 16-1607.